



HEPBURN SHIRE COUNCIL
ORDINARY MEETING OF COUNCIL
PUBLIC MINUTES

Tuesday 19 July 2022

Daylesford Town Hall
76 Vincent Street Daylesford

5:30PM

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

Confirmed at the Ordinary Meeting of Council held on 16 August 2022

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

Chair, Cr Tim Drylie, Mayor

MINUTES

Tuesday 19 July 2022

Daylesford Town Hall

76 Vincent Street Daylesford

Commencing at 5:30PM

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BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

Tuesday 19 July 2022

CONDUCTING HYBRID COUNCIL MEETINGS

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

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

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

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

1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

2 SAFETY ORIENTATION

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

3 OPENING OF MEETING

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

OFFICERS PRESENT: Mr Bradley Thomas - Chief Executive Officer, Mr Andrew Burgess - Director Organisational Services, Mr Bruce Lucas - Director Infrastructure and Delivery, Ms Julie Reid - Interim Director Community and Development, Mr Chris Whyte – Manager Information and Communication Technology, Ms Rebecca Smith - Governance and Risk, Ms Alison Blacket – Acting Manager Planning and Building, Ms Pauline Maltizis - Senior Planning Consultant

The meeting opened at 5:31pm.

STATEMENT OF COMMITMENT

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

4 APOLOGIES

Nil

5 DECLARATIONS OF CONFLICTS OF INTEREST

Cr Lesley Hewitt has declared a material conflict of interest in relation to item 10.1 - 31 Houston Street (Formerly 70 Camp street) Daylesford VCAT due to a connection with the planning application process.

Mr Bradley Thomas has declared a general conflict of interest in relation to item 13.2 Appointment of an independent member to the CEO Employment and Remuneration Committee .

Cr Tim Drylie has declared a general conflict of interest in relation to item 14.1 General Business as it is regarding his application for leave.

6 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 28 June 2022 (as previously circulated to Councillors) be confirmed.

MOTION

That the Minutes of the Ordinary Meeting of Council held on 28 June 2022 (as previously circulated to Councillors) be confirmed.

Moved: Cr Don Henderson

Seconded: Cr Jen Bray

Carried

MOTION

That Council, Pursuant to Chapter 2, Division 3, part 19 of the Hepburn Shire Council Governance Rules, resolve to bring forward item 12.1 – Outcome of Community Consultation regarding proposed sale of the Rex and hear the item prior to item 10. .

Moved: Cr Jen Bray

Seconded: Cr Juliet Simpson

Carried

Item 12.1 – Outcome of Community Consultation – Proposed Sale of the Rex was brought forward and heard directly after Item 9 – Public Participation Time.

7 ITEMS OF URGENT BUSINESS

Nil

8 COUNCILLOR AND CEO REPORTS

8.1 MAYOR'S REPORT

Councillor Tim Drylie, Creswick Ward

8.2 COUNCILLOR REPORTS

Councillor Jen Bray, Birch Ward

Presented a verbal report

Councillor Lesley Hewitt, Birch Ward

It has been a short month since the last Council meeting which was later than usual to accommodate the Mayor and CEO's trip to Canberra. I took the opportunity to travel privately to South Australia for a brief time. Councillors, it's instructive to look at what services other municipalities offer, particularly those, that like Hepburn Shire, rely significantly on the visitor economy. It is a very competitive market and what is clear is that there needs to be continuous development and improvement to ensure that areas retain their competitive edge. I was therefore pleased to attend the opening last Friday night of Borealis on Lake Daylesford and the sold out Winter Sounds concert on Saturday night at the Daylesford Town Hall. The Town Hall, which as you all know, has not had any significant maintenance for many years and is sorely in need of attention was very much up to the task of providing a venue for an international artist such as CW Stoneking, as indeed it was with recent Zelman concert and the performance of a Prudent Man. I want to acknowledge the work of our events team and our economic development team that has gone into both Borealis and Winter Sounds. Often their efforts are not visible but the skill and dedication that they put in ensure that the events are successful.

Finally I would like to acknowledge the untimely passing of a long standing resident David Endacott. Mr Endacott held a number of positions in the Daylesford Historical Society over many years, most notably as curator for 10 years. Mr Endacott also made a significant contribution to the Daylesford Soccer Club including as treasurer. The community is better for his service, and I offer condolences to his family and friends.

Below is a list of Council related activities that I have undertaken during the previous month.

I have continued to have contact with residents over a number of their concerns, including planning, and the proposed sale of the Rex. I encourage those in Birch to contact me at lhewitt@hepburn.vic.gov.au or on 0408793941 with any issues that they are experiencing.

Diary Activities:

Homes Victoria/MAV Social and Affordable Housing Compact Webinar 29/7/22

Western Victoria Transmission Network Community Meeting 4/7/22

Councillor Briefings 5/7/22; 12/7/22;

Borealis Opening 15/7/22

Winter Sounds 16/7/22

Councillor Tessa Halliday, Cameron Ward

No report was presented.

Councillor Don Henderson, Creswick Ward

Presented a verbal report

Councillor Brian Hood, Coliban Ward

I dedicate my report this month to paying tribute to Trentham resident Peter John Young.

It is with immense sadness that the Trentham community and I bid a premature farewell to one of our dearest and favourite figures. Peter was a skilled storyteller, accomplished artist and a true gentleman with a sharp sense of humour.

A former journalist and Manager of Public Affairs at Cricket Australia Peter was highly respected for his skills and integrity and was a very popular member of our community.

He had a remarkable working career. From 2002 to 2014, Peter earned the reputation as cricket's corporate conscience providing wise counsel on delicate public issues to chief executives, chairmen and some of the greatest cricketers our country has ever seen.

In a world of instant communication and in a sport that evokes strong emotions and global media attention, for more than a decade Peter helped cricket successfully manage that attention – forging a path that allowed the game to prosper.

Peter was former chief executive James Sutherland's right-hand man. He was a source of great institutional wisdom, widely respected and admired by journalists around the world for his insight and integrity.

He became the driving force behind a dramatic culture change program which ultimately led the players to commit to their own code of conduct.

Peter's influence stretched far and wide. He established CA's charity program, Cricket Cares, which uses the game's popularity to drive positive community outcomes. This involved the creation of the now famous Pink Test for the McGrath Foundation.

When the devastating Indian Ocean tsunami struck on Boxing Day 2004, Peter, working in partnership with the ICC, played a leading role in raising over \$14m for the humanitarian effort.

A gifted storyteller, he was a leading voice for the greater promotion of women's cricket and advocated for the important role cricket plays helping men, women and children lead healthy, active lifestyles.

Peter's regular witty contributions to the Trentham Trumpet, Trentham Connections and the Tuesday Sketchers group along with his cheerful personality will be greatly missed.

Councillor Juliet Simpson, Holcombe Ward

On the 28 June I attended Councilor only time, the pre Council meeting and the public meeting which included the acceptance of the 2022 2023 budget.

On the 4 July I chaired a Mineral Springs Reserve Committee meeting.

On the 12 and 5 July I attended Council briefings.

On the 13 July I chaired an International Women's Day Heather Mutimer honour roll meeting.

RECOMMENDATION

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

MOTION

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

Moved: Cr Don Henderson

Seconded: Cr Jen Bray

Carried

8.3 CHIEF EXECUTIVE OFFICER'S REPORT

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

- Nil

CHIEF EXECUTIVE OFFICER UPDATE

Our June Council meeting was the last meeting for the 2021/2022 financial year and was held a week later usual due to the Mayor and I attending the National General Assembly of Local Government.

Several strategies and large bodies of work were approved at the June meeting including:

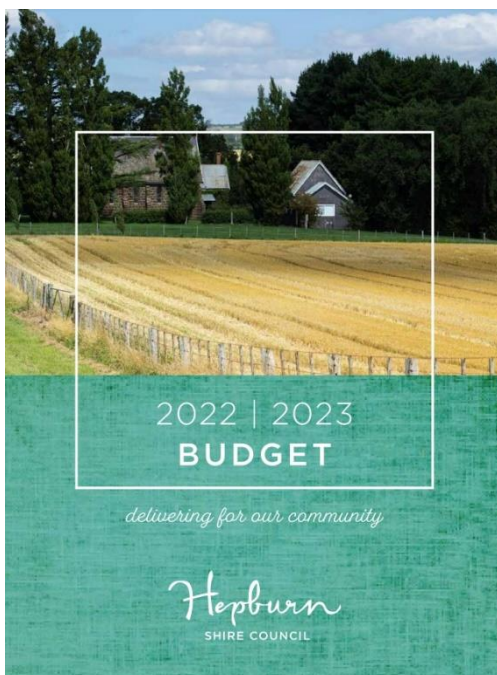
- Adoption of the Council Budget 2022/2023
- Towards Zero Community Grants
- Adoption of the Advocate, Celebrate and Elevate (ACE) Youth Development Strategy
- Approval of the additional members of the LGBTIQ+ Advisory Committee
- Adoption of the Municipal Asset Plan 2022-2032
- Approval of the contract for the Hammon Park Trailhead Public Amenities Block
- Adoption of the Draft Annual Plan

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

- Council briefings
- Council meeting
- COVID-19 meetings with various agencies
- Photo opportunity with The Hon. Ros Spence MP at the Trentham Sportsground Pavilion
- Consultation forum on Social and Affordable Housing
- Meetings regarding the Western Renewables Link Project (formerly known as the Western Victoria Transmission Network Project (WVTNP)) including the VNI West project
- Regular and recurring meetings with Directors and direct reports
- Executive Team and Leadership Team meetings
- Loddon Campaspe Councils and Central Highlands CEO's meeting
- Six monthly executive meeting with the EPA
- DJPR, CEOs and MAV forum
- Farewell Community Care workers
- Committee for Ballarat Round Table event
- Central Highlands REDS Presentation
- Meeting with Brad Drust – North Central Catchment Management Authority
- Central Highlands Water Fountain launch

- Photo opportunities in Creswick for release of the Creswick Trails tender and celebrating the partnership between Creswick Community Bank and Council in relation to Hammon Park
- Interviews
- Borealis Opening night
- Communications Strategy Planning meeting
- ICT Steering Committee presentation

At the June Council meeting, Council adopted a \$49.59 million budget for 2022/2023. The budget contains a total revenue increase of \$8.71M or 21 percent on the previous budget due to a considerable injection of State and Federal capital grants and stimulus project funding, along with reimbursement of the high costs related to storm recovery.



Victorian Minister for Community Sport - The Hon. Ros Spence MP dropped into the Trentham Sportsground Reserve to see how things are progressing on the new pavilion. Things are moving quickly now, with most of the veranda framing now in place.

Like the local sporting groups, we can't wait to see the pavilion finished! It's on track to be completed later this year.



We have released a tender for construction of the Creswick Trails Network which is a major milestone for the multi-million dollar project, which will see 60km of mountain bike trails built in and around the Regional Park, State Forest and plantation lands of Creswick. We have also announced our work with City of Ballarat, in our attempt to secure Mountain Biking for the Commonwealth Games in 2026 to be held at Creswick.

These world-class mountain bike trails will be an important drawcard for visitors to our Shire, and a fantastic resource for our community to get active and enjoy the great outdoors. It's been a complex project that has required a range of approvals with many stakeholders, including the Traditional Owners, the Dja Dja Wurrung and land managers, the Department of Environment, Land, Water and Planning, HVP Plantations and Parks Victoria.

The project has been designed where possible to avoid, preserve and protect important cultural, historic and ecological values inherent in the area. It is anticipated that Council will consider awarding the contract at the November or December 2022 Council Meeting, with construction to begin in early 2023 for completion in mid-2024.

Borealis on the Lake at Lake Daylesford opened on the weekend and we're very excited to see this event in Hepburn Shire!

RECOMMENDATION

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

MOTION

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

Moved: Cr Don Henderson

Seconded: Cr Brian Hood

Carried

9 PUBLIC PARTICIPATION TIME

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

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

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

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

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

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

BEHAVIOUR AT COUNCIL MEETINGS

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

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

Respectful behaviour includes:

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

Inappropriate behaviour includes:

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

Threats of violence

MOTION

That Council extend public participation time by 15 minutes, in line with Council's Governance Rules, to allow for all questions and addresses to be heard.

Moved: Cr Don Henderson

Seconded: Cr Jen Bray

Carried

9.1 PETITIONS

No petitions were tabled.

9.2 PUBLIC QUESTIONS

The CEO will read out questions and the Mayor will respond to questions received in accordance with Council's Governance Rules.

Question 1 – Gina Lyons

Can Council please confirm if it has returned the \$500K Library grant to the state gov't now that the Rex project has been abandoned?

Response – Mayor Tim Drylie

Council wrote to the Minister of Local Government in March 2022 advising that a motion was passed at the November 2021 Ordinary Meeting of Council to not proceed with the Hepburn Hub development. The decision not to proceed resulted in the cancellation of the Daylesford Library project and the \$500,000 Living Libraries grant funding being unspent and required to be returned. Discussions held with Local Government Victoria at this time secured approval from Minister Leane to reallocate this grant funding to the Trentham Library as part of the Trentham Community Hub project rather than returning the funds to Government.

Council remains committed to undertaking further work to identify alternative options to deliver improved library services in Daylesford. The decision to reallocate the previous funding to Trentham ensures that Council will be able to apply for future rounds of Living Libraries grant funding to support a future project in Daylesford.

Question 2 – Linda Carroll

Why has there been no formal follow up in an official capacity with our cinema group - as set out in your Motion from November 2021?

If this motion to sell the Rex is successful, our community cinema will be lost and once it's gone - it's gone forever.

Response – Mayor Tim Drylie

The background to the question isn't accurate, Council has maintained regular discussion and contact with the Cinema group and also endeavoured to broker discussions with third parties around potential locations for the Cinema to operate from. Council will continue to work with the cinema group to support them as far as possible.

Question 3 – Jeremy Whitehead

How many caravan park licenses have been issued by Hepburn Shire in the last five years, and which authority issued the latest license of Victoria Park (Daylesford Holiday Park) and Yandoit (Cosy Tents) caravan parks?

Response – Mayor Tim Drylie

Council has received five Planning Permit applications for Use & Development for a Caravan Park in the last five years.

Council issues caravan parks with a registration under the Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2010. In the last five years, Council has issued six businesses with registration including the Daylesford Holiday Park and the Yandoit location (Cosy Tents).

Question 4 – Adam Fawcett

What score did Council staff give to The Rex when scoring it against the Community Engagement matrix, and what steps did Councillors take to ensure this scoring reflected the true nature of the project?

Response – Mayor Tim Drylie

Council Officers assessed the sale of The Rex using the Level of Engagement Matrix in Hepburn Shire Council's Community Engagement Policy. The score received was 15, meaning a Medium Level of engagement was to be undertaken.

Councillors were briefed on the level of engagement proposed and provided input into the engagement plan prior to its implementation.

Question 5 – Adam Fawcett

Council says the objective of their Community Engagement Policy is to "strengthen the relationship between Council and the Community" and to "recognise the creativity and expertise of Hepburn Shire citizens and stakeholders in identifying strengths and challenges, as well as developing solutions for our community." If Councillors vote to sell The Rex tonight – even with an EOI process for community use – how do Councillors justify this course of action when it goes against the most basic objectives in our own community engagement policy?

Response – Mayor Tim Drylie

Council is committed to community engagement and partnering with community wherever possible to achieve sustainable and quality outcomes.

In accordance with the adopted Policy, Community have been provided opportunity to participate and provide feedback for Council consideration.

Councillors have been provided all feedback received and we will consider this community feedback in determining on the potential sale of The Rex building.

9.3 REQUESTS TO ADDRESS COUNCIL

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

Lyall Brooks addressed Council regarding a possible community-owned model of the Hepburn Hub at the Rex.

Gina Lyons addressed Council regarding the sale of Hepburn Hub at the Rex.

Beverly Risstrom addressed Council regarding Council's Community Engagement Policy.

Jesse Leith has addressed Council regarding youth involvement and plans for Restoring the Rex.

Linda Hancock addressed Council regarding the sale of the Hepburn Hub at the Rex.

Louise Johnson addressed Council regarding the sale of the Hepburn Hub at the Rex, associated land and adjoining Duke Street property.

Mark Dickenson addressed Council regarding the sale of the Hepburn Hub at the Rex.

David Moore addressed Council regarding the sale of the Hepburn Hub at the Rex.

Item 12.1 – Outcome of Community Consultation regarding proposed sale of the Rex was brought forward in the agenda and heard before Item 10.

Cr Hewitt left the meeting at 7:14pm due to a conflict of interest in relation to item 10.1 31 Houston Street (formerly 70 camp street) Daylesford VCAT item.

10 STATUTORY PLANNING

10.1 31 HOUSTON STREET (FORMERLY 70 CAMP STREET) DAYLESFORD - VCAT DIRECTOR COMMUNITY AND DEVELOPMENT

In providing this advice to Council as Senior Planning Consultant I, Pauline Maltzis, have no interests to disclose in this report.

ATTACHMENTS

1. 31 Houston Street formerly 70 Camp Street Substituted Amended VCAT Plans [10.1.1 - 19 pages]

EXECUTIVE SUMMARY

Amended plans in relation to VCAT appeal for PA 3333 have been formally substituted by the permit applicant for the use and development of land for group accommodation and vegetation removal at 31 Houston Street (formerly 70 Camp Street), Daylesford. Officers consider that the amended plans address the grounds of refusal and seek a resolution from Council to support the amended plans and proposed conditions at the full hearing scheduled to commence 25 July 2022.

John Hannagan from Harwood Andrews addressed Council on behalf of the applicant in support to the application.

Dr Leanne Howard addressed Council on behalf of the Daylesford and District Historical Society in objection to the application.

Mr Mark Rak addressed Council in objection to the application

OFFICER'S RECOMMENDATION

That Council supports the amended plans and proposed conditions detailed below:

Amended plans required

1. *Before the development commences, 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 (3) copies must be provided. The plans must be generally in accordance with the*

plans prepared by Robin Larson Design Pty Ltd dated 15 June 2022 and the Landscape Sketch Plan prepared by Urbis dated 14 June 2022 but modified to show:

- a. The overall height of each building must not exceed 9.0 metres above existing natural ground level;*
- b. The defined waterway on the subject land;*
- c. The setback nominated from building No. 1 to the north (front boundary);*
- d. The setback nominated from building No. 5 to the south boundary;*
- e. The setback distance between Dwelling No. 5 and the easement;*
- f. Dimensions, levels to AHD, gradients and finishes of the accessway, carpark, all carparking spaces and pedestrian walkway(s);*
- g. Location, extent, and details of all retaining walls;*
- h. Location and details of external lighting;*
- i. Trees to be removed and retained (if any);*
- j. Location and details of plant and equipment, including any external screening;*
- k. All plans referencing the site as 31 Houston Street, Daylesford;*
- l. Minimum setback dimensions for each building from the east boundary*
- m. One (1) parking space nominated for service vehicles and increased in length sufficient to accommodate service vehicles, to Council's satisfaction;*
- n. Any plan changes arising out of the Waste Management Plan to be shown on the landscape and development plans, if required;*
- o. Any changes arising out of the Stormwater Plan to be shown on the landscape and development plans, if required;*
- p. Any changes arising out of the Bushfire Management Plan to be shown on the landscape and development plans, if required;*
- q. A plan showing turning circles, including turning movements for a delivery vehicle, to demonstrate that all vehicles can efficiently enter and exit the site in a forward direction in accordance with relevant Australian Standards;*
- r. Alternative placement of trees to accord with any applicable defensible space provision required under the approved Bushfire Management Plan;*
- s. The Landscape Plan revised using species from the Central Victorian Uplands bioregion.*
- t. The Landscape Plan updated to select species which reference VicVeg online revegetation guide and that are both appropriate to Ecological Vegetation Class (Valley Grassy Forest EVC from Central Victorian Uplands bioregion) and suitable for landscaping purposes. This should include removal of *Carex breviculmis*.*
- u. The Landscape Plan to specify use of local indigenous provenance for planting stock in order to reflect local character.*

- v. *The Landscape Plan to include provision of understorey planting beneath the buildings.*

Layout Not Altered

2. *The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*

Vegetation Removal

3. *Apart from vegetation that is to be removed and managed in accordance with the requirements of the approved Bushfire Management Plan or as shown on the endorsed landscape and development plans, no vegetation is to be removed, felled, destroyed, or lopped without the written consent of the Responsible Authority.*

Amenity

4. *The use must be managed so that the amenity of the area is not detrimentally affected as a result of:*
 - a. *transport of materials, goods or commodities to or from the land;*
 - b. *appearance of any buildings, works or materials;*
 - c. *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;*
 - d. *security alarms, which must be of a silent type and be directly connected to a security service to the satisfaction of the Responsible Authority; and*
 - e. *the presence of vermin.*

All to the satisfaction of the Responsible Authority.

Deliveries

5. *Except with the written consent of the Responsible Authority, any commercial deliveries to and from the subject land (including any private waste collection) must only take place between the hours of 7.00am and 7.00pm Monday to Saturday, except public holidays, to the satisfaction of the Responsible Authority.*

Vegetation Management

6. *Vegetation Protection is to be in accordance with the recommendations of the Treecology Arborist Report 6 July 2021, to the satisfaction of the Responsible Authority.*

Materials

7. *All external materials must be non-reflective, to the satisfaction of the Responsible Authority.*

Lighting

8. *External lighting must be designed, baffled and located to prevent any adverse effect from light spill on adjoining land to the satisfaction of the Responsible Authority.*

Landscaping

9. *Before the use commences, all landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. When the landscaping works have been completed, written confirmation must be provided to the satisfaction of the Responsible Authority that landscaping of the land has been undertaken in accordance with the endorsed landscaping plans.*

10. *All landscaping works as shown on the endorsed plans must be maintained, including any dead, diseased or damaged plants to be replaced, to the satisfaction of the Responsible Authority.*

Waste Management

11. *Prior to the endorsement of plans, a Waste Management Plan must be provided to the satisfaction of the Responsible Authority, which demonstrates how waste will be managed and collected, to the satisfaction of the Responsible Authority.*

12. *Provision must be made on the land for the storage and collection of waste and recyclables. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.*

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

Stormwater Management

14. *All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.*

15. *Prior to commencement of development, professionally prepared plans and calculations for the construction of all underground and/or surface drainage works, that are considered necessary by the Responsible Authority, shall be supplied to the Responsible Authority by the Applicant. Such drainage works shall be designed and installed to transport stormwater runoff from the subject land and surrounding land and/or adjoining road(s) to an approved point of discharge. No concentrated stormwater shall drain or discharge from the land to adjoining properties.*

16. *Construction shall not commence until the drainage plans have been approved by the Responsible Authority. All drainage construction shall be carried out in accordance with the approved plans. All works must be constructed and completed prior to commencement of use.*

17. *Return period for a Detention system is to be 20% AEP where there is overland escape path and 1% AEP if the failure of the detention system will cause property damage or inundation of freehold titles.*

18. *It is the responsibility of the developer, to prepare a Stormwater Strategy Plan to identify and record the manner by which the quantity and quality of stormwater shall be managed for the catchment, not just the immediate development, including any new infrastructure that may be required to convey stormwater to a registered waterway. The stormwater strategy plan must demonstrate how to avoid adverse impact on neighbouring properties and surrounding road network due to the development. Drainage design plans and legal point of discharge will not be considered until the drainage strategy has been established.*

19. *It is the responsibility of the developer to meet the requirements for stormwater quality as stated in the BPEM (Best Practice Environmental Management) Guidelines.*

20. *The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjacent property or streets other than by means of an approved drainage system discharged to an approved outlet to the satisfaction of the Responsible Authority.*

Road Upgrade Works

21. *The permit holder/land owner must upgrade and construct Houston Street from a maintained road network (ie. from 71 Duke Street) to the subject land, to the satisfaction of Responsible Authority. All costs are to be borne by the permit holder/land owner.*

22. *Prior to the commencement of the use, the road must be formed, drained and surfaced in accordance with detailed plans and specifications prepared by the permit holder/land owner and approved by the Responsible Authority.*

23. *The road must be designed and constructed to relevant Australian and VicRoads standards and in accordance with the requirements of Infrastructure Design Manual (IDM) and IDM standard drawing SD600.*

24. *The road shall have a 4.0m pavement width comprising:*

- a. *150mm compacted depth class 3, 20mm FCR sub-base and 100mm compacted depth class 2, 20mm FCR base pavement.*
- b. *1.5m compacted depth class 2, 20mm FCR pavement.*
- c. *Bituminous seal comprising 2 coat spray seal, 10mm primer seal/7mm rubberised final seal, or 40mm Type H, 10mm asphalt.*
- d. *Table drains and culverts including pipe culverts at road intersections as required.*
- e. *An area within the road reserve for vehicles to turn around, in the form of a cul-de-sac or hammerhead road termination.*

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

25. *All costs incurred in complying with the above conditions shall be borne by the permit holder/land owner.*

26. *The permit holder/land owner shall prepare all documents required for obtaining approval from Dja Dja Wurrung Clans Aboriginal Corporation for road works and submitted to the Responsible Authority for forwarding them to the Dja Dja Wurrung Clans Aboriginal Corporation. All costs incurred in complying with the Dja Dja Wurrung Clans Aboriginal Corporation requirements shall be borne by the permit holder/land owner.*

Access

27. *Vehicle access/crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority.*

28. *Prior to commencement of the use, the following must be constructed.*

- a. *Vehicle access/crossing to the land is to be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 255 or to approval of responsible authority.*
- b. *Vehicle access/crossing to the land shall be located so that adequate sight distance is achieved to comply with Australian Standard AS2890.1:2004 Section 3.2.4 and as specified in Ausroad's Guide to*

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

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

29. 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 permit holders/land owners expense.

30. The final location and construction of the vehicle crossing is to be approved by the Responsible Authority via a "Consent to Work within the Road Reserve", prior to the undertaking of works.

31. All vehicle entry to and egress from the property shall be in a forward motion, to the satisfaction of the responsible authority. Vehicle turn around must be provided within the property.

Carparking

32. Car spaces, access lanes and driveways must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

33. The loading and unloading of goods from vehicles must only be carried out on the land within the designated service vehicle parking space.

Mandatory Bushfire Condition

34. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the Responsible Authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

CFA Conditions (to be updated)

Bushfire Management Plan endorsed

35. The Bushfire Management Plan Map 4-Bushfire Management Plan, on page 24 of Bushfire Management Statement, Allot. 8 Sec. 9C Camp Street Daylesford, August 2021, Version 1.1 prepared by Terramatrix, must be endorsed to form part

of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

Closure on days of elevated bushfire danger

36. No visitors or guests may be accommodated after 10 am on any day of Code Red Fire Danger Rating within the Central Fire District.

Bushfire Emergency Plan required

37. Prior to the use commencing, a suitably qualified person in emergency planning must prepare a Bushfire Emergency Plan to the satisfaction of CFA and the Responsible Authority. The Bushfire Emergency Plan must appropriately give effect to these conditions as well as:

- a. A clear statement of the plans purpose and scope*
- b. Details on the site and any emergency features/equipment.*
- c. A version control table and details on when and how the plan will be reviewed.*
- d. Details the roles and responsibilities of the emergency control organisation (wardens)*
- e. Outlines training requirements for the emergency control organisation (wardens) and how often exercises will be conducted.*
- f. Details for onsite contacts, emergency services and neighbours.*
- g. Contains appropriate "action statements" for:*
 - i. Before the Fire Danger Period*
 - ii. During the Fire Danger Period – including details of how the bushfire threat will be monitored*
 - iii. When a Code Red Fire Danger Rating is forecast*
 - iv. When any other lower trigger point for action is forecast (as determined by the sites emergency control organisation/management)*
 - v. When a bushfire threatens the site – including the trigger for sheltering in place or evacuation (as appropriate).*
 - vi. After the bushfire threat passes*
- h. Details on evacuating visitors and guests from the site (if required)*
- i. Details on sheltering in place (if required)*

Goulburn Murray Water Conditions (to be updated upon receipt of updated comments)

38. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

39. All wastewater from the group accommodation units must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.

40. Stormwater run-off from buildings and other impervious surfaces must be dissipated as normal unconcentrated overland flow or directed to storage tanks or other suitable infrastructure as required by the Responsible Authority. Discharge of stormwater must be to a legal point as nominated by the Responsible Authority.

Central Highlands Water Conditions (to be updated upon receipt of updated comments)

41. Reticulated sewerage facilities must be provided to each dwelling 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 may include the construction of works and the payment of major works contributions by the applicant.

42. A reticulated water supply must be provided to each dwelling 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 may include the construction of works and the payment of major works contributions by the applicant.

Permit Expiry

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

- a. The development is not started within two years of the date of this permit
- b. The development is not completed within four years of the date of this permit.
- c. The use is not started within four years of the date of this permit.
- d. The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of Planning and Environment Act 1987.

MOTION

That Council supports the amended plans and proposed conditions detailed below:

Amended plans required

1. *Before the development commences, 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 (3) copies must be provided. The plans must be generally in accordance with the plans prepared by Robin Larson Design Pty Ltd dated 15 June 2022 and the Landscape Sketch Plan prepared by Urbis dated 14 June 2022 but modified to show:*

- a. The overall height of each building must not exceed 9.0 metres above existing natural ground level;*
- b. The defined waterway on the subject land;*
- c. The setback nominated from building No. 1 to the north (front boundary);*
- d. The setback nominated from building No. 5 to the south boundary;*
- e. The setback distance between Dwelling No. 5 and the easement;*
- f. Dimensions, levels to AHD, gradients and finishes of the accessway, carpark, all carparking spaces and pedestrian walkway(s);*
- g. Location, extent, and details of all retaining walls;*
- h. Location and details of external lighting;*
- i. Trees to be removed and retained (if any);*
- j. Location and details of plant and equipment, including any external screening;*
- k. All plans referencing the site as 31 Houston Street, Daylesford;*
- l. Minimum setback dimensions for each building from the east boundary*
- m. One (1) parking space nominated for service vehicles and increased in length sufficient to accommodate service vehicles, to Council's satisfaction;*
- n. Any plan changes arising out of the Waste Management Plan to be shown on the landscape and development plans, if required;*
- o. Any changes arising out of the Stormwater Plan to be shown on the landscape and development plans, if required;*
- p. Any changes arising out of the Bushfire Management Plan to be shown on the landscape and development plans, if required;*
- q. A plan showing turning circles, including turning movements for a delivery vehicle, to demonstrate that all vehicles can efficiently enter and exit the site in a forward direction in accordance with relevant Australian Standards;*
- r. Alternative placement of trees to accord with any applicable defensible space provision required under the approved Bushfire Management Plan;*
- s. The Landscape Plan revised using species from the Central Victorian Uplands bioregion.*
- t. The Landscape Plan updated to select species which reference VicVeg online revegetation guide and that are both appropriate to Ecological*

Vegetation Class (Valley Grassy Forest EVC from Central Victorian Uplands bioregion) and suitable for landscaping purposes. This should include removal of Carex breviculmis.

- u. The Landscape Plan to specify use of local indigenous provenance for planting stock in order to reflect local character.*
- v. The Landscape Plan to include provision of understorey planting beneath the buildings.*

Layout Not Altered

- 2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*

Vegetation Removal

- 3. Apart from vegetation that is to be removed and managed in accordance with the requirements of the approved Bushfire Management Plan or as shown on the endorsed landscape and development plans, no vegetation is to be removed, felled, destroyed, or lopped without the written consent of the Responsible Authority.*

Amenity

- 4. The use must be managed so that the amenity of the area is not detrimentally affected as a result of:*
 - a. transport of materials, goods or commodities to or from the land;*
 - b. appearance of any buildings, works or materials;*
 - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;*
 - d. security alarms, which must be of a silent type and be directly connected to a security service to the satisfaction of the Responsible Authority; and*
 - e. the presence of vermin.*

All to the satisfaction of the Responsible Authority.

Deliveries

- 5. Except with the written consent of the Responsible Authority, any commercial deliveries to and from the subject land (including any private waste collection) must only take place between the hours of 7.00am and 7.00pm Monday to Saturday, except public holidays, to the satisfaction of the Responsible Authority.*

Vegetation Management

6. *Vegetation Protection is to be in accordance with the recommendations of the Treecology Arborist Report 6 July 2021, to the satisfaction of the Responsible Authority.*

Materials

7. *All external materials must be non-reflective, to the satisfaction of the Responsible Authority.*

Lighting

8. *External lighting must be designed, baffled and located to prevent any adverse effect from light spill on adjoining land to the satisfaction of the Responsible Authority.*

Landscaping

9. *Before the use commences, all landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. When the landscaping works have been completed, written confirmation must be provided to the satisfaction of the Responsible Authority that landscaping of the land has been undertaken in accordance with the endorsed landscaping plans.*

10. *All landscaping works as shown on the endorsed plans must be maintained, including any dead, diseased or damaged plants to be replaced, to the satisfaction of the Responsible Authority.*

Waste Management

11. *Prior to the endorsement of plans, a Waste Management Plan must be provided to the satisfaction of the Responsible Authority, which demonstrates how waste will be managed and collected, to the satisfaction of the Responsible Authority.*

12. *Provision must be made on the land for the storage and collection of waste and recyclables. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.*

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

Stormwater Management

14. All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.

15. Prior to commencement of development, professionally prepared plans and calculations for the construction of all underground and/or surface drainage works, that are considered necessary by the Responsible Authority, shall be supplied to the Responsible Authority by the Applicant. Such drainage works shall be designed and installed to transport stormwater runoff from the subject land and surrounding land and/or adjoining road(s) to an approved point of discharge. No concentrated stormwater shall drain or discharge from the land to adjoining properties.

16. Construction shall not commence until the drainage plans have been approved by the Responsible Authority. All drainage construction shall be carried out in accordance with the approved plans. All works must be constructed and completed prior to commencement of use.

17. Return period for a Detention system is to be 20% AEP where there is overland escape path and 1% AEP if the failure of the detention system will cause property damage or inundation of freehold titles.

18. It is the responsibility of the developer, to prepare a Stormwater Strategy Plan to identify and record the manner by which the quantity and quality of stormwater shall be managed for the catchment, not just the immediate development, including any new infrastructure that may be required to convey stormwater to a registered waterway. The stormwater strategy plan must demonstrate how to avoid adverse impact on neighbouring properties and surrounding road network due to the development. Drainage design plans and legal point of discharge will not be considered until the drainage strategy has been established.

19. It is the responsibility of the developer to meet the requirements for stormwater quality as stated in the BPEM (Best Practice Environmental Management) Guidelines.

20. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjacent property or streets other than by means of an approved drainage system discharged to an approved outlet to the satisfaction of the Responsible Authority.

Road Upgrade Works

21. *The permit holder/land owner must upgrade and construct Houston Street from a maintained road network (ie. from 71 Duke Street) to the subject land, to the satisfaction of Responsible Authority. All costs are to be borne by the permit holder/land owner.*

22. *Prior to the commencement of the use, the road must be formed, drained and surfaced in accordance with detailed plans and specifications prepared by the permit holder/land owner and approved by the Responsible Authority.*

23. *The road must be designed and constructed to relevant Australian and VicRoads standards and in accordance with the requirements of Infrastructure Design Manual (IDM) and IDM standard drawing SD600.*

24. *The road shall have a 4.0m pavement width comprising:*

- a. *150mm compacted depth class 3, 20mm FCR sub-base and 100mm compacted depth class 2, 20mm FCR base pavement.*
- b. *1.5m compacted depth class 2, 20mm FCR pavement.*
- c. *Bituminous seal comprising 2 coat spray seal, 10mm primer seal/7mm rubberised final seal, or 40mm Type H, 10mm asphalt.*
- d. *Table drains and culverts including pipe culverts at road intersections as required.*
- e. *An area within the road reserve for vehicles to turn around, in the form of a cul-de-sac or hammerhead road termination.*

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

25. *All costs incurred in complying with the above conditions shall be borne by the permit holder/land owner.*

26. *The permit holder/land owner shall prepare all documents required for obtaining approval from Dja Dja Wurrung Clans Aboriginal Corporation for road works and submitted to the Responsible Authority for forwarding them to the Dja Dja Wurrung Clans Aboriginal Corporation. All costs incurred in complying with the Dja Dja Wurrung Clans Aboriginal Corporation requirements shall be borne by the permit holder/land owner.*

Access

27. *Vehicle access/crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority.*

28. *Prior to commencement of the use, the following must be constructed.*

- a. *Vehicle access/crossing to the land is to be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 255 or to approval of responsible authority.*

b. *Vehicle access/crossing to the land shall be located so that adequate sight distance is achieved to comply with Australian Standard AS2890.1:2004 Section 3.2.4 and as specified in Ausroad's Guide to Road Design Part 4A Section 3.4 - 'Sight Distance at Property Entrance'.*

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

29. *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 permit holders/land owners expense.*

30. *The final location and construction of the vehicle crossing is to be approved by the Responsible Authority via a "Consent to Work within the Road Reserve", prior to the undertaking of works.*

31. *All vehicle entry to and egress from the property shall be in a forward motion, to the satisfaction of the responsible authority. Vehicle turn around must be provided within the property.*

Carparking

32. *Car spaces, access lanes and driveways must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.*

33. *The loading and unloading of goods from vehicles must only be carried out on the land within the designated service vehicle parking space.*

Mandatory Bushfire Condition

34. *The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the Responsible Authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.*

CFA Conditions (to be updated)

Bushfire Management Plan endorsed

35. *The Bushfire Management Plan Map 4-Bushfire Management Plan, on page 24 of Bushfire Management Statement, Allot. 8 Sec. 9C Camp Street Daylesford,*

August 2021, Version 1.1 prepared by Terramatrix, must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

Closure on days of elevated bushfire danger

36. No visitors or guests may be accommodated after 10 am on any day of Code Red Fire Danger Rating within the Central Fire District.

Bushfire Emergency Plan required

37. Prior to the use commencing, a suitably qualified person in emergency planning must prepare a Bushfire Emergency Plan to the satisfaction of CFA and the Responsible Authority. The Bushfire Emergency Plan must appropriately give effect to these conditions as well as:

- a. A clear statement of the plans purpose and scope*
- b. Details on the site and any emergency features/equipment.*
- c. A version control table and details on when and how the plan will be reviewed.*
- d. Details the roles and responsibilities of the emergency control organisation (wardens)*
- e. Outlines training requirements for the emergency control organisation (wardens) and how often exercises will be conducted.*
- f. Details for onsite contacts, emergency services and neighbours.*
- g. Contains appropriate "action statements" for:*
 - i. Before the Fire Danger Period*
 - ii. During the Fire Danger Period – including details of how the bushfire threat will be monitored*
 - iii. When a Code Red Fire Danger Rating is forecast*
 - iv. When any other lower trigger point for action is forecast (as determined by the sites emergency control organisation/management)*
 - v. When a bushfire threatens the site – including the trigger for sheltering in place or evacuation (as appropriate).*
 - vi. After the bushfire threat passes*
- h. Details on evacuating visitors and guests from the site (if required)*
 - i. Details on sheltering in place (if required)*

Goulburn Murray Water Conditions (to be updated upon receipt of updated comments)

38. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

39. All wastewater from the group accommodation units must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.

40. Stormwater run-off from buildings and other impervious surfaces must be dissipated as normal unconcentrated overland flow or directed to storage tanks or other suitable infrastructure as required by the Responsible Authority. Discharge of stormwater must be to a legal point as nominated by the Responsible Authority.

Central Highlands Water Conditions (to be updated upon receipt of updated comments)

41. Reticulated sewerage facilities must be provided to each dwelling 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 may include the construction of works and the payment of major works contributions by the applicant.

42. A reticulated water supply must be provided to each dwelling 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 may include the construction of works and the payment of major works contributions by the applicant.

Permit Expiry

43. This permit will expire if one of the following circumstances applies:
- a. The development is not started within two years of the date of this permit
 - b. The development is not completed within four years of the date of this permit.
 - c. The use is not started within four years of the date of this permit.
 - d. The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of Planning and Environment Act 1987.

Moved: Cr Jen Bray

Seconded: Cr Tessa Halliday

Carried

Cr Henderson called for a division:

For: Cr Jen Bray, Cr Tessa Halliday, Cr Tim Drylie

Against: Cr Don Henderson, Cr Juliet Simpson

Abstained: Cr Brian Hood

The Mayor exercised the casting vote and the motion was carried.

BACKGROUND

PA 3333 was considered at the Ordinary Council Meeting on 17 May 2022 for the use and development of land for group accommodation and vegetation removal at 70 Camp Street, Daylesford, the registered address at the time of making the determination. The property has since been re-addressed by Council to 31 Houston Street, Daylesford.

A Section 79 appeal was lodged by the permit applicant with VCAT against Council's failure to grant a permit within the prescribed time. The following resolution was made by Council:

Having caused notice of planning application PA 3333 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, that VCAT be advised that should Council have been in a position to determine the application, the decision would have been to issue a Notice of Refusal to Grant a Planning Permit in accordance with the following grounds of refusal.

- *The siting of vehicle access, excessive height, visual dominance and contemporary architectural expression of the buildings do not respect the existing or preferred neighbourhood character. The development will visually dominate and physically detract from the heritage and landscape significance, including the integrity, authenticity, interpretation, and aesthetic qualities of Cornish Hill Precinct contrary to the objectives of the following Clauses of the Hepburn Planning Scheme:*
 - w. Clause 15.01-01S (Urban design)*
 - x. Clause 15.01-5S (Neighbourhood character)*
 - y. Clause 15.01-6S (Design for rural areas)*
 - z. Clause 15.03-1S (Heritage conservation)*
 - aa. Clause 21.09 (Environment and Heritage)*

Of the 19 objections received to the original application plans, 6 objectors lodged a statement of grounds with VCAT and are parties to the VCAT application. As a result of further notice required by VCAT in relation to the amended plans, an additional 2 statement of grounds have been lodged.

POLICY AND STATUTORY IMPLICATIONS

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

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

There are no negative sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

As the matter is before VCAT, there are costs associated with representation.

RISK IMPLICATIONS

No risks to Council other than those already identified.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The original plans were advertised by sending notices to adjoining and adjacent owners/occupiers and a notice on the land. As a result, 19 objections were received, of which 6 objectors lodged a statement of grounds. The applicant has formally substituted the amended plans which have been circulated to all persons and properties originally notified, as directed by VCAT. As a result, 2 additional statements of grounds have been lodged.

Cr Lesley Hewitt returned to the meeting at 7:35pm

- A00** DRAWING REGISTER
- A01** EXISTING SITE PLAN
- A02** PROPOSED SITE WORKS PLAN
- A03** PROPOSED SITE PLAN
- A04** PROPOSED SITE CONTEXT PLAN
- A05** PROPOSED SITE ELEVATIONS (WEST)
- A06** PROPOSED SITE SECTION A-A
- A07** PROPOSED FLOOR PLANS (TYPICAL)
- A08** PROPOSED ELEVATIONS (TYPICAL)
- A09** PROPOSED ELEVATIONS: House 1
- A10** PROPOSED SECTION: House 1
- A11** PROPOSED ELEVATIONS: House 2
- A12** PROPOSED SECTION: House 2
- A13** PROPOSED ELEVATIONS: House 3
- A14** PROPOSED SECTION: House 3
- A15** PROPOSED ELEVATIONS: House 4
- A16** PROPOSED SECTION: House 4
- A17** PROPOSED ELEVATIONS: House 5
- A18** PROPOSED SECTION: House 5

**PLANNING
APPLICATION**
NOT FOR CONSTRUCTION

**Proposed Group
Accommodation**
Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.
A-00 Drawing Register
15.06.22

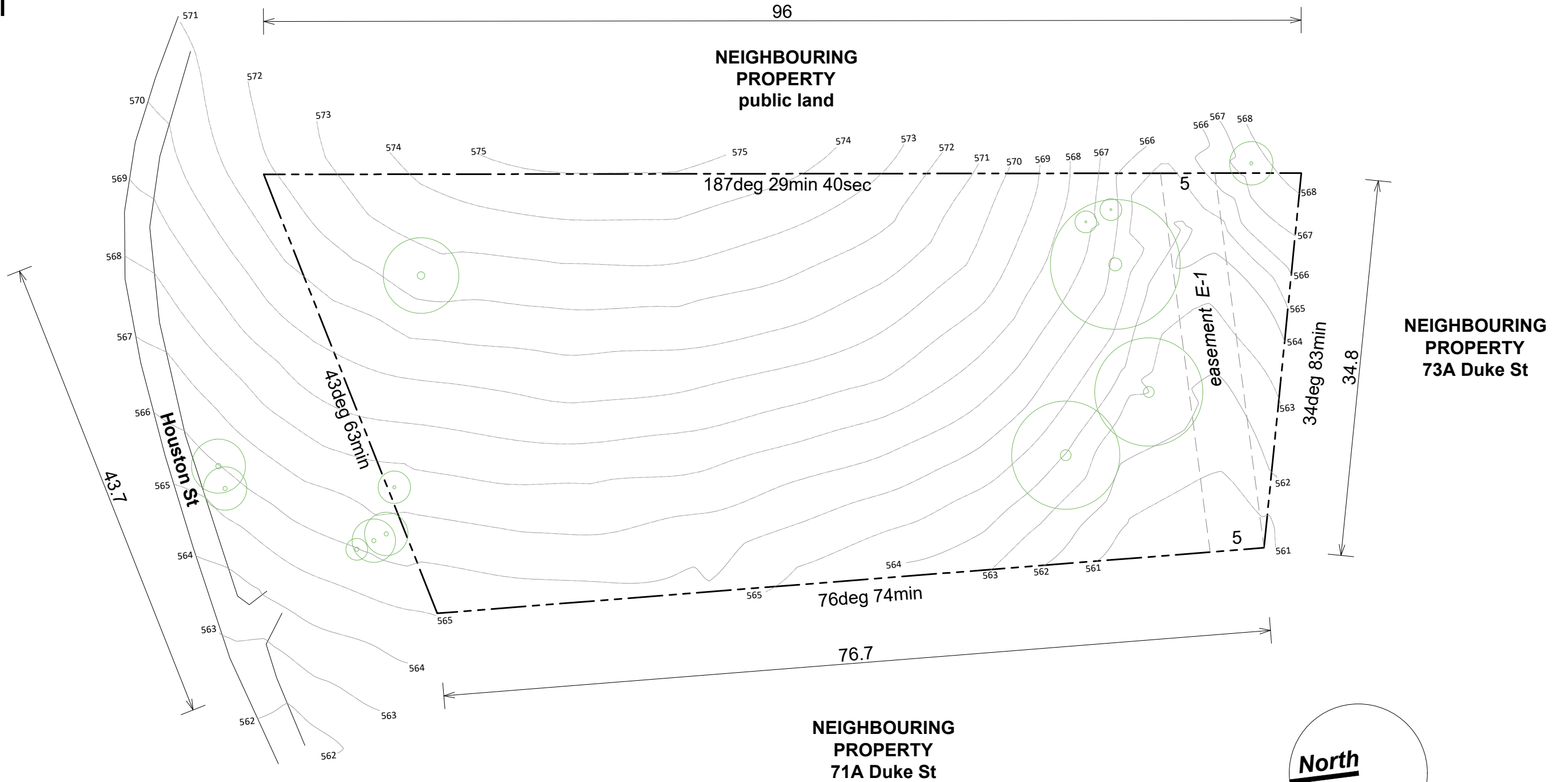

ROBIN LARSEN DESIGN pty ltd
ph & fx. 03 9690 4446 mob. 0439 383 900
post: po box 515, daylesford, victoria, 3460
email: robin@treearc.com.au arbv reg no. 16800

**SURVEY INFORMATION PROVIDED BY:
T.G.SULLIVAN & ASSOCIATES PTY LTD**

Date of Survey 23 April 2021.
SURVEYORS REF.

1561

NOTE:
ATTACHMENT 10.1.1
All levels shown are to AHD



CROWN ALLOTMENT 8
SECTION C
TOWNSHIP OF DAYLESFORD
HOUSTON STREET, DAYLESFORD

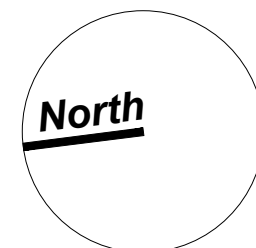
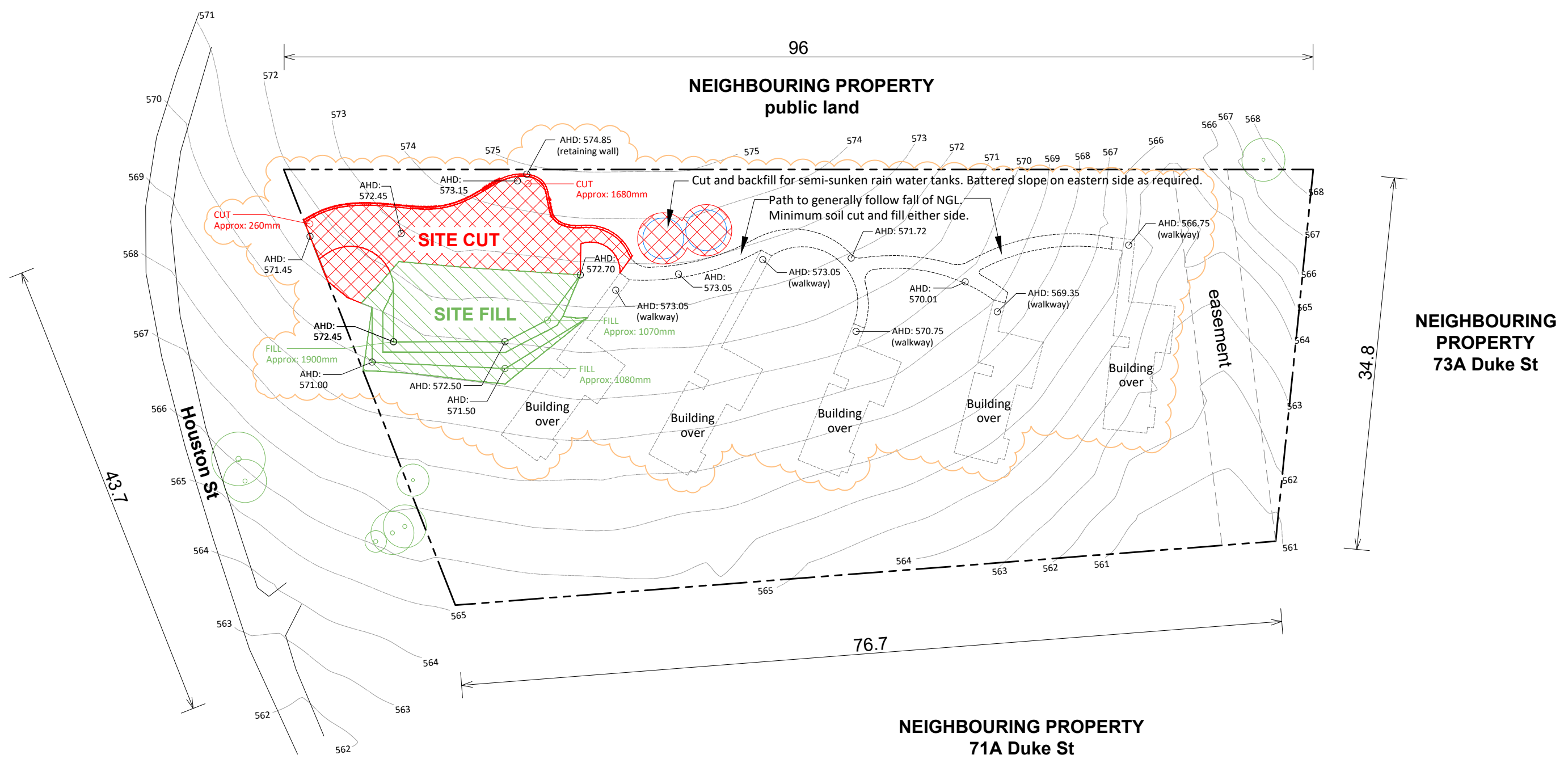
SITE AREAS	
SUBJECT SITE:	3264 sqm

PLANNING APPLICATION
NOT FOR CONSTRUCTION

Proposed Group Accommodation
Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.
A-01 Existing Site Plan
SCALE: 1:400 15.06.22

ROBIN LARSEN DESIGN pty ltd
ph & fx. 03 9690 4446 mob. 0439 383 900
post: po box 515, daylesford, victoria, 3460
email: robin@treearc.com.au arbv reg no. 16800

NOTE:
 ATTACHMENT 10.1.1
 All levels shown are to AHD



PLANNING APPLICATION
 NOT FOR CONSTRUCTION

Proposed Group Accommodation
 Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.
A-02 Proposed Site Plan
 SCALE: 1:400 15.06.22

ROBIN LARSEN DESIGN pty ltd
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 post: po box 515, daylesford, victoria, 3460
 email: robin@treearc.com.au arbv reg no. 16800

BUSHFIRE MANAGEMENT PLAN

Construction Standard

The buildings must be designed and constructed to a minimum BAL-29 standard.

Water Supply

A minimum 10,000L of effective water supply for fire fighting purposes must be provided for each building in accordance with the following requirements:

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

Vehicle Access

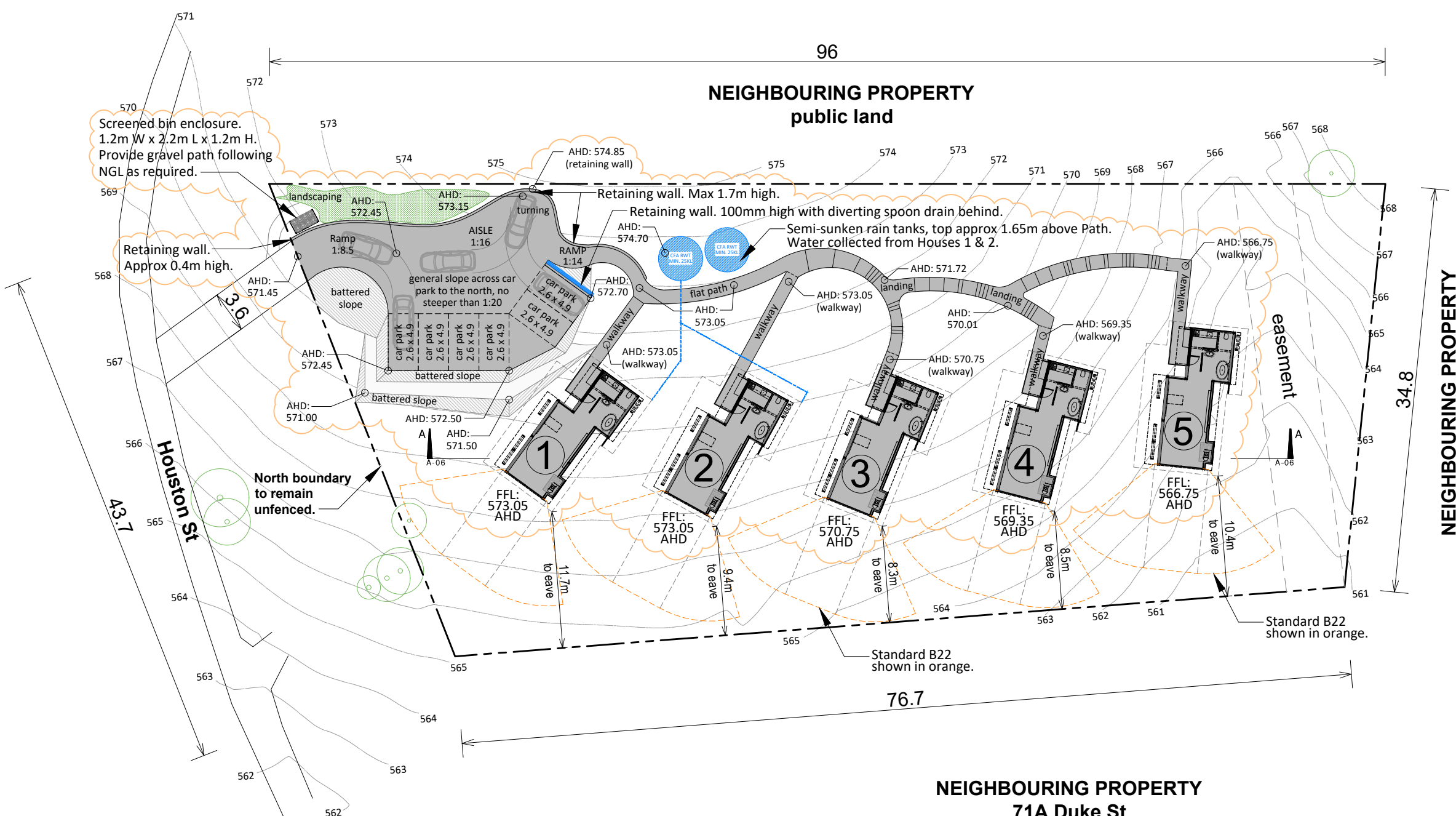
Vehicle access to the buildings and the water supply outlet must be provided in accordance with the following requirements:

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

Defendable Space Management

Defendable space must be provided around all buildings, extending to all of the property boundaries, and be managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5m² in area and must be separated by at least 5m.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5m.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.



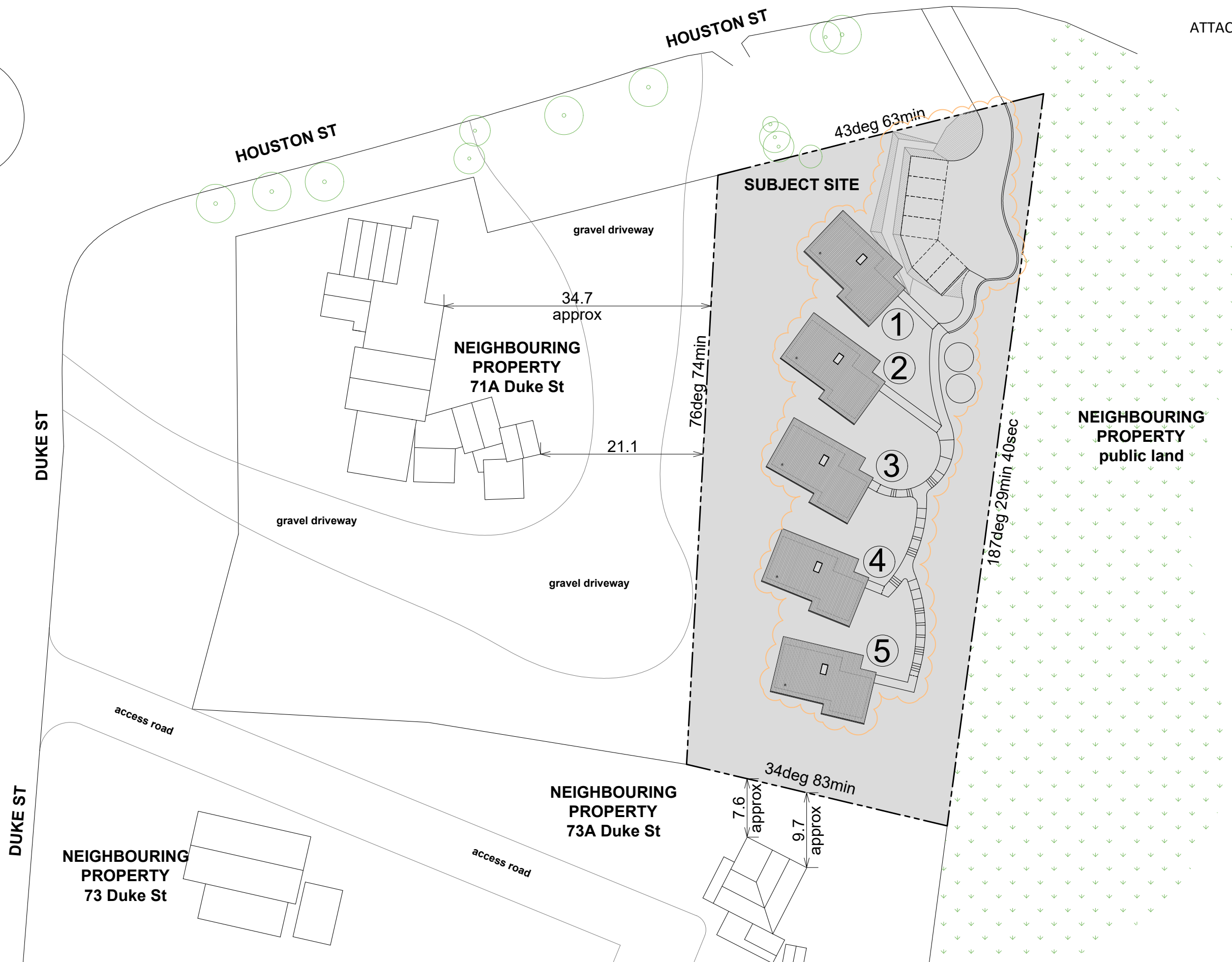
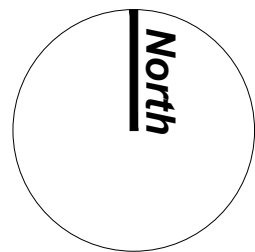
SITE AREAS

SUBJECT SITE:	3264 sqm
Each Building:	49.7 sqm
Total Building Area:	248.5 sqm
TOTAL SITE COVERAGE:	15%
TOTAL SITE PERMEABILITY (Excludes Buildings :	80%
TOTAL SITE GARDEN AREA: (Excludes Buildings, Walkway & Driveway/Carppark):	80%

PLANNING APPLICATION
NOT FOR CONSTRUCTION

Proposed Group Accommodation
Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.
A-03 Proposed Site Plan
SCALE: 1:400 15.06.22

ROBIN LARSEN DESIGN pty ltd
ph & fx. 03 9690 4446 mob. 0439 383 900
post: po box 515, daylesford, victoria, 3460
email: robin@treearc.com.au arbv reg no. 16800



Proposed Group Accommodation

Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

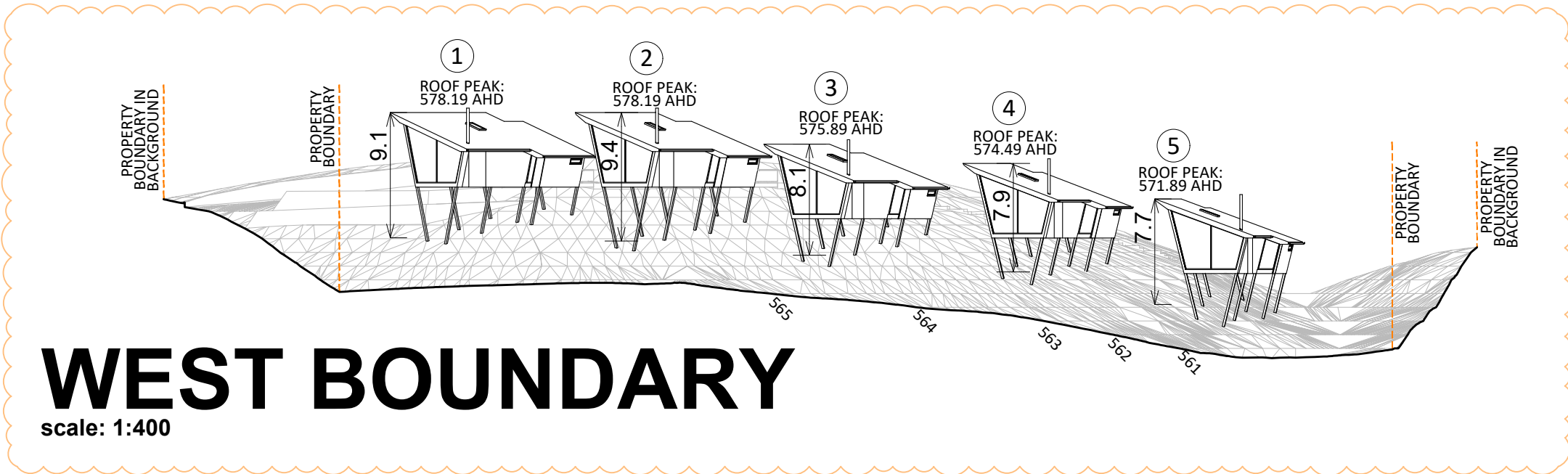
A-04 Proposed Site Context Plan

SCALE: 1:500

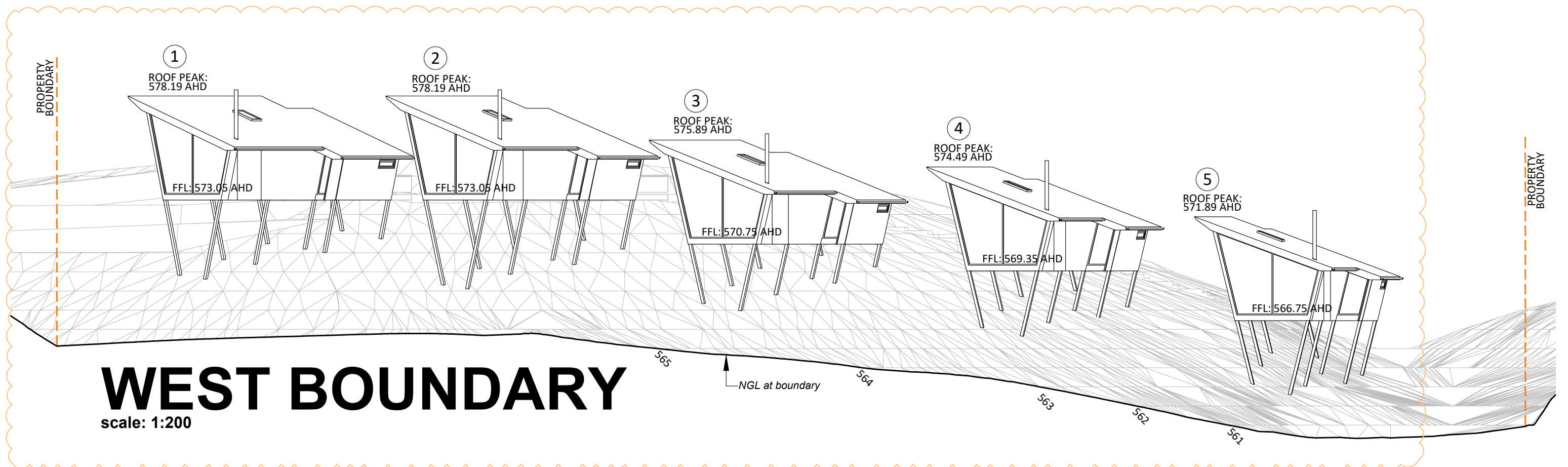
15.06.22

PLANNING APPLICATION
NOT FOR CONSTRUCTION

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 post: po box 515, daylesford, victoria, 3460
 email: robin@treearc.com.au arbv reg no. 16800



WEST BOUNDARY
scale: 1:400



WEST BOUNDARY
scale: 1:200

Proposed Group Accommodation

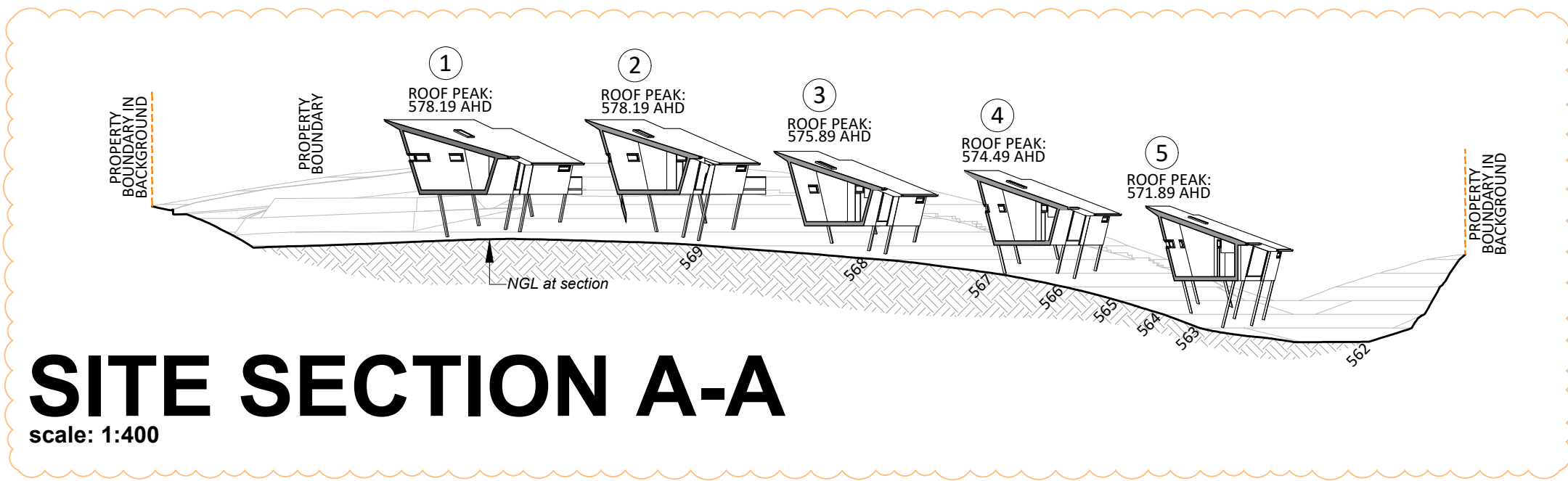
Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

A-05 Prop Elev's: West Compared

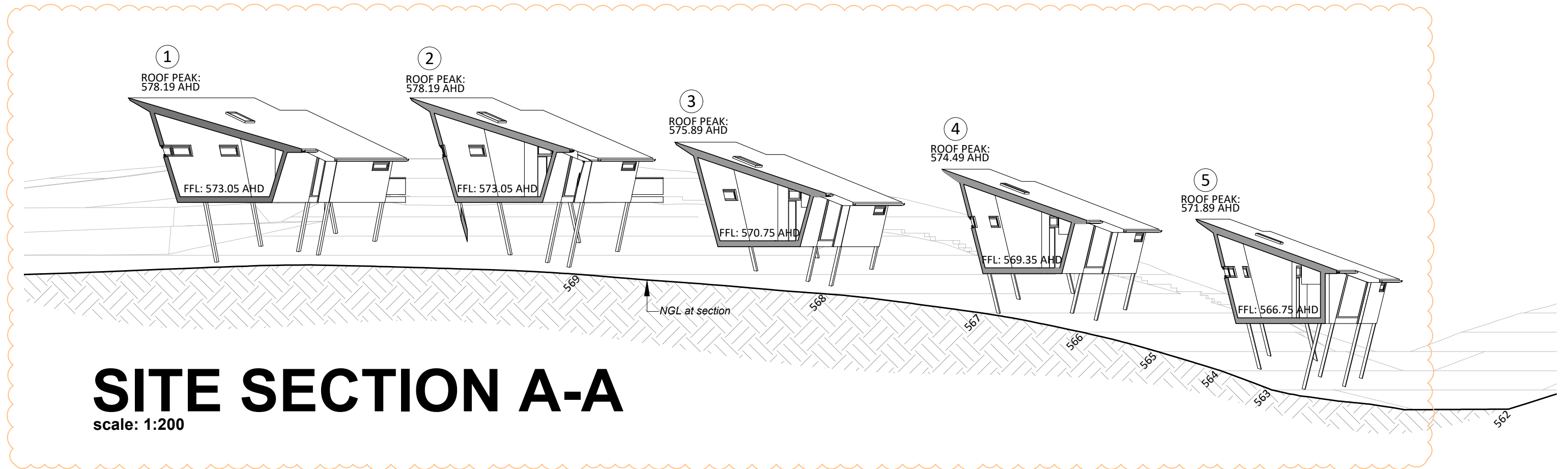
SCALE: 1:400 & 1:200 15.06.22

PLANNING APPLICATION
NOT FOR CONSTRUCTION

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SITE SECTION A-A
scale: 1:400

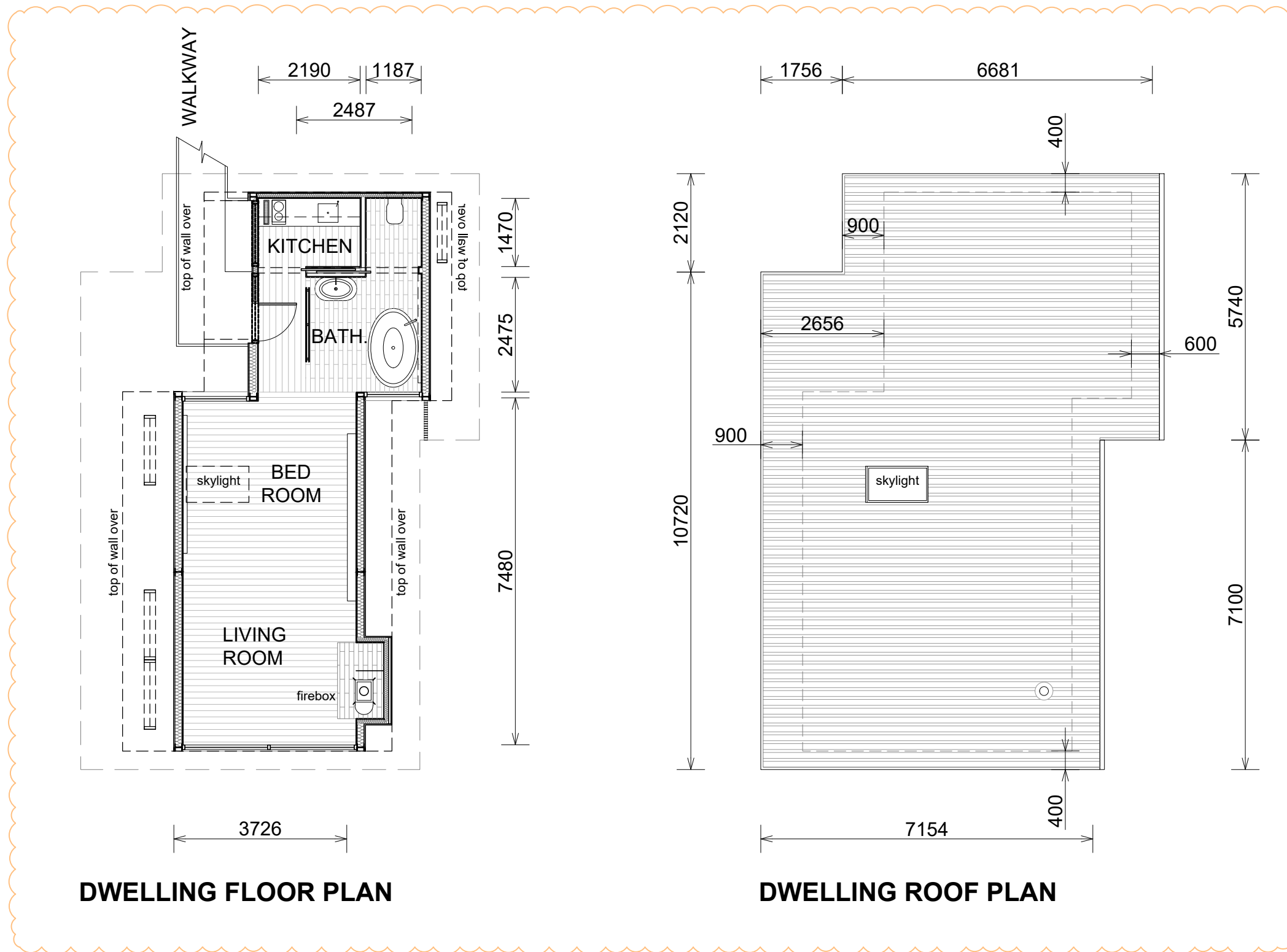


SITE SECTION A-A
scale: 1:200

Proposed Group Accommodation
Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.
A-06 Prop Site Section A-A
SCALE: 1:400 & 1:200 15.06.22

PLANNING APPLICATION
NOT FOR CONSTRUCTION

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DWELLING FLOOR PLAN

DWELLING ROOF PLAN

PLANNING APPLICATION
NOT FOR CONSTRUCTION

Proposed Group Accommodation
Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.
A-07 Proposed Floor Plans (typical)
SCALE: 1:100 15.06.22

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post: po box 515, daylesford, victoria, 3460
email: robin@treearc.com.au arbv reg no. 16800



STEEL SUPPORTS:
Powder coated steel universal column.
Colour: Nightsky



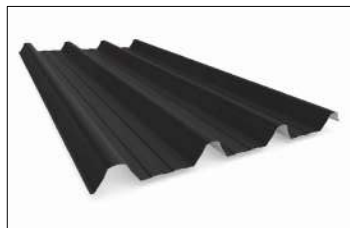
STEEL BRACING:
Powder coated steel square hollow section.
Colour: Nightsky



CLADDING:
Colorbond steel metal sheet.
Lysaght Spandek. Colour: Nightsky



FLASHING & EAVE LININGS:
Colorbond flat steel flashing.
Colour: Nightsky



ROOFING:
Colorbond steel metal sheet.
Lysaght Trimdek. Colour: Nightsky



GUTTERS:
Colorbond steel half round.
Colour: Nightsky



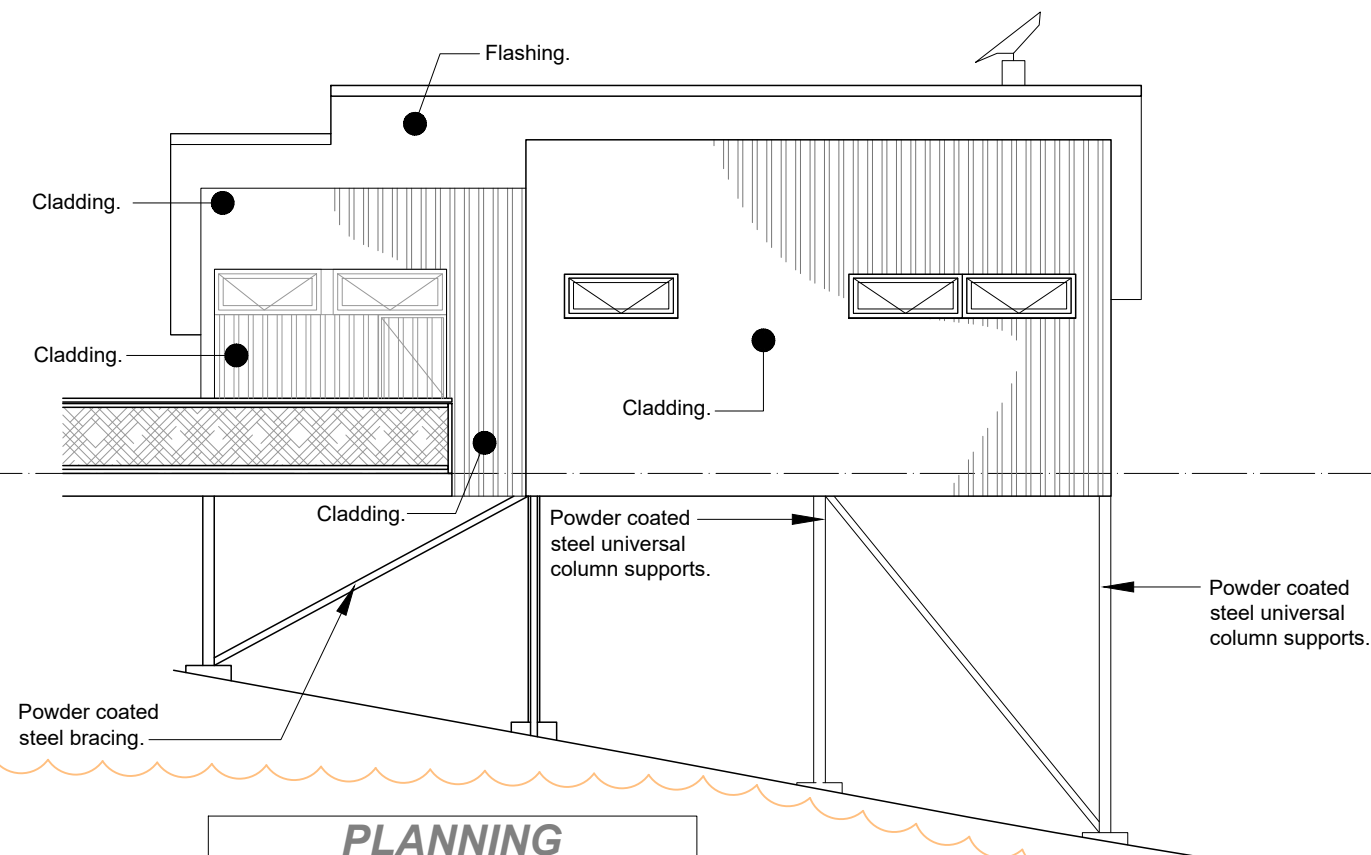
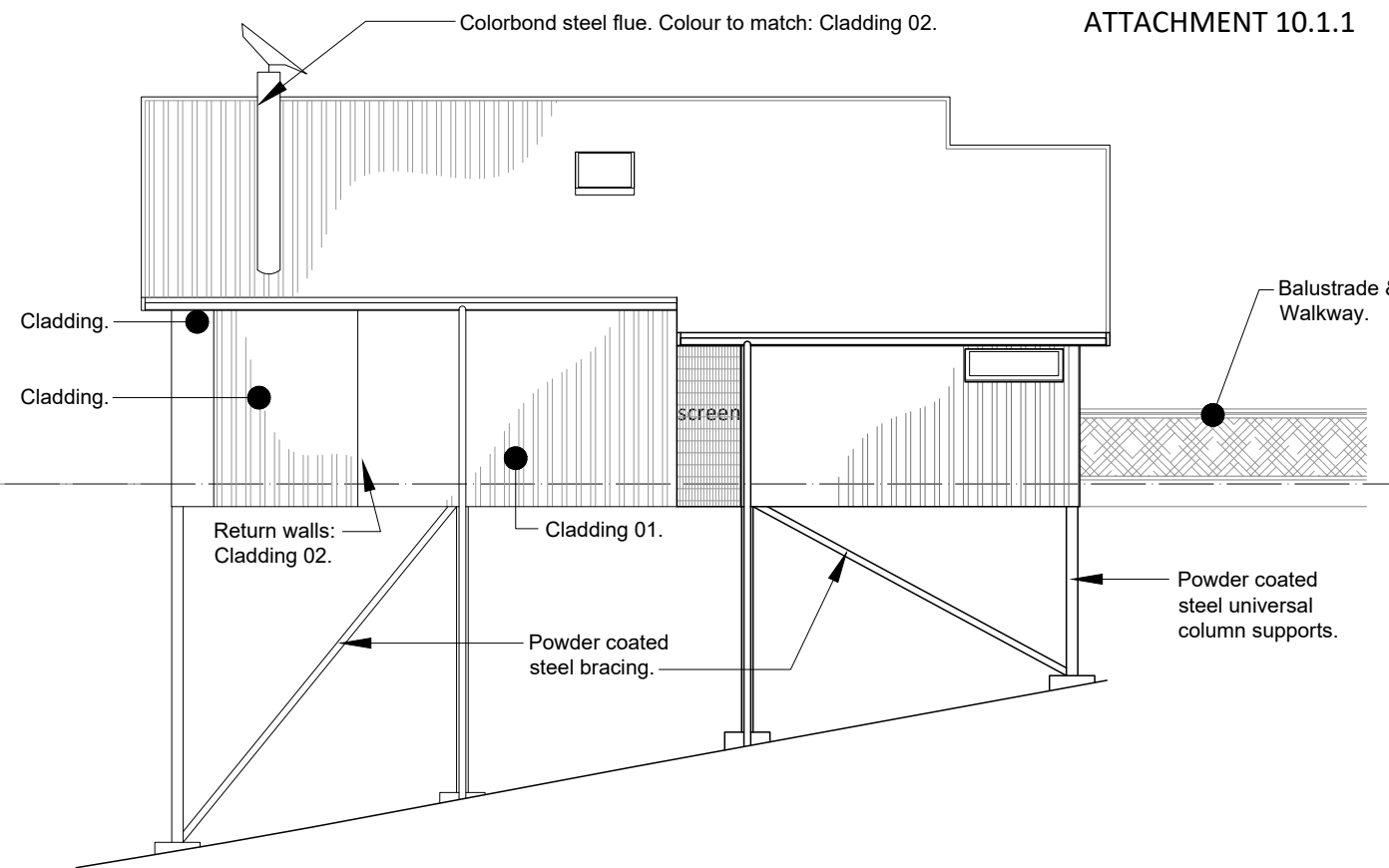
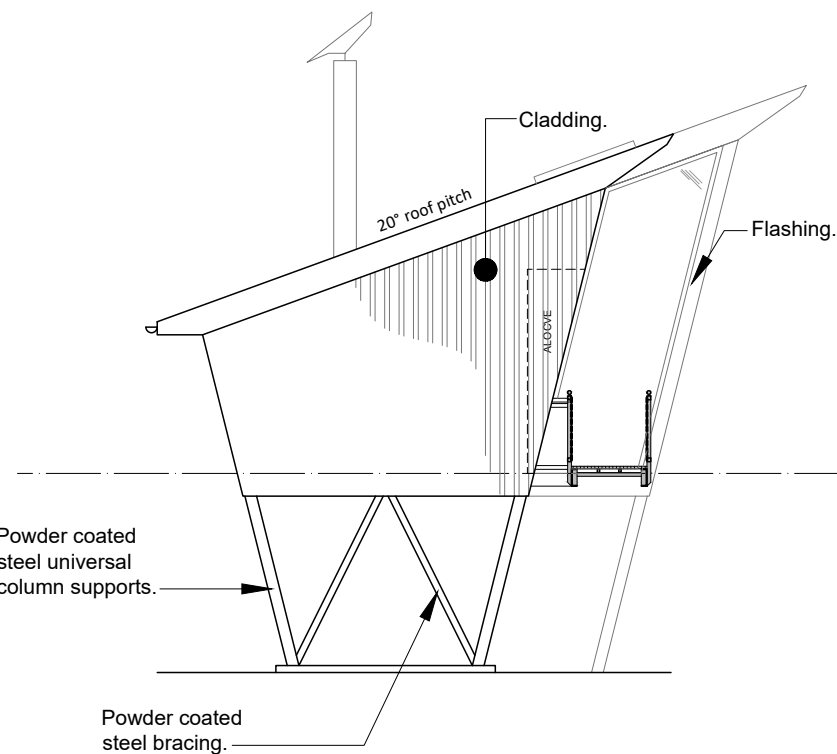
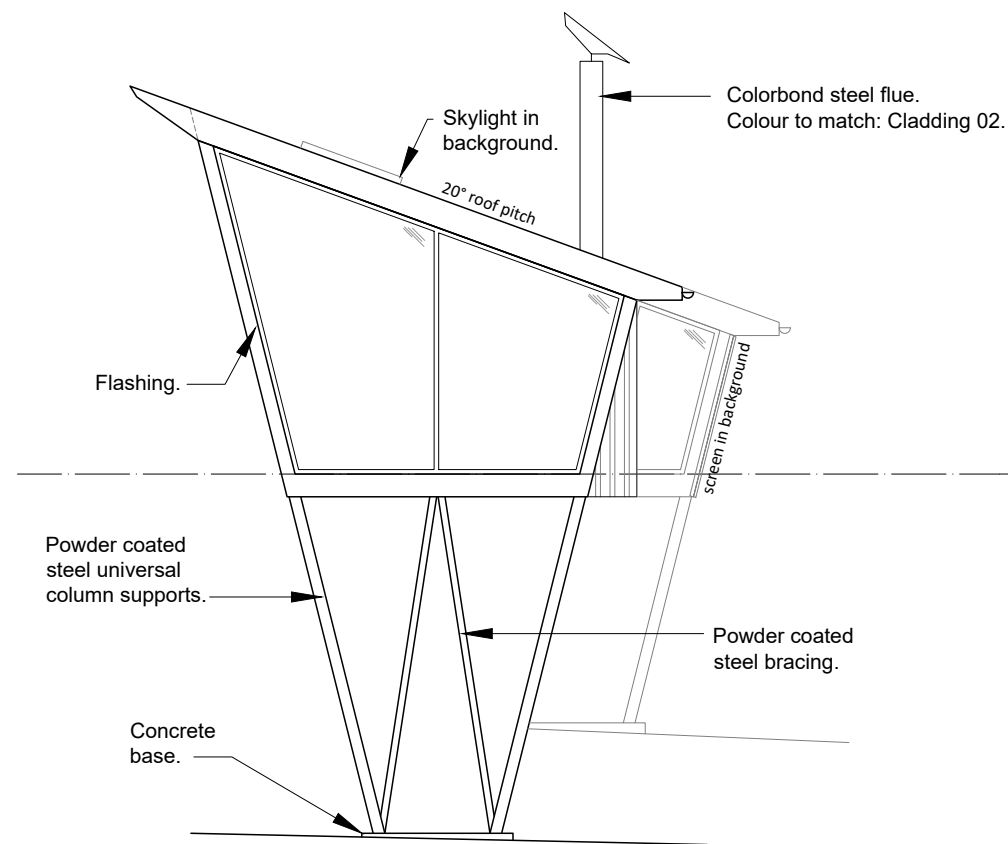
WINDOWS & DOORS:
Powder coated aluminium.
Colour: Nightsky



BALUSTRADE & WALKWAY:
Powder aluminium handrails & supports
with black mesh infill.
Colour: Nightsky



COLOURBOND SAMPLE:
Colour: Nightsky



PLANNING APPLICATION
NOT FOR CONSTRUCTION

Proposed Group Accommodation

Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

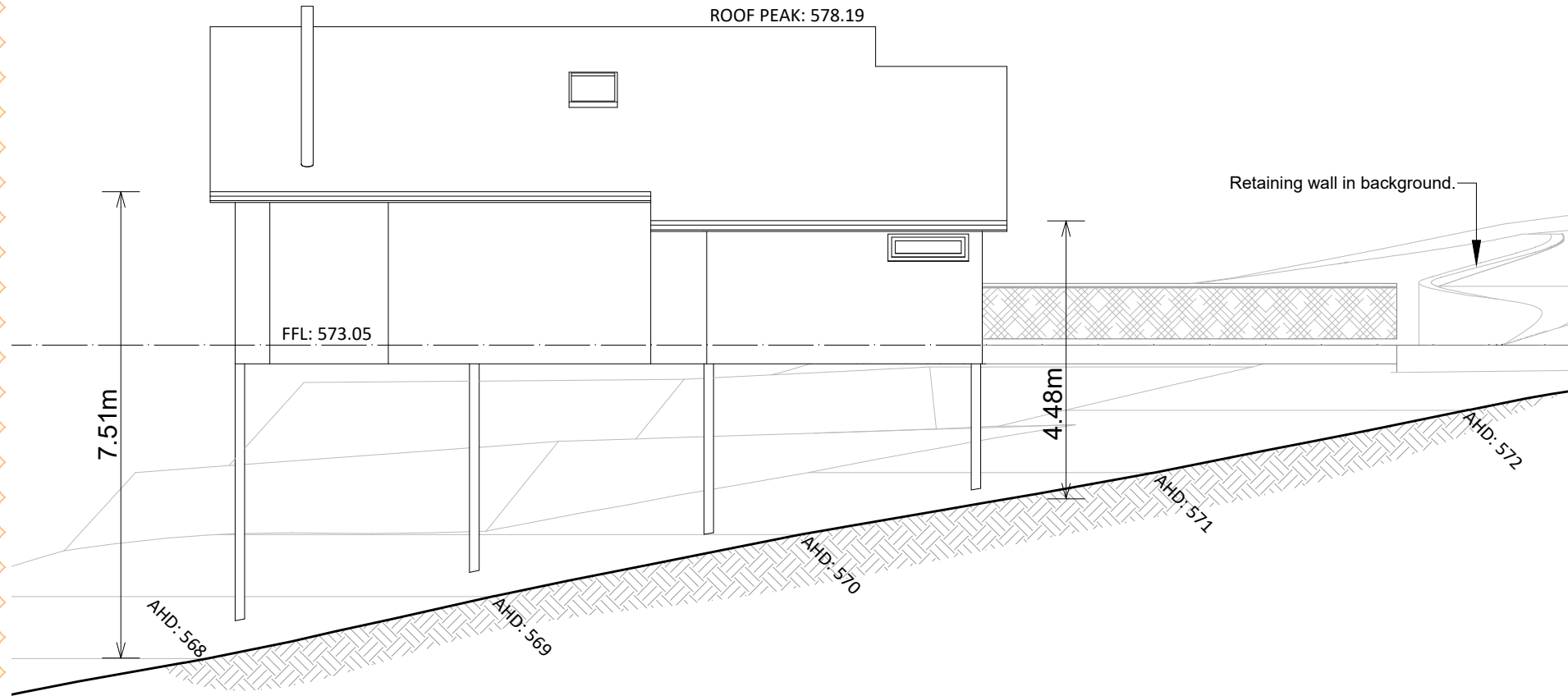
A-08 Proposed Elevations (typical)

SCALE: 1:100

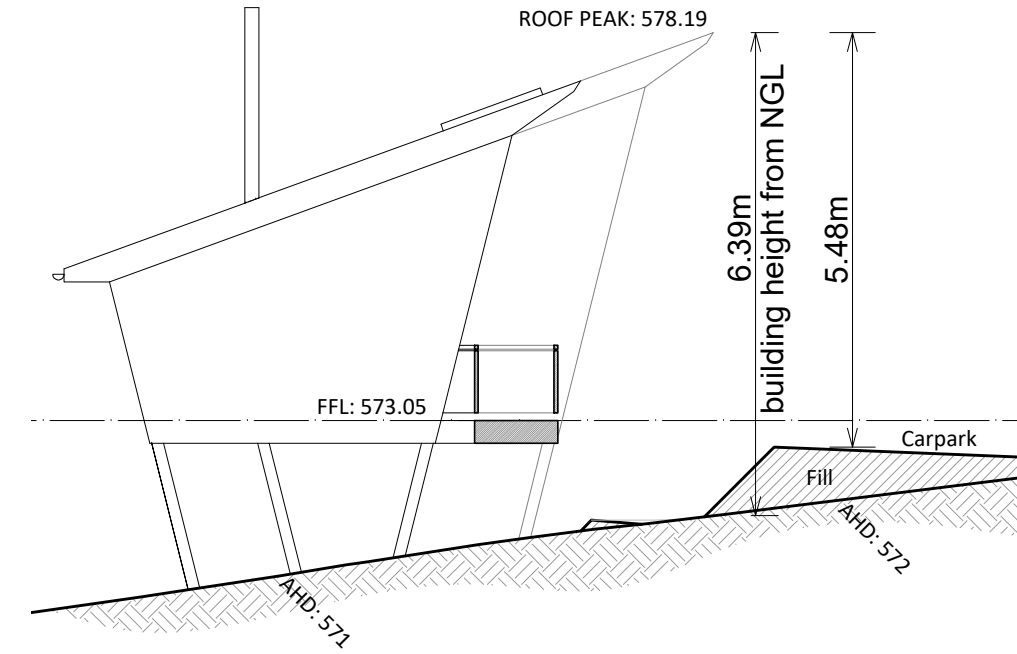
15.06.22

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email: robin@treearc.com.au arbv reg no. 16800

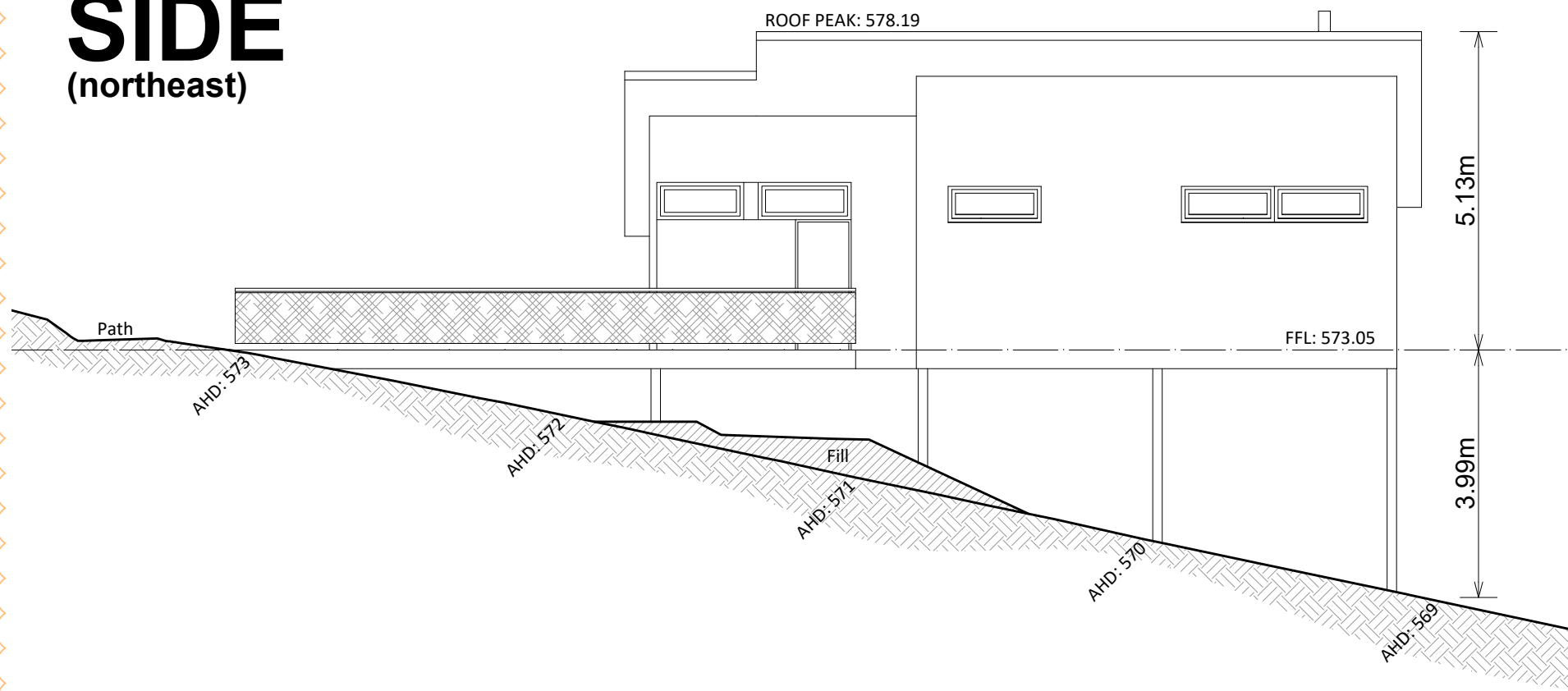
SIDE (SOUTHWEST)



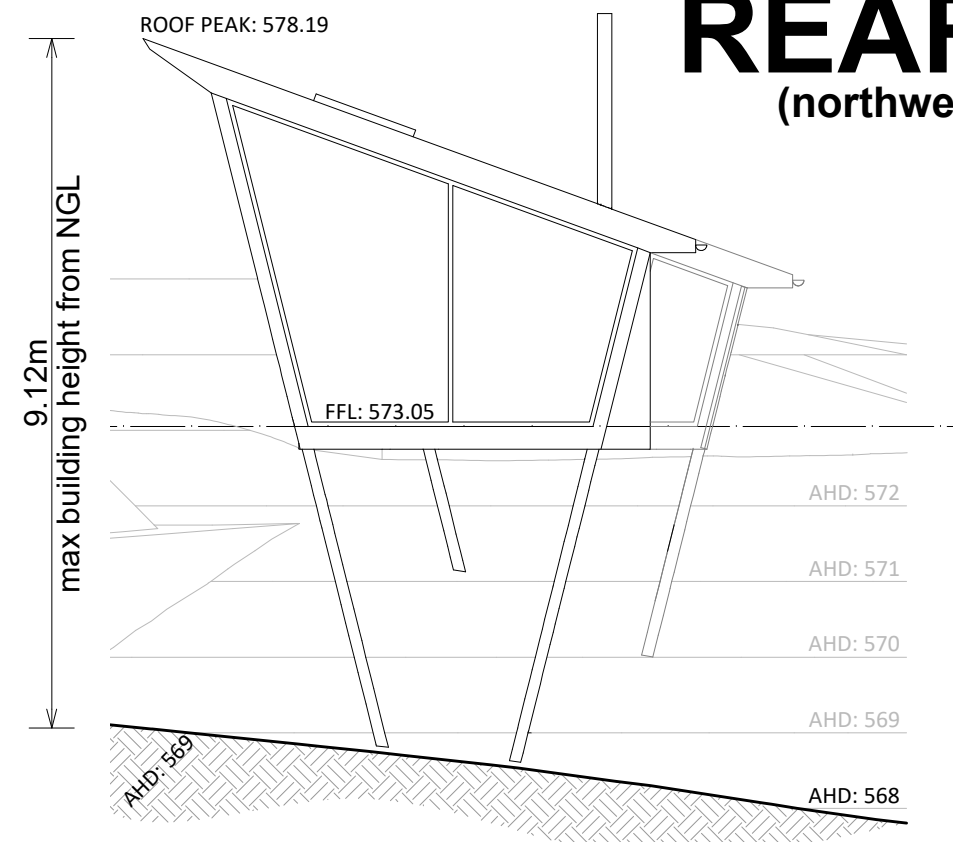
FRONT (southeast)



SIDE (northeast)



REAR (northwest)



HOUSE #1

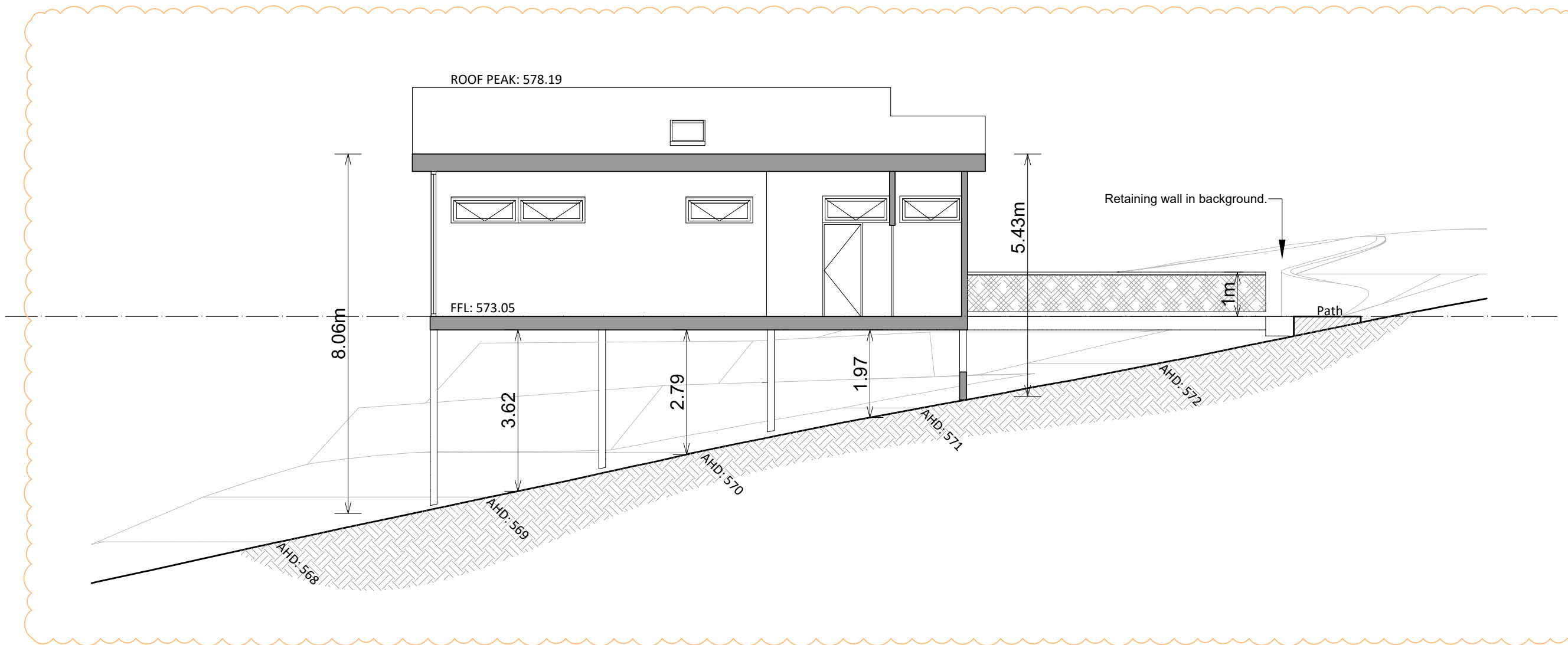
PLANNING APPLICATION
NOT FOR CONSTRUCTION

A-09 Proposed Elevations: House 1
SCALE: 1:100 15.06.22

Proposed Group Accommodation

Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

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email: robin@treearc.com.au arbv reg no. 16800



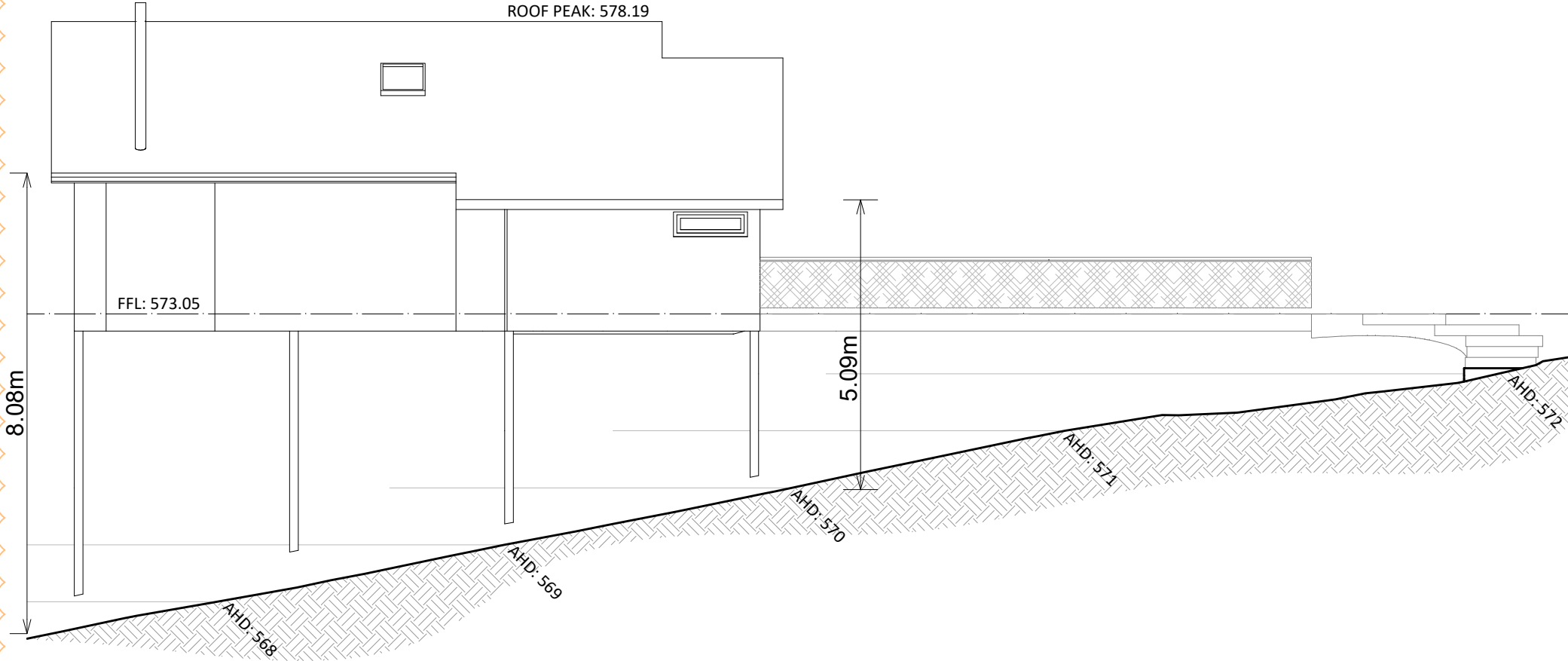
HOUSE #1

PLANNING APPLICATION
NOT FOR CONSTRUCTION

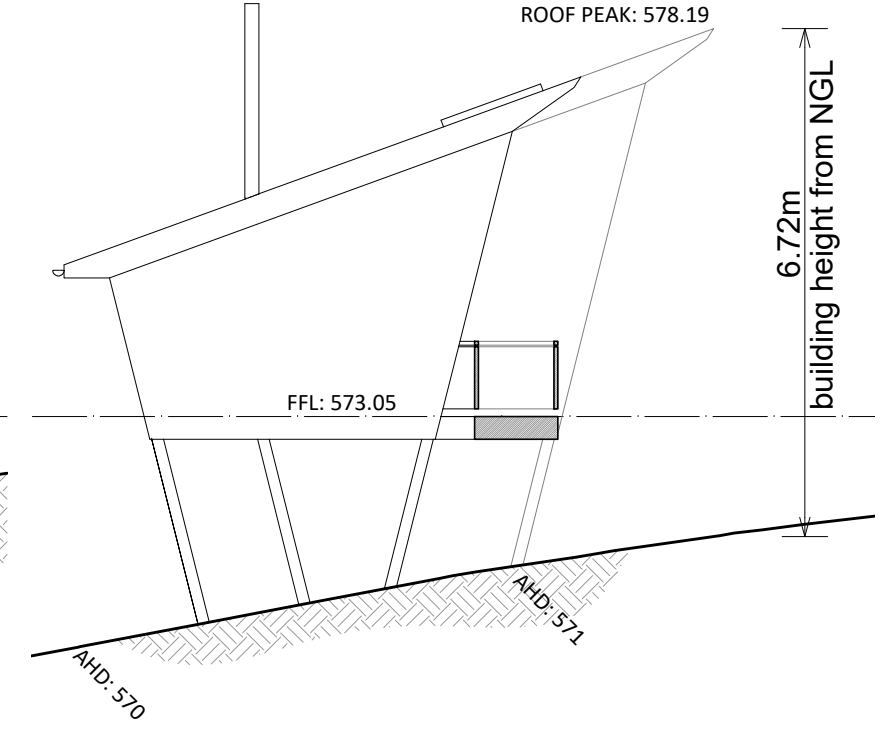
Proposed Group Accommodation
Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.
A-10 Proposed Section: House 1
SCALE: 1:100 15.06.22

ROBIN LARSEN DESIGN pty ltd
ph & fx. 03 9690 4446 mob. 0439 383 900
post: po box 515, daylesford, victoria, 3460
email: robin@treearc.com.au arbv reg no. 16800

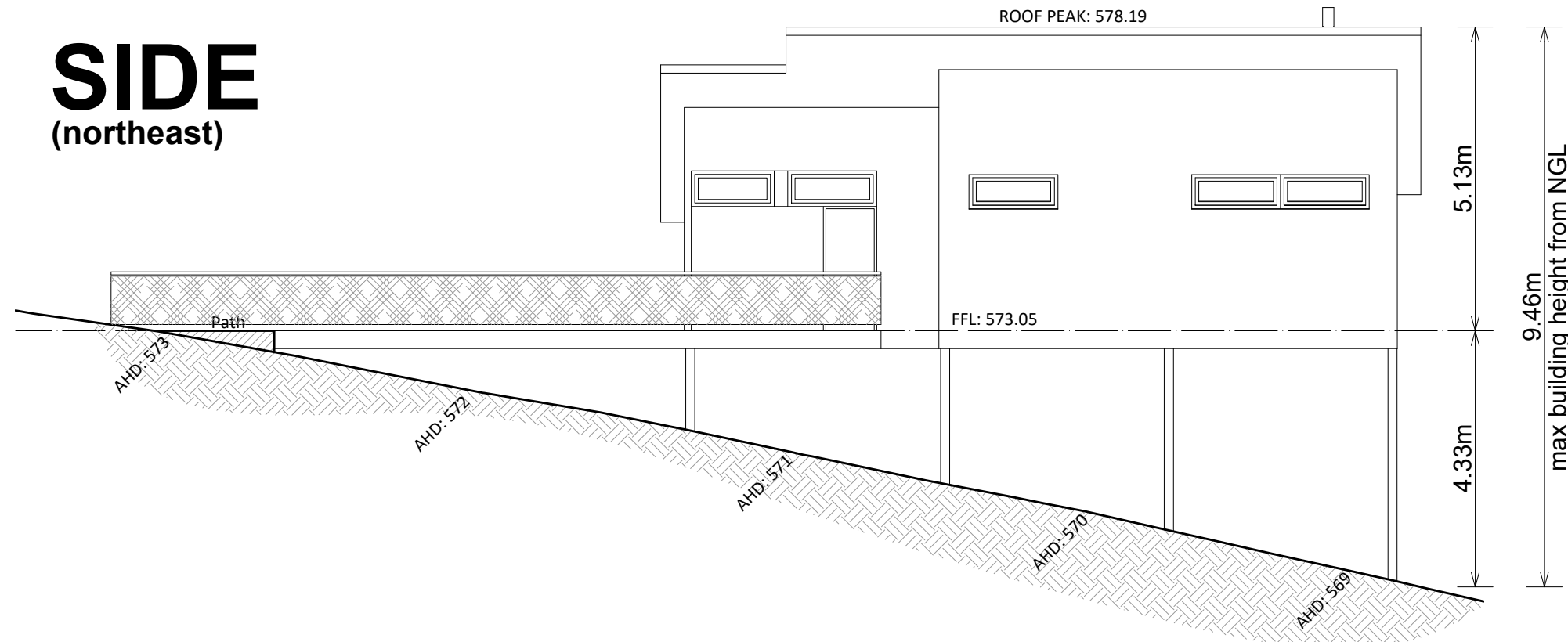
SIDE (SOUTHWEST)



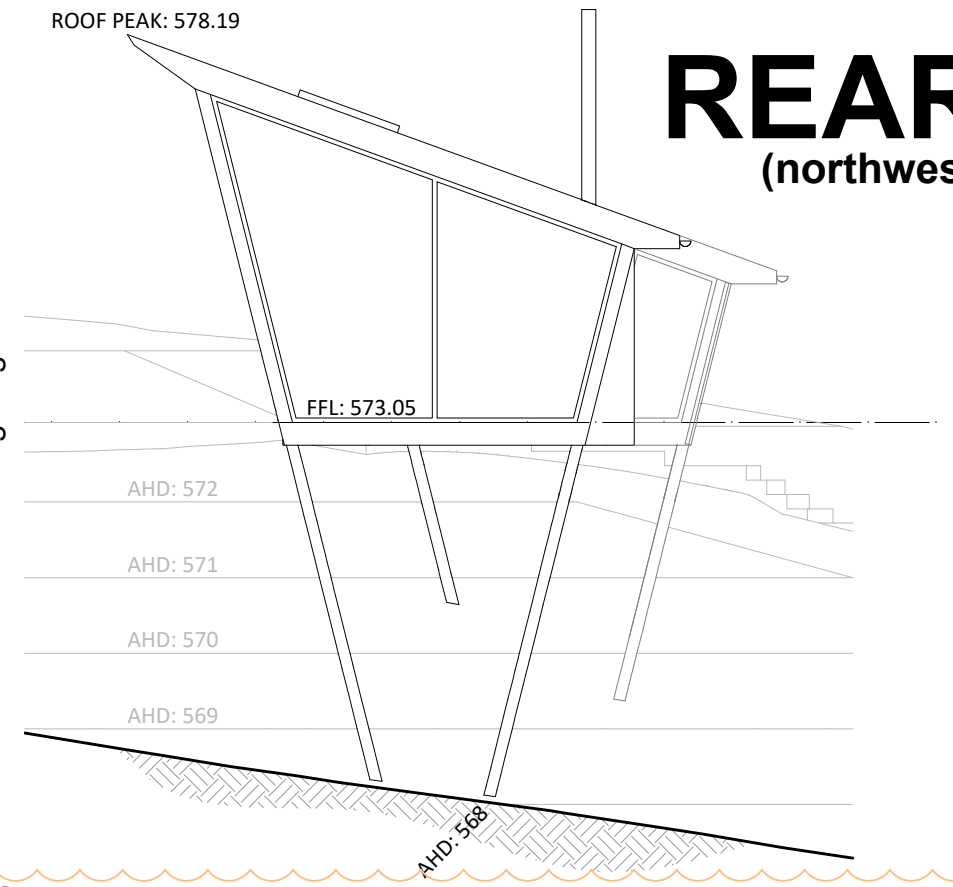
FRONT (southeast)



SIDE (northeast)



REAR (northwest)



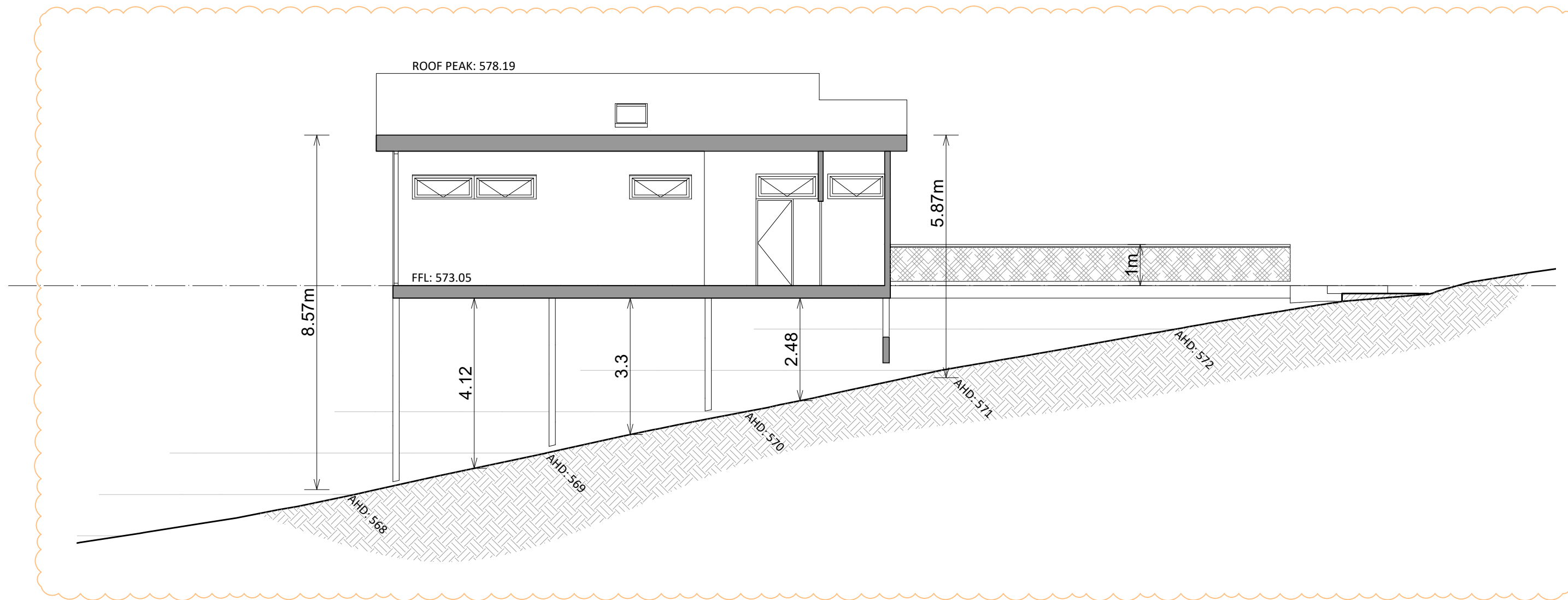
HOUSE #2

PLANNING APPLICATION
NOT FOR CONSTRUCTION

A-11 Proposed Elevations: House 2
SCALE: 1:100 15.06.22

Proposed Group Accommodation
Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

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ph & fx. 03 9690 4446 mob. 0439 383 900
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email: robin@treearc.com.au arbv reg no. 16800



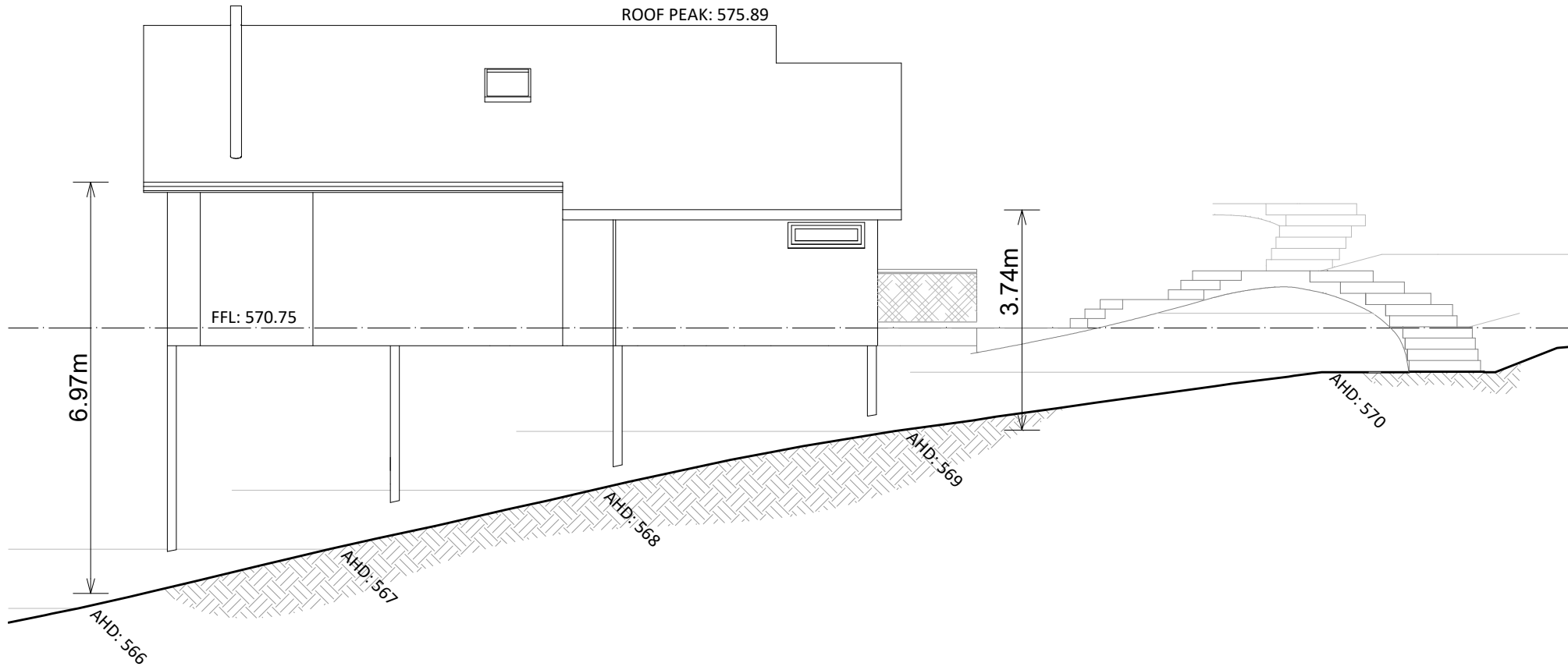
HOUSE #2

PLANNING APPLICATION
NOT FOR CONSTRUCTION

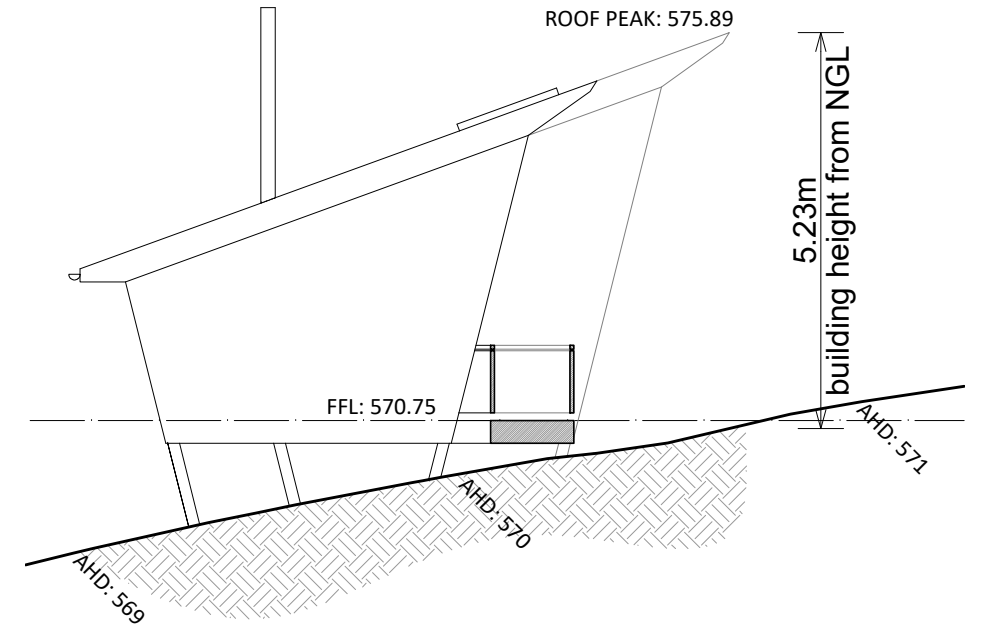
Proposed Group Accommodation
Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.
A-12 Proposed Section: House 2
SCALE: 1:100 15.06.22

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post: po box 515, daylesford, victoria, 3460
email: robin@treearc.com.au arbv reg no. 16800

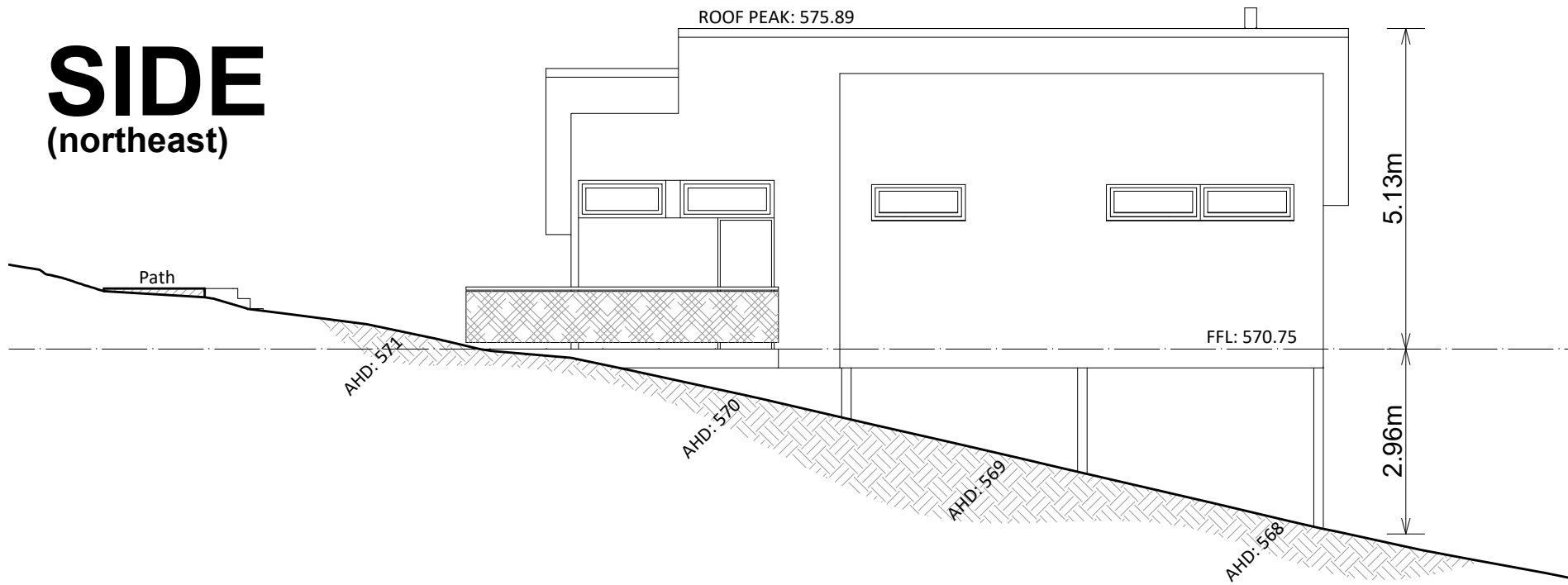
SIDE (SOUTHWEST)



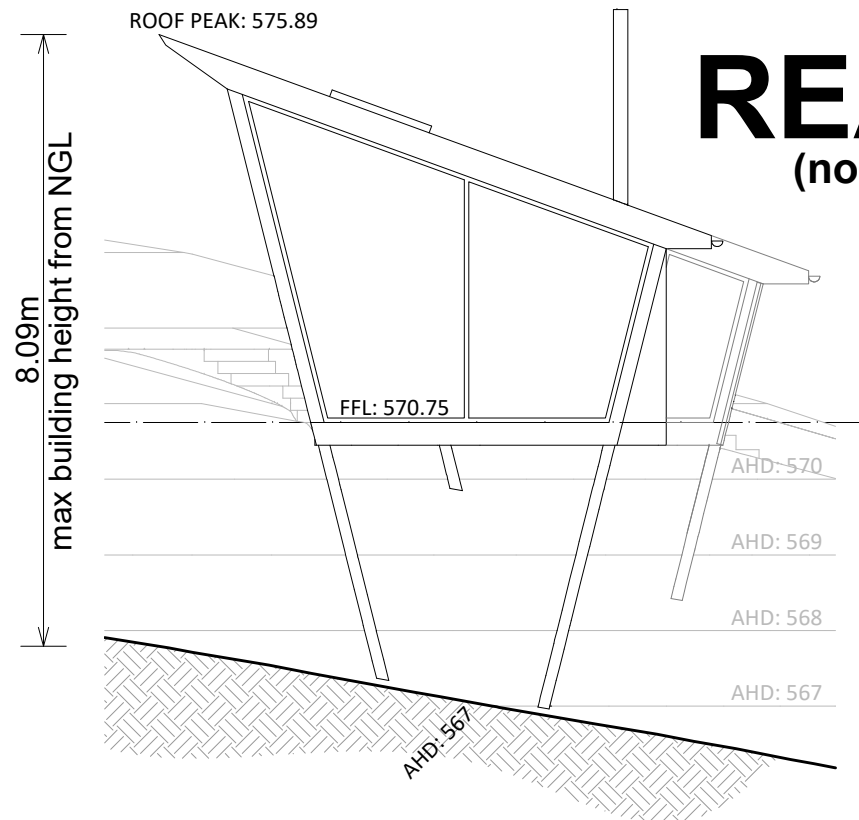
FRONT (southeast)



SIDE (northeast)



REAR (northwest)



HOUSE #3

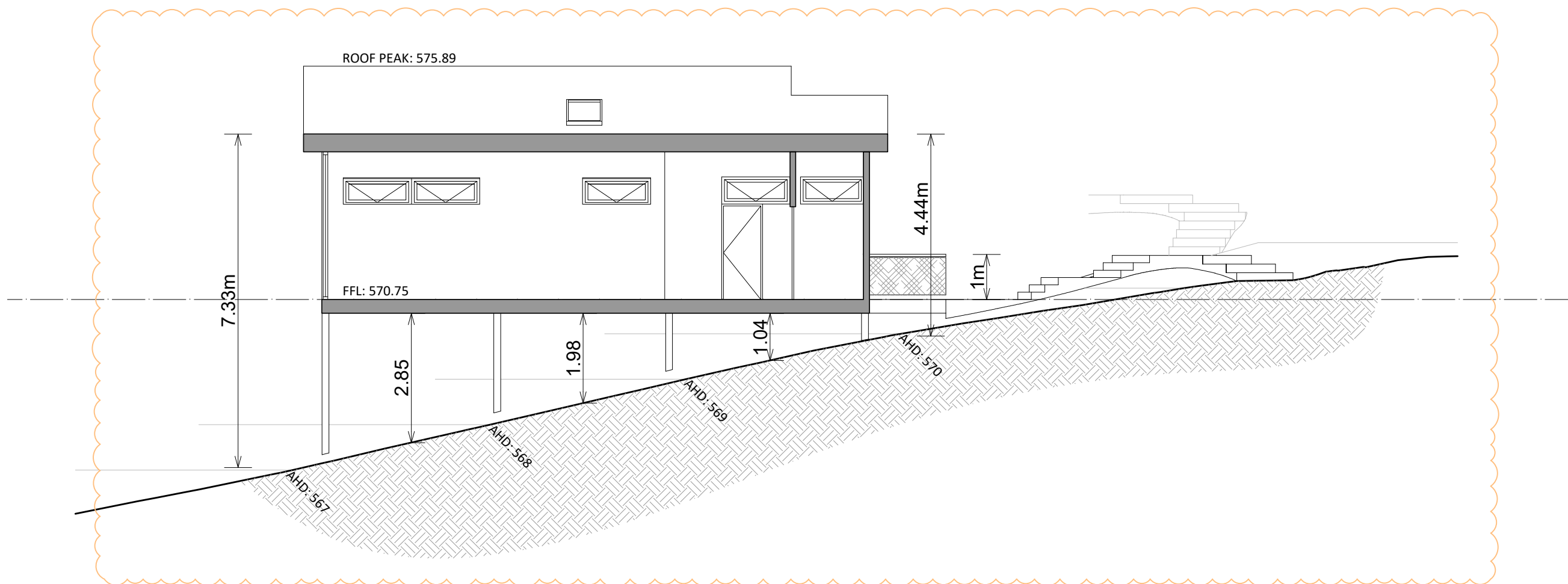
PLANNING APPLICATION
NOT FOR CONSTRUCTION

A-13 Proposed Elevations: House 3
SCALE: 1:100 15.06.22

Proposed Group Accommodation

Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

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 ph & fx. 03 9690 4446 mob. 0439 383 900
 post: po box 515, daylesford, victoria, 3460
 email: robin@treearc.com.au arbv reg no. 16800



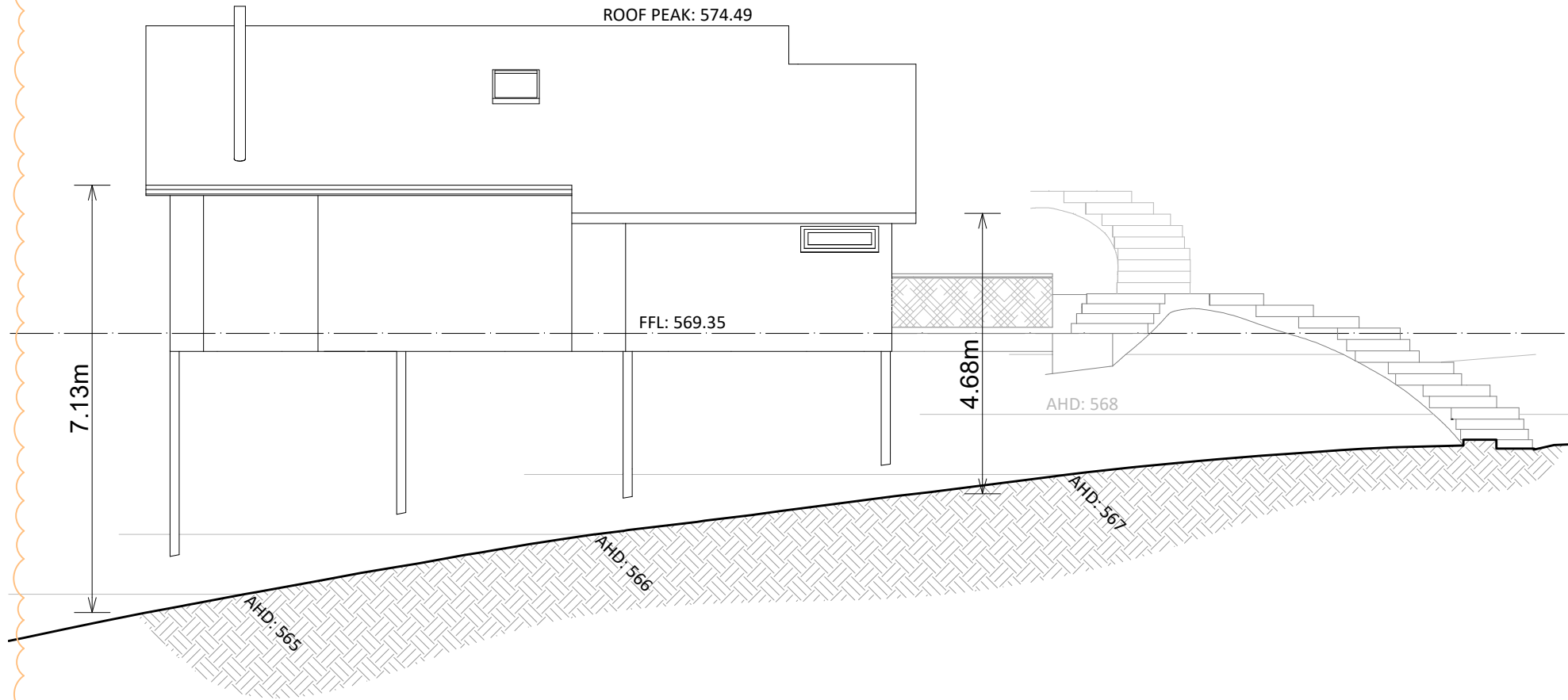
HOUSE #3

PLANNING APPLICATION
NOT FOR CONSTRUCTION

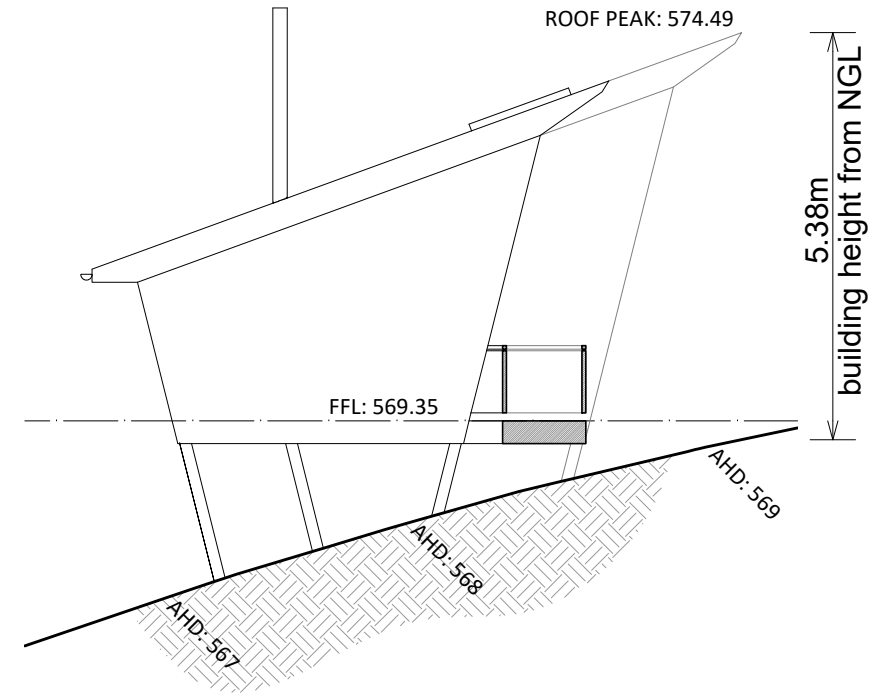
Proposed Group Accommodation
Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.
A-14 Proposed Section: House 3
SCALE: 1:100 15.06.22

ROBIN LARSEN DESIGN pty ltd
ph & fx. 03 9690 4446 mob. 0439 383 900
post: po box 515, daylesford, victoria, 3460
email: robin@treearc.com.au arbv reg no. 16800

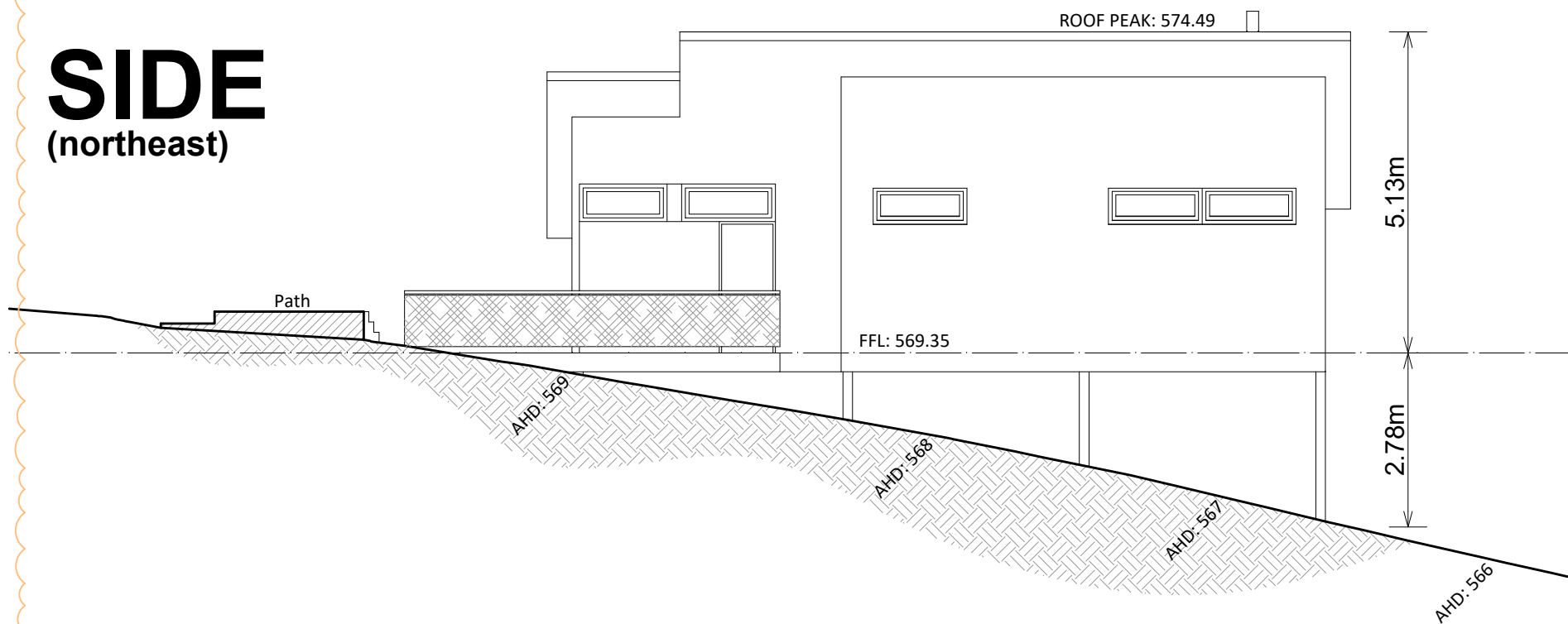
SIDE (SOUTHWEST)



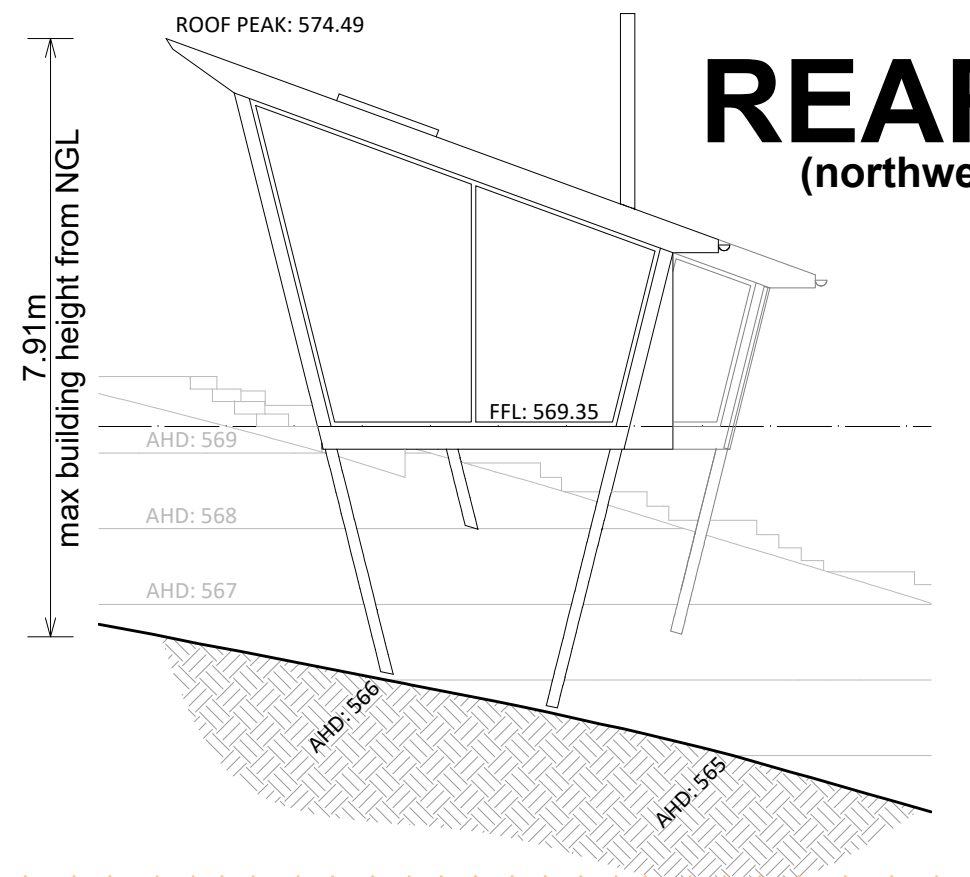
FRONT (southeast)



SIDE (northeast)



REAR (northwest)



HOUSE #4

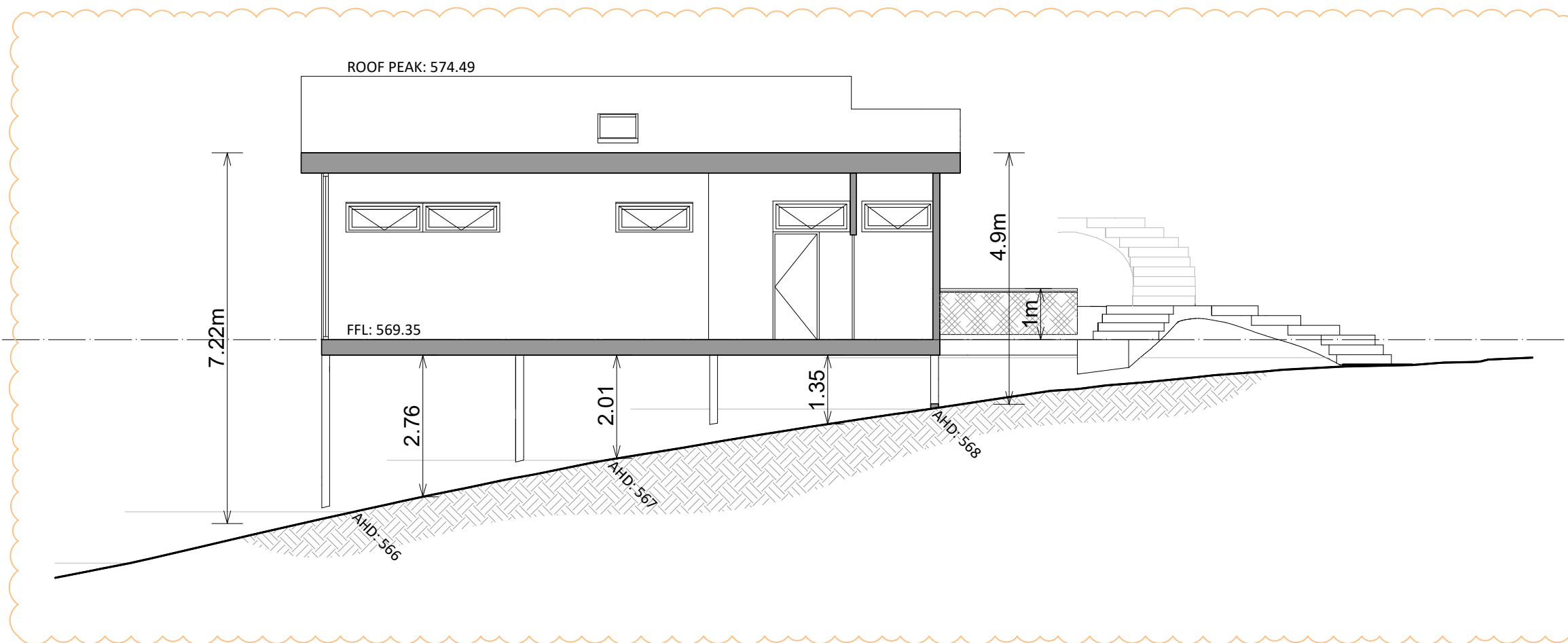
PLANNING APPLICATION
NOT FOR CONSTRUCTION

A-15 Proposed Elevations: House 4
SCALE: 1:100 15.06.22

Proposed Group Accommodation

Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

ROBIN LARSEN DESIGN pty ltd
ph & fx. 03 9690 4446 mob. 0439 383 900
post: po box 515, daylesford, victoria, 3460
email: robin@treearc.com.au arbv reg no. 16800



HOUSE #4

PLANNING APPLICATION
NOT FOR CONSTRUCTION

A-16

Proposed Group Accommodation

Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

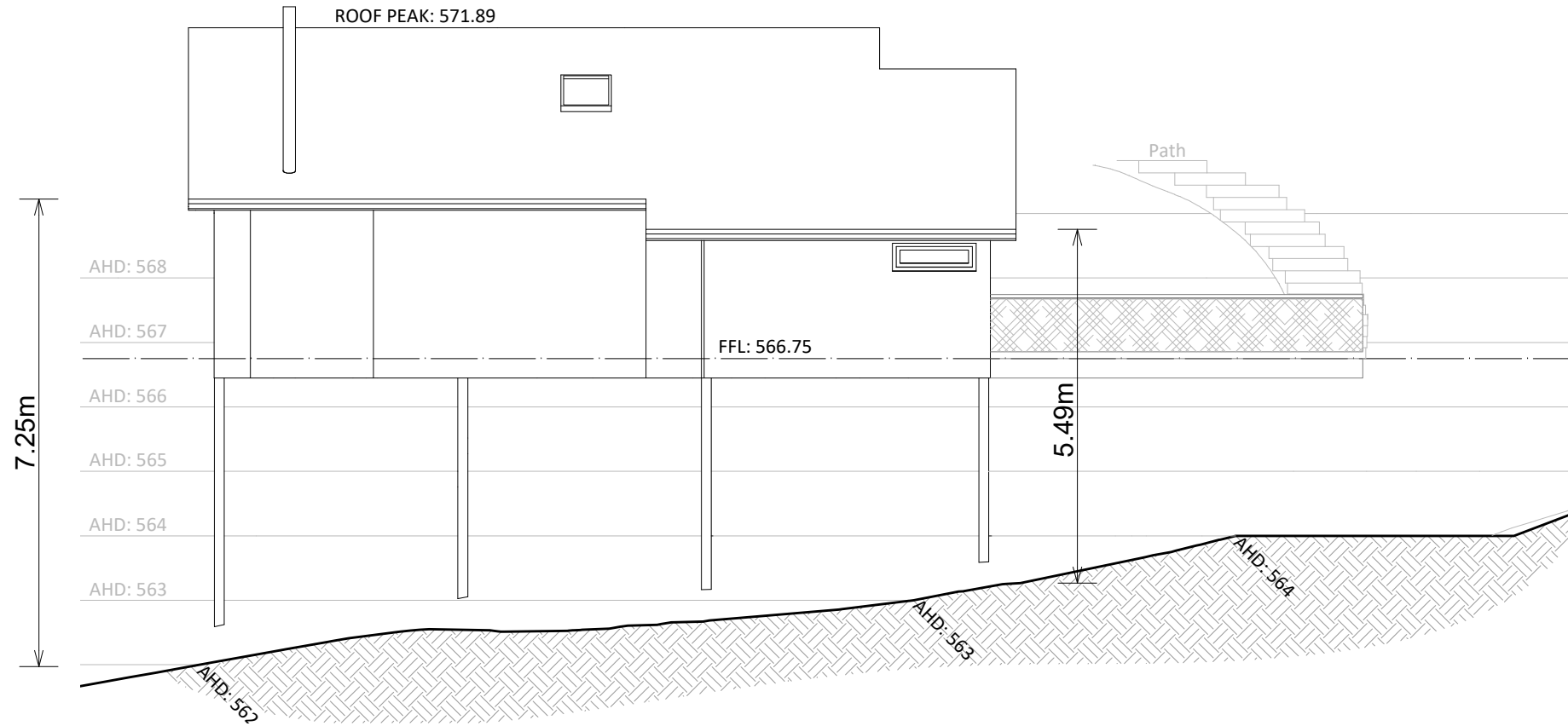
Proposed Section: House 4

SCALE: 1:100

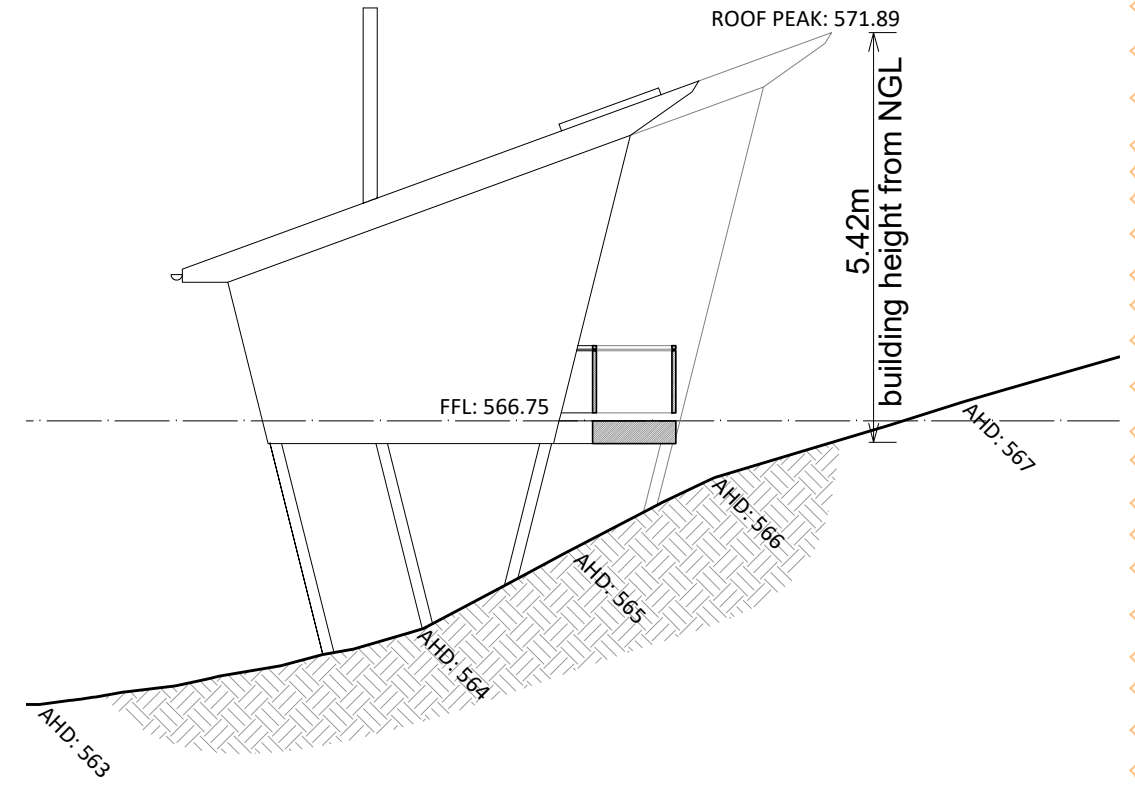
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ROBIN LARSEN DESIGN pty ltd
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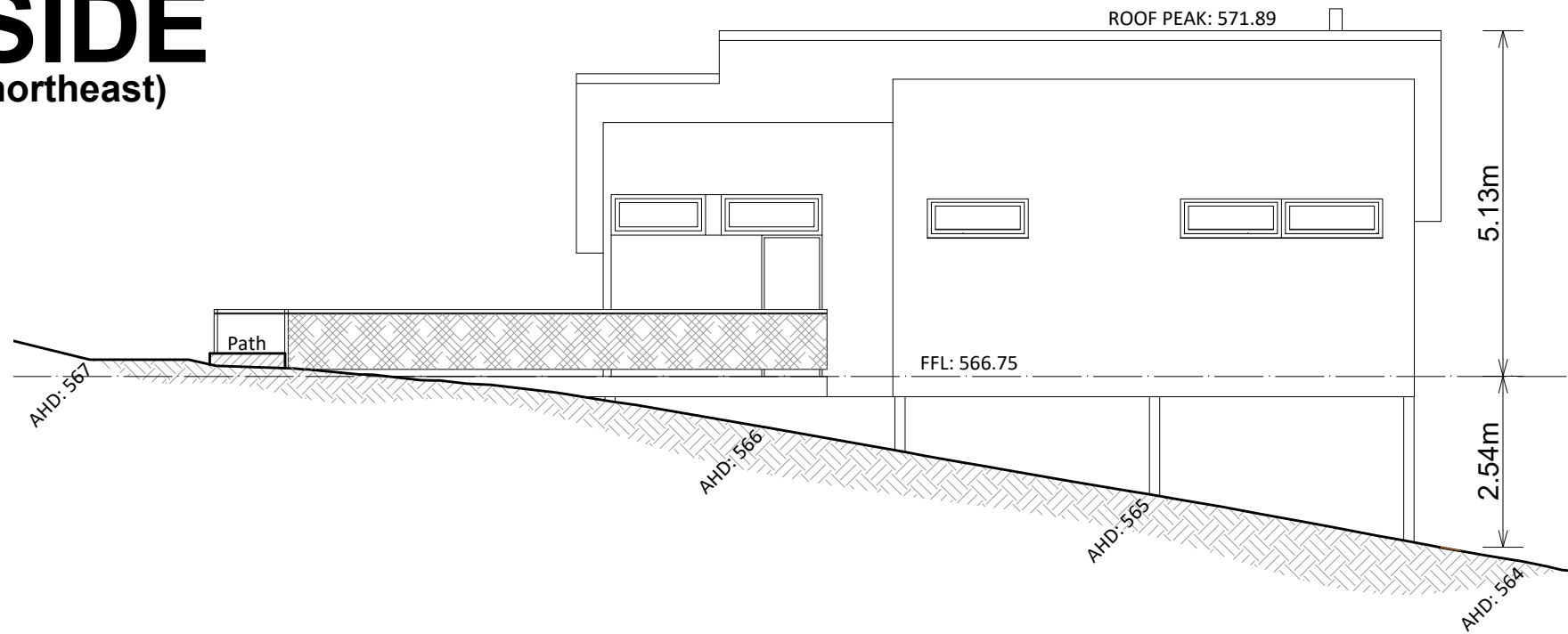
SIDE (SOUTHWEST)



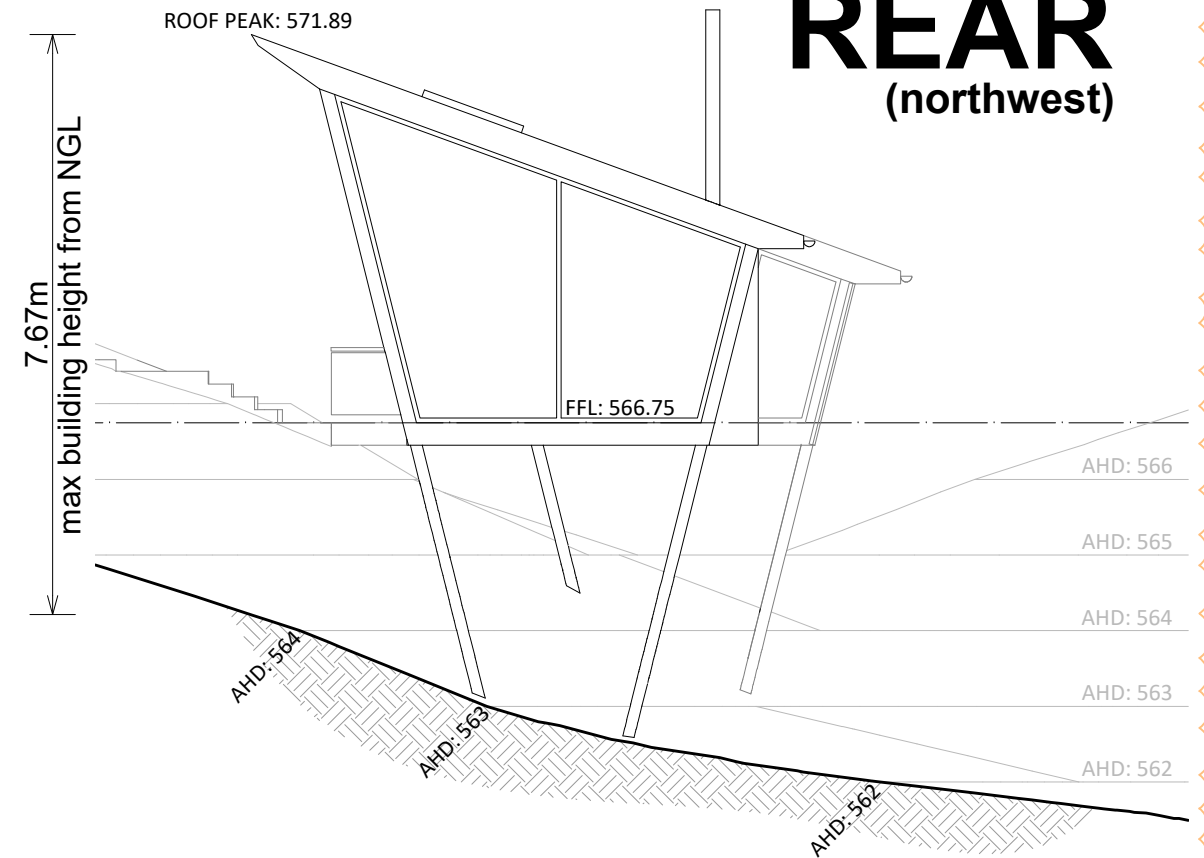
FRONT (southeast)



SIDE (northeast)



REAR (northwest)



HOUSE #5

PLANNING
APPLICATION
NOT FOR CONSTRUCTION

A-17

Proposed Group Accommodation

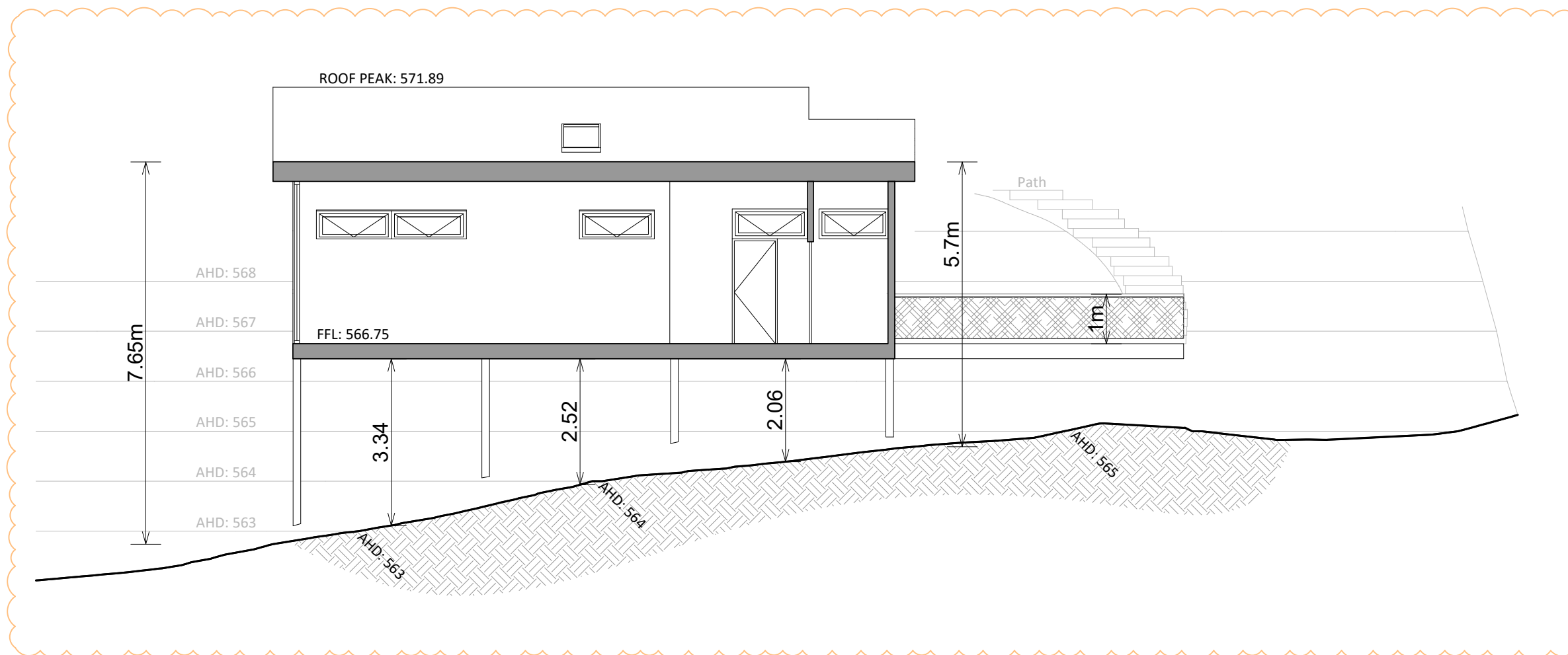
Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

Proposed Elevations: House 5

SCALE: 1:100

15.06.22

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email: robin@treearc.com.au arbv reg no. 16800



HOUSE #5

PLANNING APPLICATION
NOT FOR CONSTRUCTION

A-18

Proposed Group Accommodation

Lot CA 8 SEC, CA8 SEC 9C, Daylesford, VIC.

Proposed Section: House 5

SCALE: 1:100

15.06.22

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**10.2 PA 1249.01 - AMENDMENT TO PA 1249 - AMENDED DWELLING DESIGN AND BUILDING ENVELOPE - 106 TORPY'S LANE, GLENLYON.
DIRECTOR COMMUNITY AND DEVELOPMENT**

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

ATTACHMENTS

1. PA 1249.01 Proposed Amended Plans [**10.2.1** - 6 pages]
2. PA 1249 Original permit and endorsed plans [**10.2.2** - 8 pages]
3. PA 124901 - Combined Redactions - 106 Torpys Lane Glenlyon compressed [**10.2.3** - 44 pages]

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's position on an amendment to Planning Permit PA 1249 issued for 106 Torpys Lane, Glenlyon, application PA 1249.01. The application seeks to amend the dwelling design and building envelope that was previously endorsed pursuant to Planning Permit PA 1249 and permit conditions as required. All relevant authorities that include Country Fire Authority, Goulburn-Murray Water and North Central Catchment Management Authority, and Council's Engineering Department have provided no objection or conditional consent to this application.

An application for review under Section 79 of the Planning and Environment Act 1987 was lodged on 16 June 2022 against Council's failure to determine the application within the prescribed time. Therefore, Council cannot issue a determination, however, is required to form a view on the application.

The site currently has a valid planning permit, originally granted on 5 July 2016, which allowed for the '*Use and development of a dwelling in accordance with the endorsed plans*'. Extensions of time to the permit have been granted, with the permit expiring if not commenced by 5 July 2024 and not completed by 5 July 2026.

The original application proposed the construction of a three (3) bedroom dwelling with a 284sqm floor area and pitched roof. This application proposes an amended dwelling design and form and involves repositioning the dwelling on the site.

The application was advertised, and 19 objections were received, grounds relating to environmental concerns, the health of Kangaroo Creek, overdevelopment and access/traffic concerns.

All relevant referral authorities have provided no objection or conditional consent to the application.

Felicity Brown from Town Planning and Urban design addressed Council on behalf of the applicant in support to the application

Alison Joseph addressed Council in objection to the application.

OFFICER'S RECOMMENDATION

That Council:

- 1. Notes that an application for review under Section 79 of the Planning and Environment Act 1987 was lodged against Council's failure to determine the amendment application within the prescribed time on 16 June 2022.*
- 2. Having caused notice of amendment to planning application PA 1249.01 to be given under Section 52 of the Planning and Environment Act 1987 (the Act) and having considered the matters required under Section 60 the Act, advise VCAT that had an appeal not been lodged against failure to determine the application within the prescribed time, Council would have determined to approve the application to amend the permit for land at 106 Torpys Lane Glenlyon, subject to the following amended conditions.*

Goulburn-Murray Water

- 3. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).*
- 4. All wastewater from the dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.*
- 5. All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.*
- 6. The wastewater disposal area must be located at least: 100m from Kangaroo Creek and any other waterways, 40m from any drainage lines, 60m from any dams, and 20m from any bores.*

**Where wastewater is treated to at least a secondary standard, the distance may be reduced in accordance with the current EPA Code of Practice – Onsite Wastewater Management. However where possible setback distances must be maximised.*
- 7. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must*

be provided for use in the event that the primary field requires resting or has failed.

- 8. The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy (based on a minimum 4 bedrooms), including an appropriately sized disposal area based on a full water balance specific to the proposal and subject land in accordance with the requirements of the current EPA Code of Practice – Onsite Wastewater Management.*
- 9. No buildings are to be located within 30m of any waterways.*

Engineering Department

Stormwater Drainage

- 10. All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.*

Access

- 11. Vehicle access/crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority.*
- 12. Prior to the occupation the following will be constructed for approval.*
 - Vehicle access/crossing is to be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 255 or to approval of responsible authority.*
 - Vehicle access/crossing to the land shall be located so that adequate sight distance is achieved to comply with Australian Standard AS2890.1:2004 Section 3.2.4 and as specified in Ausroad's Guide to Road Design Part 4A Section 3.4 - 'Sight Distance at Property Entrance'.*
 - Minimum 10.0m and 9.0m clearance shall be maintained from any road intersection and between adjacent crossovers respectively.*
 - Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.*
- 13. The final location and construction of the vehicle crossing is to be approved by the Responsible Authority via a "Consent to Work within the Road Reserve", prior to the undertaking of works.*
- 14. Prior to commencement of use it is the responsibility of the developer to meet the requirements and standards as set out in the IDM (Infrastructure Design Manual) version 5.20*
- 15. All works must construct and complete prior to commencement of use.*

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

Country Fire Authority

Endorsement of Bushfire Management Plan

17. Before the development starts, the Bushfire Management Plan Figure 10 Bushfire Management Plan, Version E, 20/10/2020 on last page of Bushfire Management Statement, 106 Torpys Lane Glenlyon, in report Ref No.16.12, prepared by Regional Planning & Design Pty Ltd must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

It was also noted that any mandatory condition is to be included on any permit issued, the mandatory condition detailed below:

18. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relation to construction standards, defensible space, water supply, and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Note: The conditions have been renumbered because only the updated/amended conditions have been addressed in this report.

MOTION:

That Council defers decision in relation to this matter until the existence and location of the bore can be determined.

Moved: Cr Brian Hood

Seconded: Cr Juliet Simpson

Carried

BACKGROUND

Site and Surrounds

The subject site is 74,562sqm (7.46ha) and is irregular in shape. The site has a western facing access point via Torpys Lane and shares a boundary with Kangaroo Creek to the north and north/east of the property boundaries. The site is currently zoned Farming Zone (Schedule 2) and is also encumbered by an Environmental Significance Overlay (Schedule 1) and Bushfire Management Overlay.

The land surrounding the site comprises a mix of small-scale farming activity and rural residential development. The lots located to the north and west of the subject site each contain a dwelling.

Permit history

PA 3201 was made on 21 April 2021 for Council to consider an amended design proposal for the site. However, the application was withdrawn on 28th June 2021 and an application to amend the planning permit under Section 72 of the Planning and Environment Act (1987) was subsequently made on 15 October 2021 (current application).

Proposal

The application seeks an amendment to PA1249 under Section 72 and comprises the following amendments:

1. Repositioning the dwelling on the site, east of the approved building location.
2. Revised floor plan for a 3-bedroom dwelling having 218sqm of floor area in addition to a 86sqm deck.
3. Revised building design and form with flat roof.
4. Reduction in building height from 4.8m to 4.45m (top of wall) and 3.45m (roof).
5. Changes to site cut and fill (approximately 1m maximum).

The proposed amendments do not require any changes to primary consent already granted under the existing permit, pursuant to the Hepburn Planning Scheme.

Relevant Planning Ordinance applying to the site and proposal

Zoning:	Farming Zone Schedule 2 (FZ2)
Overlays:	Bushfire Management Overlay (BMO) Environmental Significance Overlay Schedule 1 (ESO1)
Particular Provisions	Clause 52.12 Bushfire Protection Exemptions Clause 53.02- Bushfire Planning
Relevant Provisions of the PPF	Clause 11.01-1S Settlement Clause 11.03-6S Regional and Local Places Clause 12.01-1S Protection of Biodiversity Clause 12.05-1S Environmentally Sensitive Areas Clause 13.02-1S Bushfire Planning Clause 14.01-1S Protection of Agricultural Land Clause 14.01-2S Sustainable Agricultural Land Use Clause 14.02-1S Catchment Planning and Management Clause 14.02-1L Catchment and Land Protection Clause 14.02-2S Water Quality Clause 15.01-6S Design for Rural Areas Clause 16.02-3S Rural Residential development

Under what clause(s) is a permit required?	Clause 35.07 (FZ)	Use and development of a dwelling
	Clause 44.06-1 (BMO)	Building and Works
	Clause 42.01 (ESO1)	Building and Works
Objections?	Nineteen (19)	
Referrals - Internal	Engineering – no objection subject to conditions	
Referrals – External	<p>All authorities as listed below advise no objection to the proposed amendment, GMW and CFA are subject to conditions:</p> <p>Goulburn-Murray Water, Country Fire Authority, North Central Catchment Management Authority</p>	

KEY ISSUES

Response to Planning Policy Framework

The relevant policies of the State and Local Planning Policy Frameworks seek to ensure that land is suitable for urban and rural development and is appropriately utilised for such a purpose. These policies also seek to ensure that such development, including dwellings, are designed having regard to the natural features of a site and the existing character of the area, and have accessibility to services and amenities. The proposed amendment to the dwelling is consistent with relevant policy.

The amended dwelling design and siting is considered to be an environmentally sensitive design with improved visual aesthetics and will minimise the dwelling's visual impact on neighbouring properties in relation to height, scale, colours and materials. The dwelling is also sited on a lower contour line and setback further from dwellings on adjoining properties. Overall, the amended proposal is not considered to result in a detrimental impact to the surrounding environment and natural resources or cause any unreasonable detriment to any neighbouring property.

Zoning and Overlay Considerations

The purpose of the Farming Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*

- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*
- *Environmental and Sustainability Issues.*

In response to the above, the proposed amendment is considered consistent with the purpose of the zone and appropriately responds to the decision guidelines (Clause 35.07-6) by re-positioning the house to avoid the loss of productive agricultural land on the site and provides an appropriate design response suitable to the rural setting.

Environmental Significance Overlay Schedule 1

The site is located within the area of Special Water Supply Catchment Protection area. The objective of ESO1 is:

- *To ensure all development is undertaken in a manner that protects, restores, and enhances natural resources and environmental systems and seeks to eliminate detrimental impacts on the quality and quantity of water in the catchment, to ensure the long-term plentiful supply of quality water.*

ESO1 seeks to protect the quality of domestic water supplies and maintain and enhance the quality of water in natural watercourses and water bodies. Pursuant to Clause 3.0 of 42.01, the proposed site is located more than 30 metres from a watercourse. However, a permit is required to construct or carry out works for a dwelling that is not connected to a reticulated sewerage system. Primary permission has already been granted for a dwelling. Therefore, the discretion and matters in considering and determining this amendment only turn to any implications as a result of the changes proposed.

The revised dwelling design and siting on the land is considered to meet the objectives and requirements of the ESO1. The proposal does not change the location of the wastewater envelope that is endorsed as part of PA 1249 and was subject to a Land Capability Assessment as part of the original permit application. The on-site wastewater system will be installed in compliance with EPA requirements.

The amended design will include site cut and fill. However, these works are not considered to cause any detrimental impact on Kangaroo Creek and are setback more than 80m from the watercourse.

Bushfire Management Overlay

The purpose of Bushfire Management Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*

- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

The proposed amendments are consistent with the requirements of the BMO and the CFA has provided conditional support for the proposal. The Bushfire Management Statement and Bushfire Management Plan reflect the amended dwelling siting and area of defendable space.

Environmental and Sustainability Issues

The proposed amended dwelling design and siting is cognisant of the natural features on the site, importantly, preserving a significant distance from Kangaroo Creek and vegetation. The proposed amendments will not result in detriment to Kangaroo Creek, reiterating the significant setback from the watercourse exceeds 80m.

The Vegetation Restoration Plan (October 2021) proposes extensive habitat restoration across the property. The plantation of indigenous tree species and shrubs are considered to enhance the environment and quality of harvest in the future. Overall, the vegetation restoration plan demonstrates sustainable land management practices.

The Bushfire Management Statement and Bushfire Management Plan reflect the amended dwelling siting and area of defendable space. The Vegetation Restoration Plan, Bushfire Management Statement, Bushfire Management Plan and Viticulture Suitability Report were referred to Goulburn-Murray Water, North Central Catchment Management Authority, Country Fire Authority as well as Council's Engineering Department. Consent from all referral authorities has been provided to the application subject to conditions.

POLICY AND STATUTORY IMPLICATIONS

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

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

All sustainability implications associated with this report have been addressed, as outlined and discussed in the 'Key Issues' section of this report. There are not considered to result any negative sustainability implications as a result of the amendments proposed.

FINANCIAL IMPLICATIONS

As an appeal has been lodged against failure, there will be financial costs associated with VCAT representation.

RISK IMPLICATIONS

There are no known risks associated with consideration of this application.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

VCAT orders required that the applicant give notice of the appeal to all persons originally notified and external referral authorities by 5 July 2022. To date the following statement of grounds have been submitted:

- Goulburn Murray Water – Statement of grounds submitted referencing their conditional letter of approval. No request is made to be a party to the hearing.

The application was advertised by sending notification of the proposal to adjoining and adjacent owners and a notice on the land. As a result, nineteen (19) objections were received. The issues raised in the objections are addressed as follows:

- *The location and operation of the Waste-Water Effluent Field does not meet the minimum setback and will detrimentally affect the health of Kangaroo Creek.*

Response: Goulburn Murray Water and North Central Catchment Management Authority, the two determining water authorities, have approved the amendment subject to conditions.

- *The location and operation of the Vineyard will result in fertilizers and chemicals going into Kangaroo Creek and will detrimentally affect the health of the creek.*

Response: The relevant water authorities have approved the original permit and proposed amendment subject to conditions. The only matters for consideration as part of this application relate to the amendment proposed to the dwelling design and location and considerations relation to any vineyard or potential vineyard use are not relevant.

- *The permit will lead to an overdevelopment in rural areas of Glenlyon and the minimum size for a dwelling is 20ha.*

Response: This is an amendment to an existing and valid planning permit allowing the use as a dwelling. As use of the land for a dwelling is already approved, this is not a relevant consideration as part of the assessment of this application.

- *PA 3201 is not a live permit.*

Response: PA 3201 was withdrawn and therefore not determined.

- *Location of the building envelope will impact the natural resources.*

Response: The proposed dwelling design and placement is considerate of the natural features on the site, including the distance from the Kangaroo Creek and

vegetation. The proposed dwelling will not cause a detrimental impact on Kangaroo Creek and is setback the minimum distance required from the watercourse.

- *Clearance/Loss of vegetation*

Response: This amendment application does not propose removal of vegetation. Any further permissions required for tree removal would be made under a separate application.



REV	DATE	NOTE
-	06/09/21	NEW DRAWING. FOR DISTRIBUTION TO CONSULTANTS FOR FURTHER INFORMATION.
01	11/10/21	TITLE BOUNDARY INFO ADDED. FOR TP REVIEW.
02	13/10/21	BUILDING MOVED 7.2M SOUTH. FOR TP REVIEW.

PROJECT #
20-023

DATE
15.03.2021

SCALE
1:1500
@A3



PROJECT
NEW HOUSE
106 TORPYS LANE, GLENLYON

STATUS
TOWN PLANNING

DRAWING TITLE
FULL SITE PLAN

DRAWING NUMBER
TP1-001

REV
02

Jackson
Clements
Burrows
Architects





REV	DATE	NOTE
07	13/10/21	BUILDING MOVED 7.2M SOUTH. FOR TP REVIEW.

PROJECT #
20-023

DATE
15.03.2021



PROJECT
NEW HOUSE
106 TORPYS LANE, GLENLYON

STATUS
TOWN PLANNING

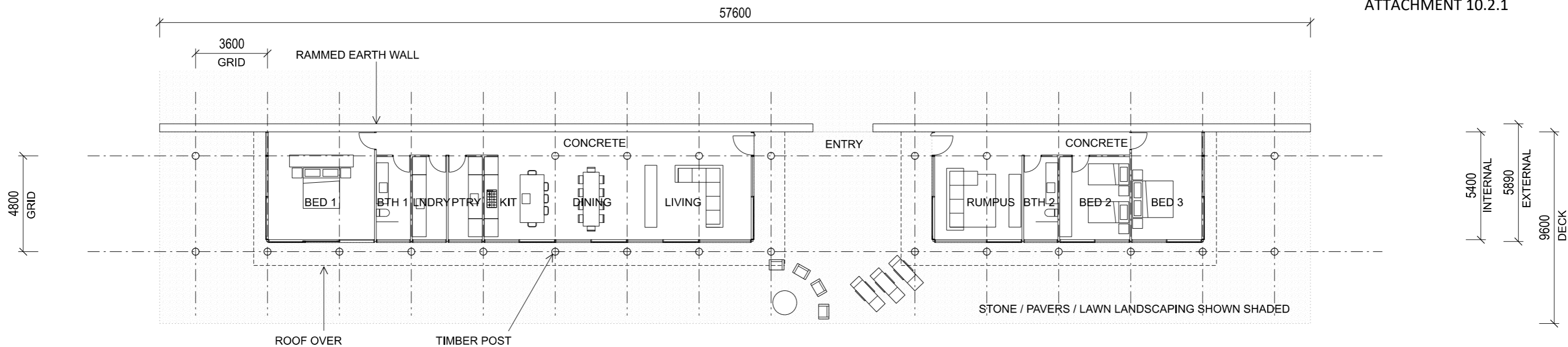
DRAWING TITLE
PART SITE PLAN

DRAWING NUMBER
TP1-100

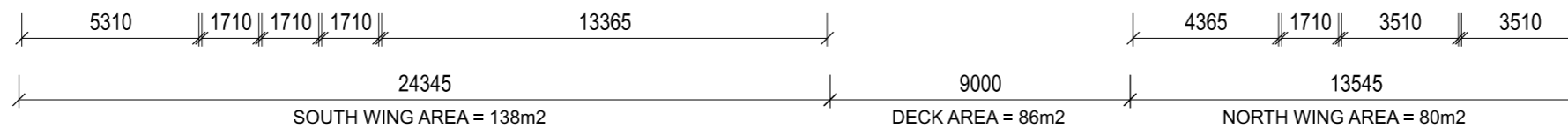
REV
07

Jackson
Clements
Burrows
Architects

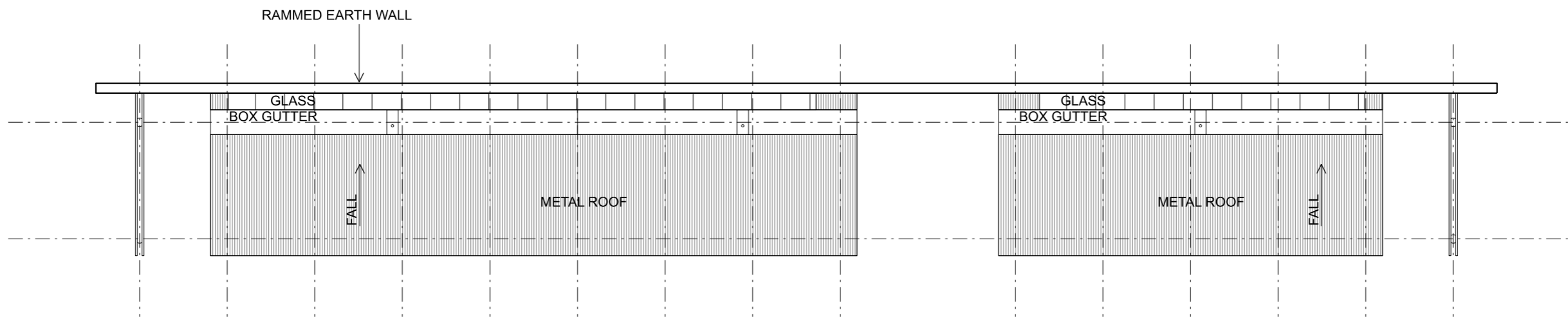




GROUND FLOOR PLAN



ROOF PLAN



REV	DATE	NOTE
06	11/10/21	BEDROOM REMOVED, FOR TP REVIEW.
07	13/10/21	BLADE WALL SHORTENED, FOR TP REVIEW.
08	13/10/21	DECK REMOVED, LANDSCAPING NOTES ADDED, FOR TP REVIEW.

PROJECT #
20-023

DATE
15.03.2021

SCALE
1:200
@A3



PROJECT
NEW HOUSE
106 TORPYS LANE, GLENLYON

STATUS
TOWN PLANNING

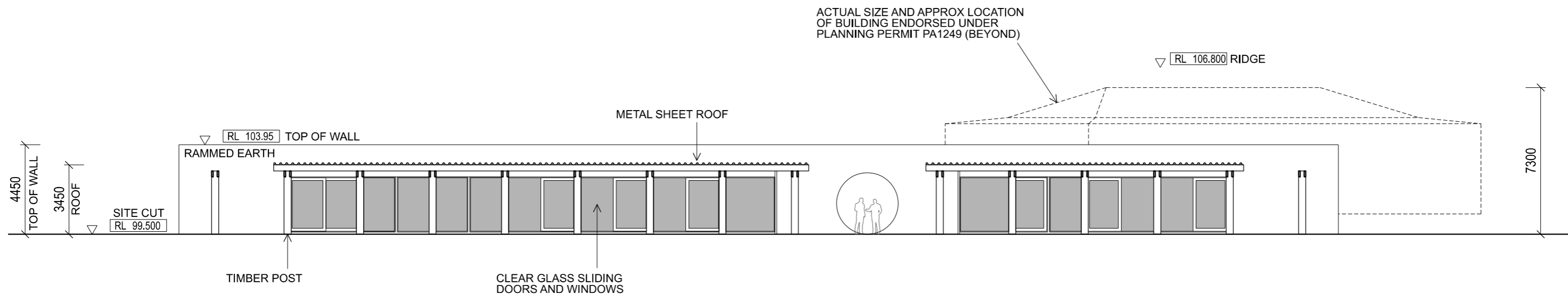
DRAWING TITLE
FLOOR PLAN AND
ROOF PLAN

DRAWING NUMBER
TP1-101

REV
08

Jackson
Clements
Burrows
Architects





EAST ELEVATION



WEST ELEVATION

REV	DATE	NOTE
03	11/10/21	BEDROOM REMOVED, RLs AMENDED, FOR TP REVIEW.
04	13/10/21	BLADE WALL SHORTENED, FOR TP REVIEW.
05	13/10/21	DECK REMOVED, FOR TP REVIEW.

PROJECT #
20-023

DATE
15.03.2021



PROJECT
NEW HOUSE
106 TORPYS LANE, GLENLYON

STATUS
TOWN PLANNING

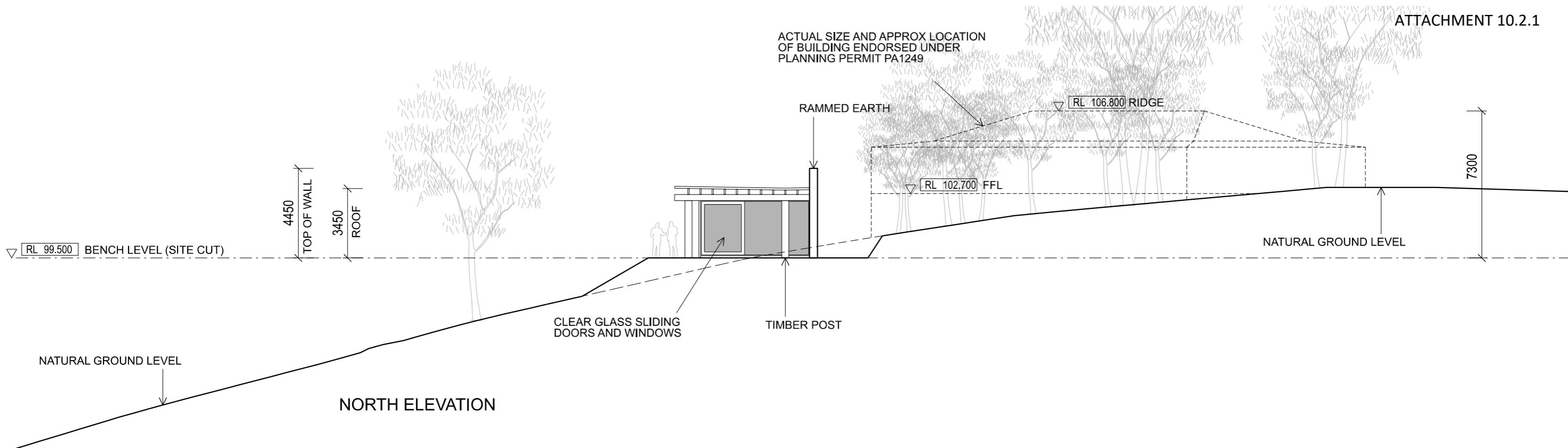
DRAWING TITLE
ELEVATIONS
EAST AND WEST

DRAWING NUMBER
TP2-101

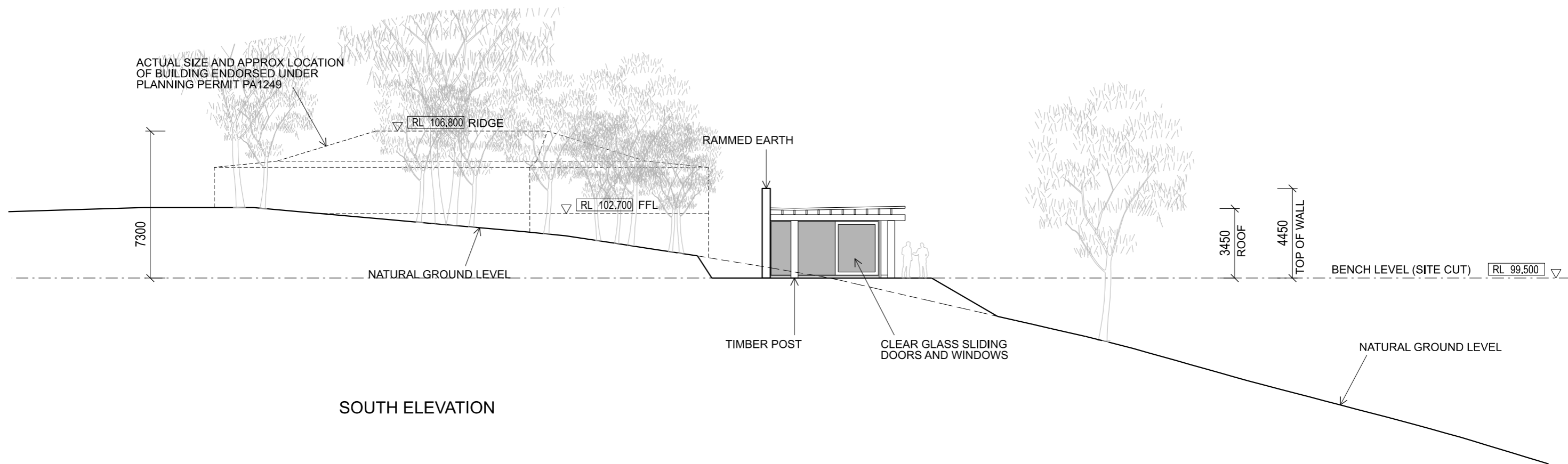
REV
05

Jackson
Clements
Burrows
Architects





NORTH ELEVATION



SOUTH ELEVATION

REV	DATE	NOTE
03	11/10/21	BEDROOM REMOVED, RLs AMENDED, FOR TP REVIEW.
04	13/10/21	BLADE WALL SHORTENED, FOR TP REVIEW.
05	13/10/21	DECK REMOVED, FOR TP REVIEW.

PROJECT #
20-023

DATE
15.03.2021



PROJECT
NEW HOUSE
106 TORPYS LANE, GLENLYON

STATUS
TOWN PLANNING

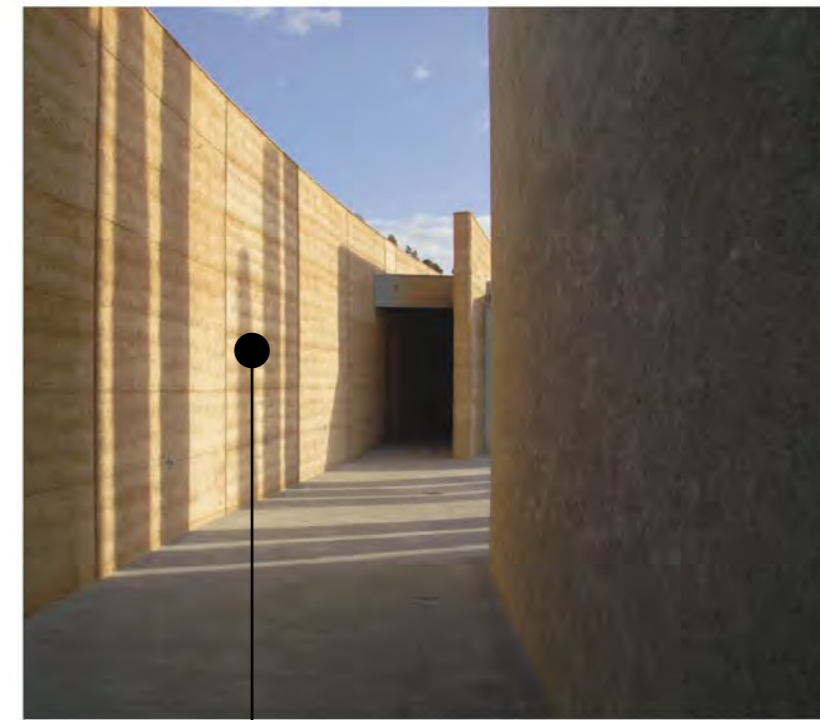
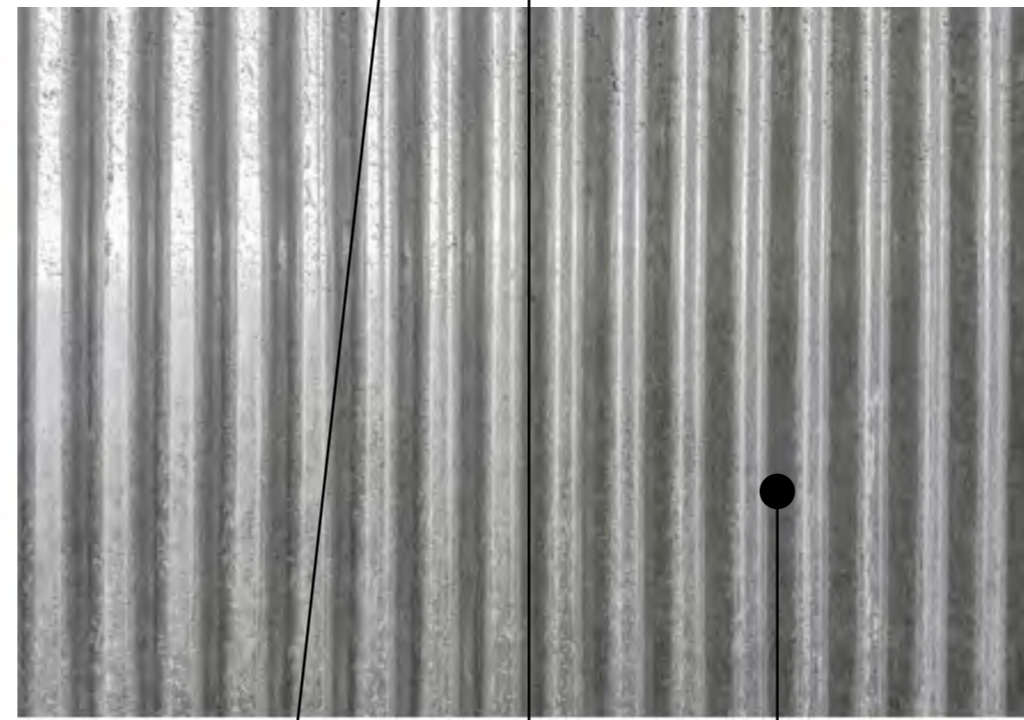
DRAWING TITLE
ELEVATIONS
NORTH AND SOUTH

DRAWING NUMBER
TP2-102

REV
05

Jackson
Clements
Burrows
Architects





PHILIP COX - BERMAGUI PAVILION (LEFT)
ALLAN POWELL - TARAWARRA MUSEUM OF ART (RIGHT)

TIMBER WINDOW AND DOOR FRAMES -
NATURAL FINISH

TIMBER POSTS AND BEAMS -
NATURAL FINISH

CLEAR GLAZING TO WINDOWS
AND DOORS

CRUSHED ROCK
GROUND COVER

METAL ROOFING

RAMMED EARTH WALLS

REV	DATE	NOTE
00	12/5/21	FOR TP APPROVAL

PROJECT #
20-023

DATE
15.03.2021

SCALE
N/A
BA3

PROJECT
NEW HOUSE
106 TORPYS LANE, GLENLYON

STATUS
TOWN PLANNING

DRAWING TITLE
MATERIALS AND FINISHES SCHEDULE

DRAWING NUMBER
TP10-101

REV
00

Jackson
Clements
Burrows
Architects



Planning and Environment Regulations 2005
Form 4

Sections 63 and 86

PLANNING PERMIT**Permit No:** PlnPA001249**File No:** 103558 /P**Planning Scheme:** Hepburn**Responsible Authority:** Hepburn Shire Council**ADDRESS OF LAND:** 106 Torpys Lane Glenlyon
CA 2J SEC 9 Parish Glenlyon**THE PERMIT ALLOWS:** Use and development of a dwelling in accordance with the endorsed plans**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:****Endorsed Plans**

1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Goulburn Murray Water Conditions

2. All wastewater from the dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must be an EPA approved system, installed, operated and maintained in accordance with the relevant EPA Code of Practice and Certificate of Approval.
3. Where the following features are present in proximity to the subject land, the wastewater disposal area must be located:
 - At least 100 metres from any waterways
 - At least 40 metres from the nearest drainage line
 - At least 60 metres from any dams
 - At least 20 metres from any bores
4. All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.
5. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.

Signature for the Responsible Authority: _____



Date: 5/07/2016

14. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply, and access, must be maintained to the satisfaction of the responsible authority and the relevant fire authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

15. Tree and Vegetation Removal or Lopping

Only trees or vegetation to be removed or lopped must not exceed the distance specified within the defensible space as shown on the endorsed Bushfire Management Statement prepared by Regional Planning & Design Pty. dated 23-3-'16 without the written consent of the responsible authority.

16. 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.

17. CONTROL OF EROSION DURING CONSTRUCTION

Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible authority.

PLANNING NOTE

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

The development is not started within two years of the date of this permit

The development is not completed within four years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards or within 12 months of the expiry date for completion.

NOTE:

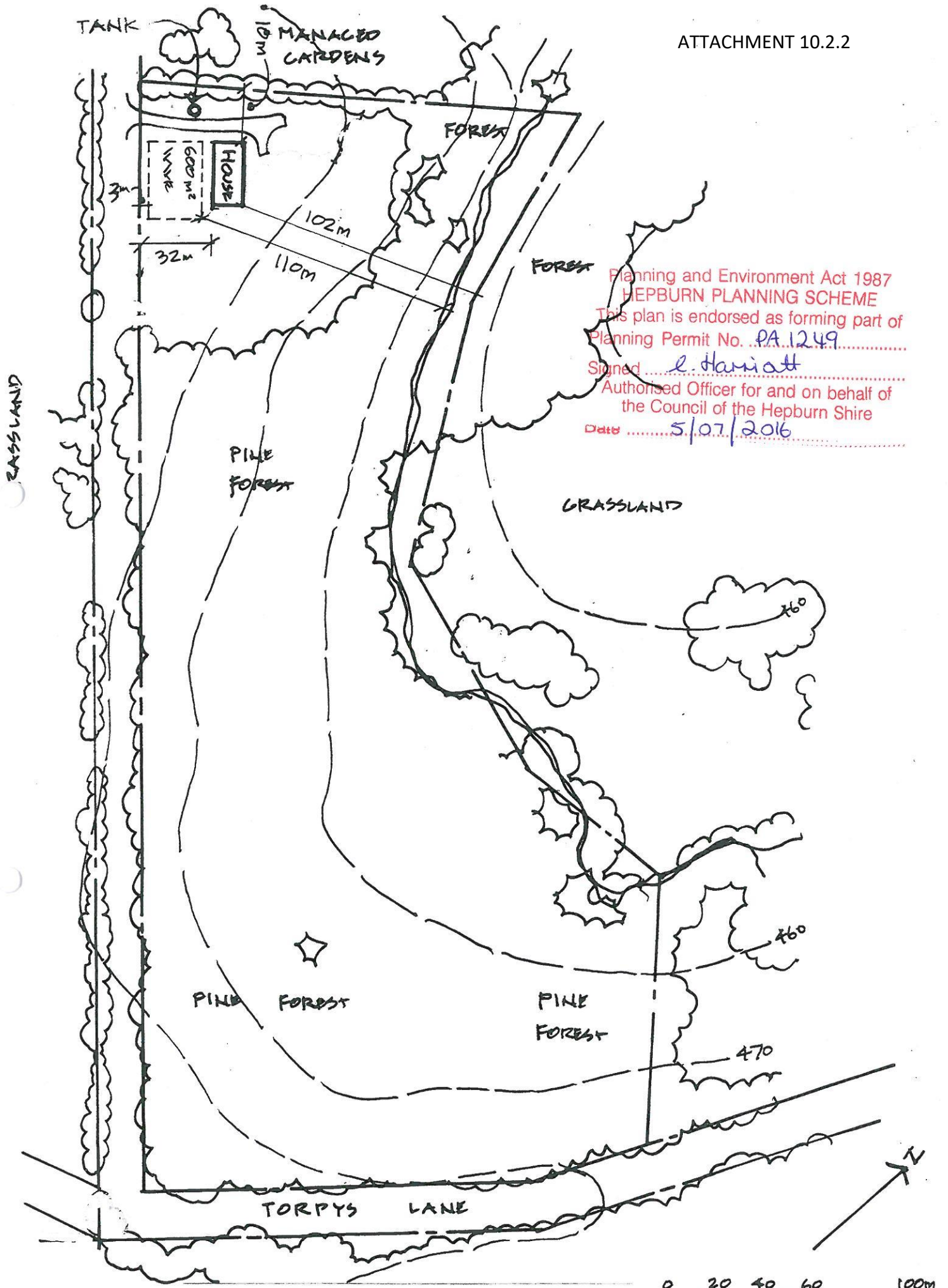
Building Approval Required

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Date Issued: 5th July 2016

Signature for the Responsible Authority: *e. Harratt*

Date: 5/07/2016

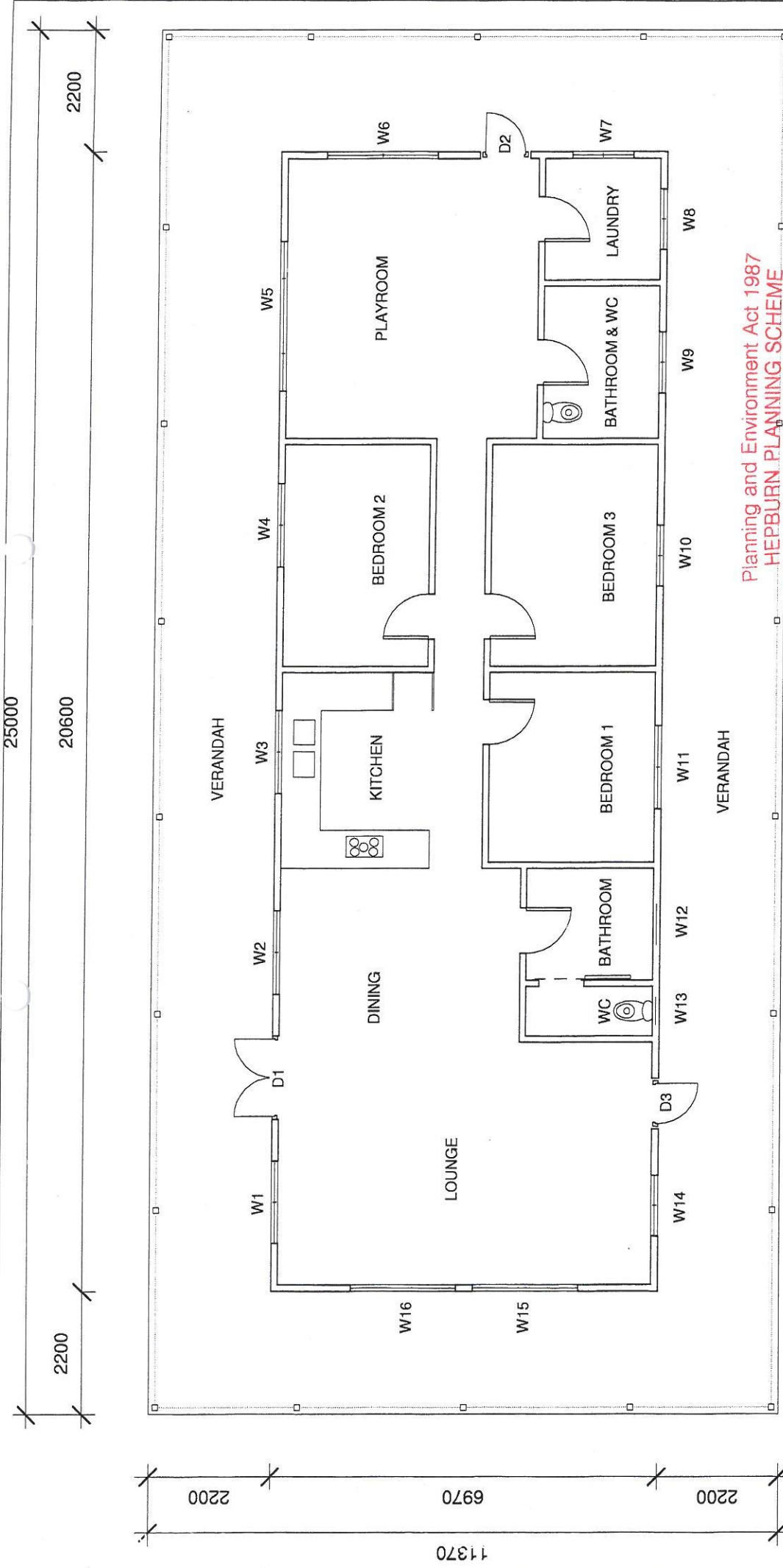


Planning and Environment Act 1987
 HEPBURN PLANNING SCHEME
 This plan is endorsed as forming part of
 Planning Permit No. PA.1249.....
 Signed e. Harriatt
 Authorised Officer for and on behalf of
 the Council of the Hepburn Shire
 Date 5/07/2016

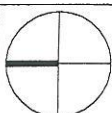
FIGURE 2 PROPOSED SITE PLAN

106 Torpys Lane Glenlyon

Ref No.16/12 March 2016 Scale 1: 1000



ATTACHMENT 16.2.2

	Drg. No.	16.2.2
	Date	MARCH 16
Scale		1 : 100

Planning and Environment Act 1987
HEPBURN PLANNING SCHEME
 This plan is endorsed as forming part of
 Planning Permit No. **PA.12.49**
 Signed *L. Harris*
 Authorised Officer for and on behalf of
 the Council of the Hepburn Shire
 Date **5/07/2016**

PROPOSED FLOOR PLAN

Client's Name **ROSS CURRIE**
 Project Address **106 TORPYS LANE GLENALTON**

FLOOR PLAN

1 : 100

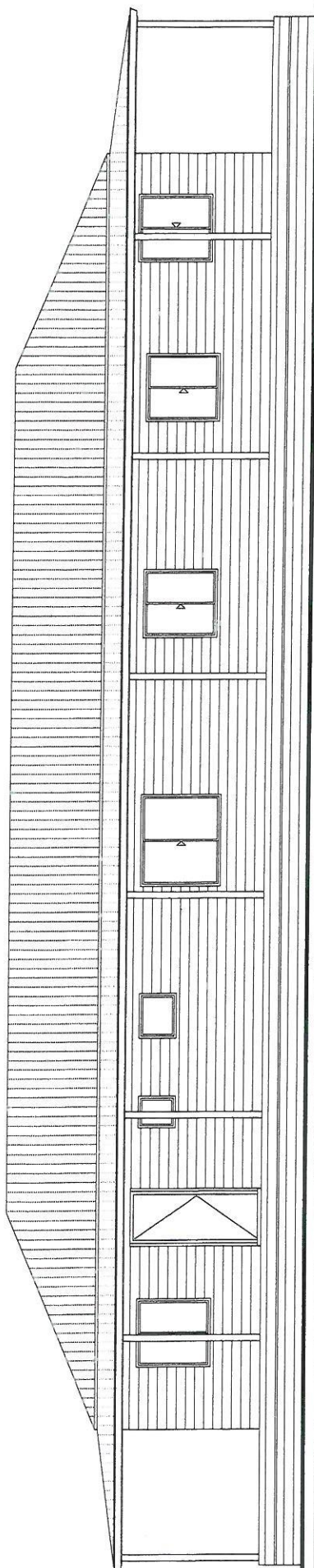


Sam Thompson
Regional Planning & Design Pty Ltd
 64 Pine Court, Porcupine Ridge 3461
 s.thompsondesign@bigpond.com
 03 5348 1285 0447 073 107

25000
20600

2200

11370
6970
2200

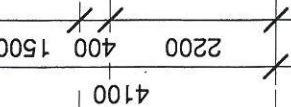


SOUTH ELEVATION

1 : 100

1

COLORBOND ROOF.
ROOF FULLY SARKED.
NO GAPS > 3mm.



COLORBOND GUTTER
& DOWN PIPES.

- F.R.H. 4800
- Level 2 3300
- verandah 2900
- F.F.L. natural gro 700
- 0

WEST ELEVATION

1 : 100

2

Planning and Environment Act 1987
HEPBURN PLANNING SCHEME
This plan is endorsed as forming part of
Planning Permit No. PA.1249

Signed *L. Hammett*
Authorised Officer for and on behalf of
the Council of the Hepburn Shire

Client's Name **ROSS CURRIE**
Project Address **106 TORPYS LANE
GLENLYON**

Sam Thompson
Regional Planning & Design Pty Ltd
64 Pine Court, Porcupine Ridge 3461
s.thompsondesign@bigpond.com
03 5348 1285 0447 073 107

ELEVATIONS SOUTH & WEST

ATTACHMENT 10:2.2

Dwg. No. **5**

Date **MARCH 16**
Scale **1 : 100**

COLORBOND ROOF.
ROOF FULLY SARKED.
NO GAPS > 3mm.

COLORBOND GUTTER
& DOWN PIPES.

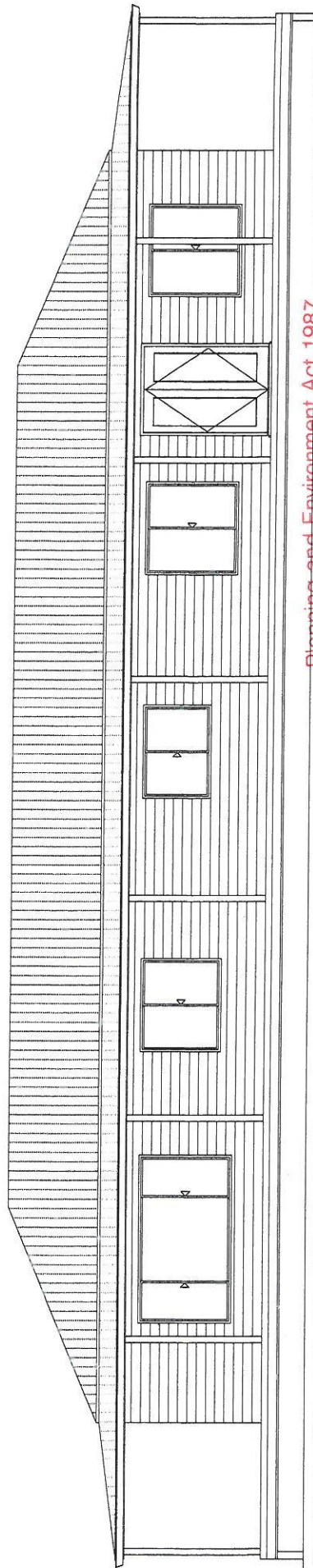
F.R.H. 4800
Level 2 3300
verandah 2900
F.F.L. natural gro 700
0

EAST ELEVATION

1 : 100

2

4100
2200
400
1500



NORTH ELEVATION

1 : 100

1

Planning and Environment Act 1987
HEPBURN PLANNING SCHEME
This plan is endorsed as forming part of
Planning Permit No. ...PA.1249.....

Signed*L. Harvitt*.....
Authorised Officer for and on behalf of
the Council of the Hepburn Shire

Date*5/07/2016*.....

Client's Name **ROSS CURRIE**

Project Address **106 TORRYS LANE
GLENLTON**

Sam Thompson
Regional Planning & Design Pty Ltd

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s.thompsondesign@bigpond.com
03 5348 1285 0447 073 107

ELEVATIONS NORTH & EAST

ATTACHMENT 10

Dwg. No. 2.2
4

Date **MARCH 16**
Scale 1 : 100

Schedule of Bushfire Protection Measures

Defendable Space

The area of defendable space is shown hatched for a distance of 32 to 61m around the proposed building or to the property boundaries. Vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

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

Construction standards

The building will be designed and constructed a minimum Bushfire Attack Level of (BAL) 29.

Water supply

The tank shown on the plan will hold 10 000 litres of effective water supply for fire fighting purposes which meets the following requirements:

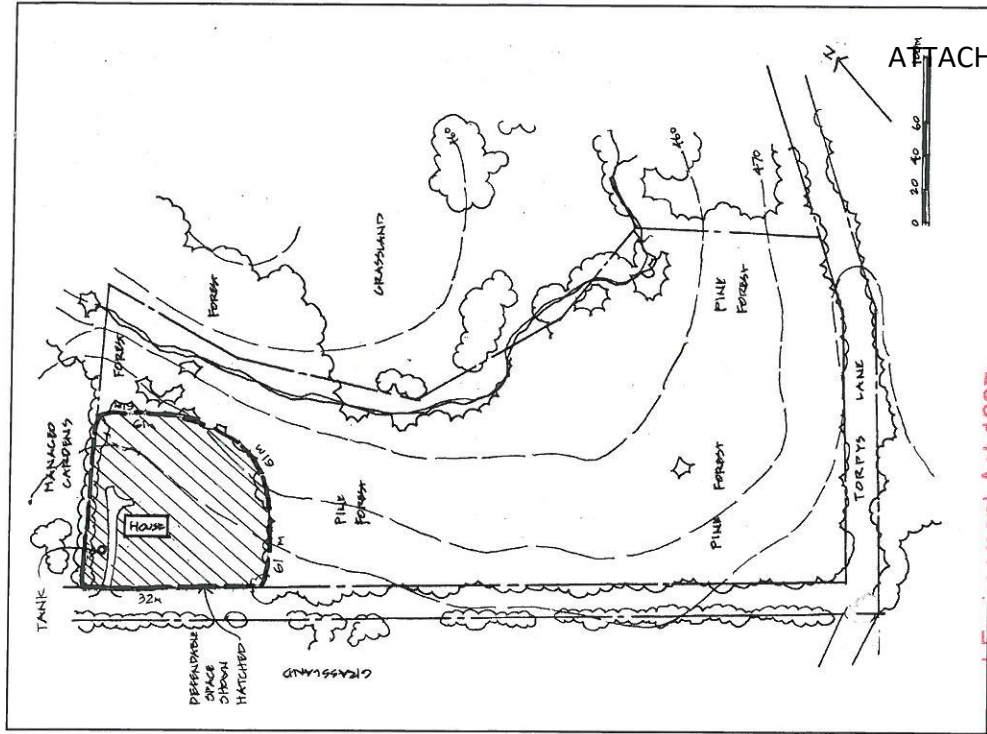
- Is stored in an above ground water tank constructed of concrete or metal.
- All fixed above-ground water pipes and fittings required for fire fighting purposes must be made of corrosive resistant metal.
- The water supply must also
 - Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
 - The outlets of the water tank must be within 4m of the access way and be unobstructed.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
- Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

Access

The driveway shown on the plan will provide access for trucks for fire fighting purposes which meets the following requirements:

- Curves must have a minimum inner radius of 10m.
- The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
- Have a minimum trafficable width of 3.5m of all weather construction.
- Be clear of encroachments for at least 0.5m on each side and 4m above the access way.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle. —|

FIGURE 7 BUSHFIRE MANAGEMENT PLAN



Planning and Environment Act 1987
HEPBURN PLANNING SCHEME

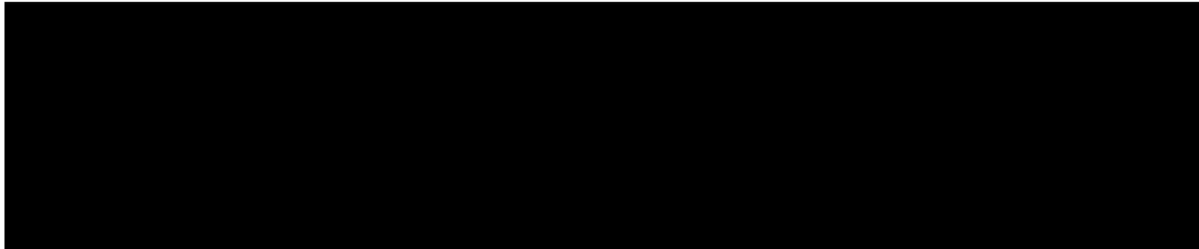
This plan is endorsed as forming part of
 Planning Permit No. **PA.12.49**

Signed *L. Hamilton*
 Authorised Officer for and on behalf of
 the Council of the Hepburn Shire
 DATES **5.10.2016**

Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:



WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA1249-01

Proposal: Application for a dwelling

Who has applied for the permit: 106 Torpy's Lane Owner

WHAT ARE THE REASONS FOR YOUR OBJECTION?

- * Environmental Impact and solutions are not adequate.
- * Application process appears not in-line with fair and equitable procedure - original application does not align with current application nor does the zoning of the land.
- * True purpose of the build doesn't appear to match the application - transparency issue.
- * Infrastructure requirements are limited i.e. roads are not fit for presumed purpose with increased traffic to the area.
- * Bushfire affected areas - this parcel of land is located on a dead end road that is in very poor condition.

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

The over development of the area without the appropriate infrastructure in place results in a huge impact on the current long-standing residents in the area. The environmental impact to the river system, wildlife and vegetation is equally concerning and affects everyone within this community and wider. Lastly, without appropriate roads, sewage, and planning for such developments it is impossible to support further development in the area.

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

If insufficient space, please attach separate sheet

Privacy Collection Notice

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

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

Signature: Or Tick Box Date: 11 Dec 2021

IMPORTANT NOTES ABOUT OBJECTIONS TO PLANNING PERMIT APPLICATIONS

1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the Responsible Authority. There is no requirement under the Act that you use any particular form.
2. Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the Responsible Authority's office.
3. To make an objection you should clearly complete the details on this form and lodge it with the Responsible Authority as shown on the Public Notice – Application for a Planning Permit.
4. An objection must:
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ATTACHMENT 10.213

Objection to Planning Permit Revision A – 13-12-2021
Application PA1249.01 for 106 Torpys Lane, Glenlyon

To Whom It May Concern, Hepburn Shire Council Planning Department

Application PA1249.01 for 106 Torpys Lane, Glenlyon

Quote from the Application:

Planning controls The Hepburn Planning Scheme applies to the site.

ZONE: Farming Zone (FZ)

OVERLAYS: Bushfire Management Overlay (BMO),

Environmental Significance Overlay (ESO1)

OTHER: Area of Aboriginal Cultural Heritage Sensitivity (watercourse proximity)

QUOTE FROM THE HEPBURN PLANNING SCHEME – FZ (Farm Zone) Page 330

SCHEDULE TO THE FARMING ZONE

AREA 3

Minimum area for which no permit

is required to use land for a dwelling (hectares).

20 HA

Minimum subdivision area (hectares).

20 HA

There are two area breaches on this 7.5 HA site before the application is even considered:

These area breaches mean that the original permit for a dwelling should not have been issued and this planning amendment is effectively a completely new dwelling with a very intensive winery operation and should be treated as a new application.

This is a new Dwelling with an intensive agricultural use on a totally undersized site and should not be approved.

Refer to page 3 – is this “Organic Winery” yet another “GREEN WASH” application for Glenlyon ?

QUOTE FROM THE HEPBURN PLANNING SCHEME – FZ Page 328

Agricultural issues and the impacts from non-agricultural uses

Whether the use or development will support and enhance agricultural production.

Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.

The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

The capacity of the site to sustain the agricultural use.

The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

Any integrated land management plan prepared for the site.

Response:

This is not a sustainable agricultural proposal viticulture is intensive farming on a small site it will degrade the site, deplete the soil quality, require additives and do harm to the environment downslope and the broader Loddon water catchment.



QUOTE FROM THE HEPBURN PLANNING SCHEME – FZ Page 329

Dwelling issues

*Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*

Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

Response:

Yes the dwelling does result in the loss and fragmentation of productive agricultural land

Yes the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

Yes the potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

The proposed dwelling on this site is yet another inappropriate development proposal in an increasingly pressured township and township area.

QUOTE FROM THE HEPBURN PLANNING SCHEME – FZ Page 329

Environmental issues

The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.

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

The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.

The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Response:

Yes the dwelling and proposed “organic” vineyard will adversely impact on all of the above: particularly on soil and water quality, the flora and fauna on the site and its surrounds.

The vineyards and the on-site effluent disposal area of the dwelling in particular will adversely affect the area.

Future expansion on a marginal site on a minor rural road:

It would be naïve in the extreme for Council not to consider this proposal is a small part of likely future cellar door operation with its associated tourism and hospitality pressures that will form part of the future expansion. All this will simply compound the impact of this proposal on the site and environment.



Application PA1249.01 for 106 Torpys Lane, Glenlyon

WATER USE AND DEMAND FOR GROUND WATER - a serious problem in Glenlyon

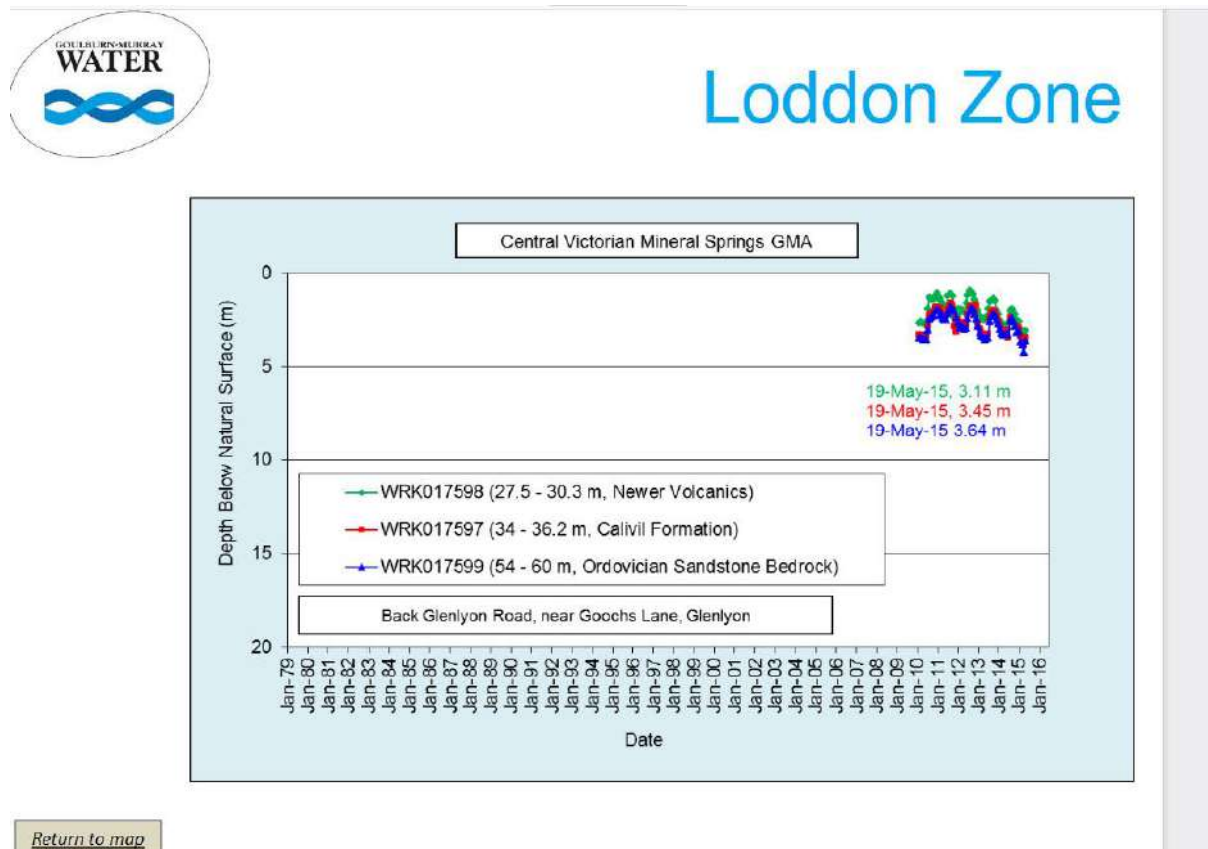
[https://www.abs.gov.au/AUSSTATS/abs@.nsf/Previousproducts/1329.0Main%20Features22008%20\(Re-Issue\)](https://www.abs.gov.au/AUSSTATS/abs@.nsf/Previousproducts/1329.0Main%20Features22008%20(Re-Issue))

VINEYARD IRRIGATION

The average usage of water was 3.2 megalitres per hectare. South Australia's average was 2.7 megalitres per hectare, with New South Wales having an average of 3.8 megalitres per hectare and Victoria averaging the highest level at 4.1 megalitres per hectare.

Glenlyon and the district immediately around the Township are under intense development pressure. The issues of sustainability of water and risk of contamination of this water were highlighted at a recent meeting with GMW representatives at Glenlyon Hall. The monitoring bore dropped 1 metre between 2011 and 2016. Andrew Harbour of GMW claimed without providing the hydrograph data at the meeting, that it had replenished in recent years.

But both Mathew Pethybridge and Andrew Harbour of GMW agreed the unmetered domestic and stock bore usage in the Township was of increasing concern especially with the increasing growth and lack of oversight of bore licences and monitoring by DELWP. Currently Trentham is experiencing water stress and may well run out of water in the next few years. The residents of Glenlyon do not wish to experience the same fate.



The monitoring bore dropped 1 metre between 2011 and 2016 – to be confirmed by GMW if this has continued and is now 2 metres lower or has replenished. BUT the next El Nino phase with more demand, availability of water will become a serious problem in Glenlyon.

“Organic Winery” another “GREEN WASH” application

There have been a number of these “Green Wash” applications in recent years. One of which was so blatant that they chose to **compound** their “Green Wash” status as soon as the VCAT ruling was issued.

The “Hotel Spa at 33 Collins Rd” PA1519, PA1733 PA1618 applied for a “Rainwater Harvest” **no bore onsite condition from all permits**, to win council approval. The condition was imposed on all permits by HSC and endorsed by VCAT. 4 Months after VCAT the owners applied to Hepburn Shire Council and Council then applied to GMW, the referral authority, who imposed the condition, to have the “Rainwater Harvest” no bore onsite condition removed from all permits. In August of that year they succeeded. They now have a bore with a licence for a 1 million litre of water on a site that Neil Repacholi, the now retired planning officer for GMW states the site is “too saturated to absorb 1 million litres of water and effluent.”

Note: The rainfall data demonstrates unequivocally that this 6000 sq m (1.5 acre site) is deemed too saturated to absorb any additional moisture for over 6 months of the year.

The site is completely over developed – despite 13 on site car spaces the owners’ and trades’ vehicles are constantly parked off the property – the development is a planning MESS and an environmental contamination problem in waiting. Our road is rapidly eroding due to high traffic and if HSC approves this over development all the same problems will occur in Torpys Lane.

GLENLYON DESPERATELY NEEDS A DEVELOPMENT MORATORIUM

GLENLYON GROWTH UNCHECKED - NO WATER / SEWER SERVICES INFRASTRUCTURE

2019 – 2021

26 new sites approved at “the Hamlet” (includes 7 subdivisions x 2 allotments = 14)

+ 9 other recent approvals (2019-2021) in Glenlyon

= 35 / 121 existing = **28.9% growth**

Future: subdivision of existing farmland on old 1860’s township zone plan:

In south Glenlyon if this development proceeds unchecked

+ 71 possible (includes 21 subdivisions x 2 allotments = 42

- considered High Risk - if the reduced Allotment areas < 4000 sq m (1 acre) at the Hamlet are allowed)

This is a total of 106 potential new houses, septic systems and potential groundwater bores

= 106 / 121 existing

= **87.6% growth in houses, septic systems and potential bores in low growth Glenlyon**

Conclusion:

I request that the HSC Planners and Councillors reject this planning application **PA1249.01** for a new dwelling and vineyard as inappropriate development on a marginal site.



**Objection to Planning Permit
Application PA1249.01 for 106 Torpys Lane, Glenlyon**

ATTACHMENT 10.2.3

To Whom It May Concern, Hepburn Shire Council Planning Department

Application PA1249.01 for 106 Torpys Lane, Glenlyon

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Application PA1249.01 for 106 Torpys Lane, Glenlyon

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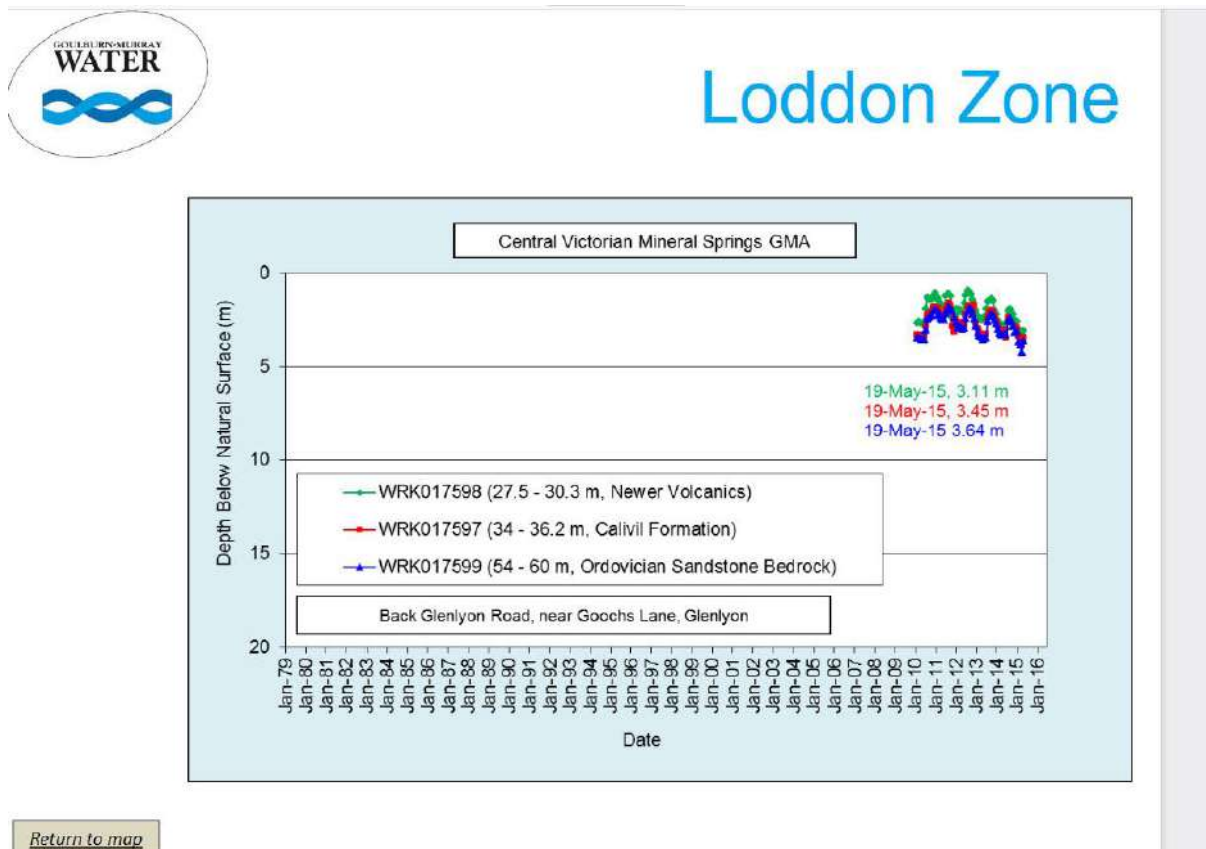
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at the Hamlet are allowed)

This is a total of 106 potential new houses, septic systems and potential groundwater bores
= 106 / 121 existing

= 87.6% growth in houses, septic systems and potential bores in low growth Glenlyon

Conclusion:

I request that the HSC Planners and Councillors reject this planning application **PA1249.01** for a new dwelling and vineyard on this marginal site as inappropriate development on a marginal site.



File No:

Rec'd Date: 10 DEC 2021

Rec'd By: DONAGHAN - DUKE

Action By:

Reg No: Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:



WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA-1249

Proposal: PROPOSED WINERY & BUILDING

Who has applied for the permit: FELICITY BROWN ON BEHALF OF JAMES DONEGAN & KATE MCKAY

WHAT ARE THE REASONS FOR YOUR OBJECTION?

- ① FRAGILE ENVIRONMENT - SEDIMENTARY & SEPTIC RUN-OFF INTO KANGAROO CK.
- ② POWERPOLE OWLS, PHASOGANES & PLATYPUSES PRESENT ON SITE.
- ③ INCREASED DENSIFICATION OF POPULATION WITHIN FIRE ZONE WITH POOR & LIMITED ACCESS ROAD.
- ④ OVER DEVELOPMENT. 19 ACRES INSUFFICIENT ACEZAGE (MIN. 50 ACRES / FARM ZONE)
- ⑤ WATER CONSULTANT REPORTS MOD-SEVERE

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

CONSTRAINTS RE CLAY SOIL AND SEPTIC DISPOSAL

I WILL NOT BE IMMEDIATELY AFFECTED BY THE PERMIT GRANT. I LIVE IN CHENNYON & VALUE THE ENVIRONMENT. WE ARE LOSING SPECIES TO WATER & SOIL DEGRADATION & SUBSEQUENT HABITAT & FOOD LOSS TO NATIVE SPECIES & PLANTS.

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If insufficient space, please attach separate sheet

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of third parties without their informed consent. By detailed above does not breach any third party's right to information by contacting Councils Governance Department.

Post Box Date: 10/2/21

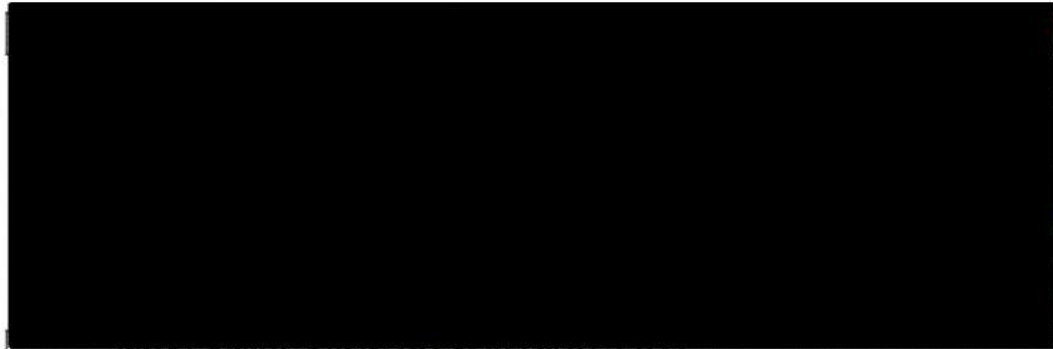
PLANNING PERMIT APPLICATIONS

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Please use block letters

Planning & Environment Act 1987



SHIRE COUNCIL

3 DEC 2021

NCOW@DUKE

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA1249.01

Proposal: for a vineyard and rammed earth house

Who has applied for the permit: Land Owner and Consultant

WHAT ARE THE REASONS FOR YOUR OBJECTION?

The application is dangerous development on steep land sloping down into Kangaroo Creek when there is no reticulated water or sewerage disposal infrastructure. Machinery needed for construction of a house and vineyard will be very dangerous along Torpys Lane, particularly the steep uphill and downhill section that runs from the right-hand bend going up Torpys Lane to the site. There are no pull over areas as the road drops away sharply on the left side, and rises steeply on the right side. Any soil disturbance will increase sedimentary runoff into the creek plus more septic waste water very close to the creek. This is not acceptable.

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

I live directly opposite the proposed development
I am a permanent resident
I am a regular user of Torpys Lane
Wildlife lives in the old eucalypts which will be removed and I want their habitat conserved
Green Gully Road is not safe for any increase in heavy machinery/trucks and I reach my home via this road
Kangaroo Creek which runs through my property and on through the proposed site

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If insufficient space, please attach separate sheet

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You must not submit any personal information or copyright material of third parties without their informed consent. By submitting this form, you acknowledge that the information as detailed above does not breach any third party's right to privacy. For more information on privacy, please contact the Councils Governance Department.



Or Tick Box Date: 12/12/21

INSTRUCTIONS TO PLANNING PERMIT APPLICATIONS

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Please use block letters

Planning & Environment Act 1987

HEPBURN SHIRE COUNCIL

WHO IS OBJECTING:



DUKE

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA1249.01

Proposal: Dwelling and Vineyard

Who has applied for the permit: Felicity Brown Town Planner

WHAT ARE THE REASONS FOR YOUR OBJECTION?

1. Site is under 20+ ha on farming zoned land
2. Over-development along hazardous dead end road
3. Community rehabilitation work on Kangaroo Creek jeopardised by development
4. Septic runoff into Kangaroo Creek
5. Green Gully Road - dangerous for heavy vehicles and increased traffic
6. Chemical run-off and soil disturbance with a vineyard - soil into creek

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

Our property is a short distance downstream of proposed development on Kangaroo Creek and abutts the edge of the waterway. The proposal will have a serious effect on our section of the creek. Travelling on Green Gully Road is already a hazard. Any increase in traffic, especially heavy vehicles, will make it more dangerous.

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Or Tick Box Date: **12 Dec 21**

IMPORTANT NOTES ABOUT OBJECTIONS TO PLANNING PERMIT APPLICATIONS

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Objection to Planning Permit Application Amendment PA-1249.01

(106 Torpys Lane, Glenlyon)

File No:
Rec'd Date: 13 DEC 2021
Rec'd By: K. CONROY-DUKE
Action By:
Reg No:

I claim standing to object to this application on the following grounds:

- I am a frequent visitor to friends in Torpys Lane and have been since 2007; I visit there about twice per week on average.
- I am a resident and landholder in Hepburn Shire and I am concerned to see that proper and legal planning procedures are followed, as this affects us all.
- As a resident and environmentalist, I am concerned that planning and development should be appropriate, and should protect our environment.

Flawed planning permit application process

The planning process has followed a very strange path:

- 07/JUN/2016 - PA-1249 was granted.
No work was commenced.
- 15/JUN/2018 - PA-1249 was granted an extension, Ref. DOC/18/23128
No work was commenced.
- 19 Nov 2018 - 106 Torpys Lane was sold to the current owners
- 8/JUN/2020 - PA-1249 requested an extension, Ref. DOC/20/27296
Still no work had commenced.
I have no reference to indicate that this request for extension was ever granted.
- 27/4/2021 - PA-3201 permit application received by HSC (as entered in the planning register). Development cost was estimated at \$500,000. It attracted objections.
- 28/6/2021 - PA-3201 withdrawn.
- 05/JUL/2021 - PA-1249 was again granted an extension, ref. DOC/21/39988
- 19/10/2021 PA-1249.01 received by HSC. This application for an amendment to the original (PA-1249) permit was lodged by a different planning consultant. The development cost, for an essentially identical design to that proposed in PA-3201, is now given as \$900,000.

(Most of this timeline was given to me by Cr. Juliet Simpson in response to a question, see Endnotes ¹).

The consultant for both the original permit PA-1249 in 2016 and PA-3201 in 2021 was Regional Planning & Design Pty. Ltd., 13 Bridport Street Daylesford 3460 (Sam Thompson). The consultant was clearly of the opinion that a new planning application was necessary for the new owners with their greatly revised design, hence PA-3201. I assume the consultant was competent and that if he considered that an amendment could be made to the old permit (PA-1249 with extensions, if they existed) he would have done so, rather than starting from scratch and applying for a new one.

The application for amendment PA-1249.01 comes from a different consultant, Felicity Brown. 'Magically', the new consultant now relies on the old 2016 permit PA-1249, with extensions (if they exist and are valid), and has applied for a Section 72 amendment. One must ask, does Felicity Brown have a 'particular relationship' with Council officers, that enables her to do what Sam Thompson, with all of his experience as a planner, could not?

Incidentally, I have been unable to find a registered business name, company name or ABN associated with 'Felicity Brown Urban Planning and Design'. Also I note that no ABN is quoted on her letterhead in documents submitted as part of PA-1249.01, nor even on her website (<https://felicitybrown.com.au/>). ABNs are required to be quoted on public documents such as letterheads. The question must then also be asked: does Felicity Brown have standing to represent the applicant to Council?

It appears that the planning process has not followed the legal requirements specified by the Planning and Environment Act 1987.

The document '8/JUN/2020 - PA 1249 requested an extension Ref. DOC/20/27296' records only that an extension was requested. I see no matching document that confirms the request for extension was granted. Was this an oversight, or does such a document not exist? If it does not exist, then permit PA1249 lapses and further extensions or amendments cannot legally be contemplated.

There is case law at VCAT that confirms extensions must be explicitly granted, and cannot be implied by the conduct of the parties. See *Sewells Finance Ltd v Colac Otway SC* [2003] VCAT 423 (14 April 2003) https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2003/423.html?context=1;query=expired%20planning%20permit%20s69;mask_path=au/cases/vic/VCAT#disp1. (Tribunal Consideration paragraphs 35-41). The idea that an application, initially granted for two years, should be allowed to drag out with extensions beyond five years with no work commencing, is contrary to the spirit of the Act. Extensions should be granted only with a valid reason.

If it be found that the planning process to date has failed according to the requirements of the Planning and Environment Act, due to incompetence or improper dealings, then the application PA-1249.01 should be struck out, and my further criticisms of the development are moot.

Incorrect description as 'four bedroom dwelling'

The plan shown (Drawing TP1-101) is essentially two dwellings, not one. The two dwellings are joined together only by a common deck and the common rammed earth wall. There are two quite separate entry doors, one on either side of the deck. Although only one kitchen is shown, it would be a small matter to incorporate a kitchenette into the room described as a 'rumpus room', making the two parts of the so-called 'four bedroom dwelling' each fully a fully self-contained two bedroom dwelling. I suspect this is the applicant's intention.

'The Architects brief was also to design a floor plan to accommodate living spaces for the owners as well as for their children and grandchildren' (Town Planning Report, p5). So the youngsters are fed in the dining room and then sent scurrying across the deck in the rain to go to bed? Sorry, I don't buy it.

The design has the hallmarks of two AirBnB style accommodations that could be let together or separately. I suspect that this planning application is for a commercial tourist development, not a 'dwelling'.

Inflation of development cost

'Magically' the development cost of \$500,000 quoted in PA-3201 has ballooned to \$900,000 in PA-1249.01, for the same design. I don't know what is behind this. Is the applicant trying to 'tempt' Council with a higher rateable value?

Wastewater treatment: 'heroic' measures required

Provincial Geotechnical Pty. Ltd. State in their report (p10) that 'A detailed irrigation system design is beyond the scope of this report, however a general description of subsurface irrigation is provided here for the information of the client and Council'. They then go on to give as an example system scaled for five persons. The plan for the building accommodates 8 persons. A pressure-compensating subsurface irrigation system is recommended. This is a sophisticated system which requires a high level of maintenance, suggested at least monthly.

The treatment system design is incomplete.

There is no guarantee that the sophisticated system will receive the maintenance level required for its proper operation, and I doubt Council has the capacity or inclination to monitor it.

Over-development for tourism in a bushfire prone area

Torpys Lane is a single lane dead end road. The existing AirBnb 'Gabion Hill' at 120 Torpys Lane comprises two dwellings (the smaller of which is described as a 'studio', but is fully self-contained and sleeps four). Gabion Hill has at been advertised for 14 to 16 guests. The other adjacent property at 30 Torpys Lane, 'Green Gully House' is also an AirbnB and accommodates six guests. The proposed development

accommodates eight guests.

So in total, between the two existing properties and the proposed development, there would be accommodation for 30 guests.

Such a concentration of people and cars at the end of a single lane road, with adjacent bushland, in bushfire season, is a disaster waiting to happen. Even the CFA balk at sending a truck into such situations in the event of a fire, because of the danger of entrapment.

I submit that permitting a development for eight persons at 106 Torpys Lane would exacerbate an already high risk level.

[REDACTED] s
[REDACTED] e
[REDACTED] l
[REDACTED] g
[REDACTED] t

Please use block letters

Rec'd Date: 14 DEC 2021

Planning & Environment Act 1987

Rec'd By: LINDA W @ DAKE

Action By:

WHO IS OBJECTING:



WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. P.A. 1249.01

Proposal: Dwelling and vineyard

Who has applied for the permit: Land Owner - Donegan

WHAT ARE THE REASONS FOR YOUR OBJECTION?

- This development will potentially cause degradation of Kangaroo Creek and turbid water can flow into the Loddon River.
- Overdevelopment on land zoned farming.
- No infrastructure - ~~no~~ support - dwelling & vineyard - ie. septic waste^{system}, roadways, reticulated water.
- How will septic run-off be managed?
- This region is the headwaters to the Loddon River and GMW should protect it.

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

As a long term resident of D'ford and regular visitor to Torrep Lane I feel dismayed at seeing rural lifestyle developments on Victoria's fertile farming land. The long term effect of this will bring hardship to us all, and future generations.

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

If insufficient space, please attach separate sheet

Privacy Collection Notice

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

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



... Or Tick Box Date: 13/12/21

IMPORTANT NOTES ABOUT OBJECTIONS TO PLANNING PERMIT APPLICATIONS

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

▶ OBJECTION TO A PLANNING APPLICATION

Please use block letters

Planning & Environment Act 1987

WHO IS OBJECTING:

[REDACTED]

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PA 1249-01 106 Torpeys Lane Glenlyon

Proposal:..... Dwelling with vineyard.....

Who has applied for the permit:.. Felicity Brown Town Planning and Urban Design..

WHAT ARE THE REASONS FOR YOUR OBJECTION?

..... This is an area of environmental significance. It provides habitat for rare and
..... endangered species such as the powerful owl and phascogales. It is important

..... that we maintain biodiversity as we now have a better understanding of
..... its importance. Further residential development will necessarily disturb

..... the habitat. The applicants have provided a Plan for restoration of the land...

..... This should be an enforceable condition in the event the Council consents to
..... the building of a dwelling.

..... It is important that there be no run off of pollutants into Kangaroo Creek and

..... it is noted that there are some risks in having a septic system in such an area.
..... The LCA is dated in 2016 and prepared for a different dwelling.

..... An added concern to such a development is the difficulty of accessing this area
..... in the event of a bushfire.

See over page >

▶ OBJECTION TO A PLANNING APPLICATION

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

I am a resident of Glenlyon and greatly concerned about the now rampant development of an area with no reticulated water or sewerage, with the consequent polluted run off into our waterways. The applicants are to be commended for their ideas to restore the land and apply organic principles to a future vineyard but is the Council going to supervise whether any of these ideas become a reality. The Council needs to develop a Structure Plan to enable the orderly planned development of a sensitive area.

*If insufficient space,
please attach separate sheet*

IMPORTANT NOTES ABOUT OBJECTION

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

Objection to Planning Permit Application PA 1249.01, 106 Torpys Lane, Glenlyon

I wish to lodge an objection to Planning Permit PA 1249.01.

I have provided links to various State Government websites which support my objection.

My interest in this planning permit application is as follows:

- I am a farming neighbour, directly opposite the proposed development, and a permanent resident.
- I am a resident concerned with the local environment.
- I am a citizen concerned with proper legal process.

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1. FAILURE OF PLANNING PERMIT AND PERMIT EXTENSION PROCESS

I allege that the planning process has not followed the legal requirements specified by the Planning and Environment Act 1987. The Planning Permit, to which this amendment applies, was issued in June, 2016 under very different conditions. At that time, the site was mostly covered by a pine plantation and the dwelling site was located on the flat ridge line requiring no removal of remnant eucalypts or understorey.

Five and a half years have elapsed since the issue of the original Permit PA1249. No construction work has been commenced in that time. Legal grounds for permit extensions have not been complied with.

Council has not been able to provide evidence of continuity of permit extensions. In particular, there has been no evidence presented (after enquiries to Council) that the extension requested on 8 June 2020 (ref. DOC/20/27296) was ever granted.

2. OVERDEVELOPMENT FOR TOURISM ACCOMMODATION

The proposed design splits neatly into two, with separate entries, divided by a common deck. Although only one kitchen is shown on the plan, I suspect there is a potential for a separate kitchen or kitchenette to be provided in the build or by a simple adjustment at a later time. I submit that the nature of this design betrays an intention by the applicant to create *not one, but two dwellings*, with the purpose of creating one or two Airbnb accommodations.

The adjoining property to the north, 120 Torpys Lane, comprising a large, 4 bedroom house plus a second, fully self contained studio dwelling has been advertised to accommodate up to 16 guests on booking.com. The application for a Planning Permit stated it was a single dwelling and, despite the area being less than 1ha when the minimum requirement was 20ha, a planning permit was granted by Hepburn Shire Council. A second dwelling 120 Torpys Lane (marked on PA 1249.01), which I believe to be illegal, was established on the property in very close proximity to Kangaroo Creek. The dwelling for Planning Permit PA 1249.01 allows accommodation for 8 people. Together with the said neighbouring dwellings on 120 Torpys Lane to the north, 50m from the proposed site, plus the neighbouring property to the east, also an Airbnb with accommodation for six guests (30 guests total), represents an over-development of the area for tourism on land zoned Farming.

3. TORMPYS LANE

Torpys Lane is a secondary, 900m, single vehicle, dead end dirt road with three permanent residents. As the only permanent resident at the far end of the road this has been inconsequential. Road use on weekends, public and school holidays to and from the existing Airbnb at 120 Torpys Lane, often five or six vehicles, along with party noise and an adjoining Airbnb property to the east, presents a serious hazard to wildlife. This will be exacerbated by any increase in housing density. Access for site construction is poor and potentially dangerous, and will adversely affect the condition of Torpys Lane. Likewise, Green Gully Road provides dangerous access for construction.

4. SEPTIC SYSTEM – KANGAROO CREEK

As stated in the application, reticulated water waste disposal is not expected on farming zoned land in this area within the next 10-20 years. Kangaroo Creek, flows into the Loddon River and has the potential to be effected by run-off from septic systems, of which there are currently two Airbnb's, providing accommodation for 22 people. If this permit is granted, residency will increase by eight. As a former Water Watch volunteer testing Kangaroo Creek, any increase in septic runoff bordering riparian land, particularly where this would provide accommodation for 30 people within a 500m stretch, has the potential to jeopardise the water quality of Kangaroo Creek now and for future generations.

The consultant geologist employed by the landowner states:

'3.7 For the soils in the proposed land application area a number of features present a moderate to major constraint and require a mitigation measure.'

And also states:

'This leaves nitrogen (N) as the limiting factor in this proposed development.'

Will Hepburn Shire Council enforce the complex management requirements of the proposed septic waste water system?

The geologist states:

'To ensure the land application system functions adequately, residents must:

- *Regularly harvest (mow) vegetation within the LAA and remove this to maximise uptake of water and nutrients;*
- *Monitor and maintain the subsurface irrigation system following the manufacturer's recommendations, including flushing the irrigation lines; Regularly clean in-line filters;*
- *Not erect any structures and paths over the LAA;*
- *Avoid vehicle and livestock access to the LAA, to prevent compaction and damage; and*
- *Ensure that the LAA is kept level by filling any depressions with good quality topsoil (not clay).'*

5. EROSION – SEDIMENTARY RUNOFF

Logging is one of the most serious activities causing sedimentary runoff and slippage into a riparian zone. Clear felling of the former pine forest (further degraded by stump removal on the steep slope), and steeply sloping topography, has denuded the catchment riparian zone on this stretch of Kangaroo Creek. It remains vulnerable to erosion and slippage directly into the waterway.

<https://vfa.vic.gov.au/recreational-fishing/fishing-locations/inland-angling-guide/special-articles/sedimentation-of-waterways>

The steeply sloping land will have severe erosion and slippage directly into the waterway with channels of runoff already visible after recent heavy rain. I have an Assoc. Degree in Forestry Management, University of Melbourne, School of Ecosystem and Forest Science. My assessment regarding sedimentary runoff is supported by the forester in charge of thinning the pine forest over the last 20 years.

https://www.environment.vic.gov.au/_data/assets/pdf_file/0023/32486/Increase_in_sediment_input_into_Victorian_rivers_and_streams_due_to_human_activities.pdf

A construction and excavation works on this sloping site would add to the ecological threat by carrying sediment directly into the waterway. The proposed dwelling is sited on the steepest incline on the 7.6 ha property and this presents a serious issue for septic disposal.

5.1 Increased erosion processes on land

The major sources of increased sediment are generally those activities occurring in proximity to the stream channel. The amended site location is within 80m of Kangaroo Creek. Primarily, these activities involve disturbing the protective catchment vegetation layer (thus increasing opportunities for erosion) and/or compaction of riparian soils (leading to greater overland flow to the stream). In terms of volume of sediment generated and geographical distribution, the activities of most concern in Victoria are:

- stream bank degradation through stock access;
- riparian zone degradation through clearing or grazing; and
- run-off from roads, tracks and other infrastructure.

6. PLANNING AND ENVIRONMENT ACT 1987

I note the Panel, appointed by the Minister for Planning, (re Planning and Environment Act 1987) to provide recommendations or advice regarding whether or not Hepburn Shire Council amendments to planning schemes should proceed (17 Feb 2021).

<https://www.hepburn.vic.gov.au/wp-content/uploads/2021/03/Hepburn-C80hepb-Panel-Report.pdf>

The Panel Report includes the following:

The Victorian Farmers Federation (VFF) submitted:

The '20 hectare' schedule should be removed as it is not an appropriate lot size to sustain modern agriculture and leads to a proliferation of 'rural living' style development in the farming zone.

The Panel acknowledges Council's submission that this review is 'step 1' however it is considered critical that key policy issues are addressed in the short term. While the zoning and overlay controls enable, or allow certain use and development as of right, there is a high chance that development will continue to progress in a manner not consistent with policy."

7. ENVIRONMENT

The application states the following responses (emphasis added):

'Environmental issues

The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality'.

The proposal preserves most on site forest and habitat

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

The construction of a dwelling on site will preserve most on site habitat and therefore have minimal affect on surrounding land

The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.

*The proposal preserves **most on site forest** on steeply sloping land.'*

This is incorrect. No forest or wildlife habitat remains on the 7.7ha property, except the mature gums where the proposed dwelling is sited. These are to be modified/removed. The remainder of the property is totally denuded following clear felling of the pine forest. The remaining mature eucalypts fall within the 61m boundary permitted for removal/modification for bushfire mitigation once construction is completed.

Dry sclerophyll forest surrounds the region:

<http://www.viridans.com/ECOVEG/dry%20sclerophyll.htm>

'they (dry sclerophyll) are often the only parts of a rural landscape that contain any remnants of the native ecosystems and their loss or damage, due to road maintenance, widening and construction, rubbish-dumping, stock-grazing, fuel-reduction burns and landscaping with non-native species, will inevitably lead to a lowering of the regional biodiversity.'

This following is an excerpt from DELWP in response to my photographs confirming phascogale sightings in Torpys Lane.

"Good Morning Galena.

WOW!!!

You are absolutely correct and extremely lucky to have both seen one and have one living around your house. Here is another picture...

Nowhere near as good as yours!!! They are carnivorous marsupials who feed on insects etc, also called a Tuan. They live in hollows and nesting boxes installed by caring individuals such as yourself. They are a species listed as Vulnerable and are rarely seen.'

Removal or disturbance of the remaining stand of eucalypts threatens survival of endangered/vulnerable species, non endangered species including sugar gliders (an important prey for powerful owl), microbats and other species displaced after 40 years of silviculture on the site. The Airbnb property next door to the applicant, at 120 Torpys Lane, currently has automated artificial, powerful up-lighting in trees for decorative purposes, all night, every night. This is a recognised threat to owls, their prey and other species. The

amended building site now requires removal/modification of remnant vegetation. This is unacceptable.

We are fortunate to have **Powerful Owl** recorded here, and as a threatened species in Victoria, rural lifestyle development further endangers their survival.

In its final recommendation the Scientific Advisory Committee (SAC 1994) has determined that the Powerful Owl is:

- significantly prone to future threats which are likely to result in extinction, and
- very rare in terms of abundance or distribution.

There are no reliable data on population size or densities of the Powerful Owl in Victoria or Australia. Expert opinion provided to the Scientific Advisory Committee (SAC 1994) considered that fewer than 500 pairs may exist throughout Victoria.

Despite the application stating there will be minimal impact on the environment it states:

'SCHEDULE OF BUSHFIRE PROTECTION MEASURES Defendable space

The area of defendable space, shown hatched on Figure 9 on the previous page for a distance of 61 m around the proposed building or to the property boundaries, is where vegetation (and other flammable materials) will be modified' etc..

7.1 Establishment of a vineyard

The establishment of a vineyard on land with a 17 or 18 degree slope, within 100m of the Creek, presents an unacceptable risk to the waterway, even with organic practices. 'Organic practices' does allow the use of organic fertilisers and some chemicals, e.g. copper sulphate, with consequent risk of nutrient and chemical runoff into the creek. Nutrient runoff increases the risk of blue green algae outbreaks.

The use of machinery to establish a vineyard and harvest, increases the land vulnerability to sedimentary runoff and slippage. This is unacceptable.

8. BUSHFIRE RISK

Rural lifestyle development further exacerbates bushfire risk management for the Glenlyon CFA and surrounding rural CFA's.

Farmers, and permanent residents make up the majority of CFA volunteer firefighters. Rural lifestyle non-residents and Airbnb guests remain the most vulnerable in the event of a major bushfire. Planning permits granted by Hepburn Shire Council condone a proliferation of rural lifestyle dwellings on farming zoned land with a high fire risk. This will be subject to scrutiny in the event of a bushfire endangering or leading to a loss of lives.

Torpys Lane area is surrounded by dry sclerophyll forest, with an aged pine forest on the eastern side (Photo 16 in application) along the sole exit route. The granting of the

Planning Permit suggests an irresponsible approach, given recognised risks involved in ensuring an exit strategy for rural lifestyle residents or Airbnb guests in the event of a major bushfire.

The amended site is not on the cleared ridge line. The application states:

'SCHEDULE OF BUSHFIRE PROTECTION MEASURES Defendable space

The development has been sited to achieve BAL 29 defendable space, siting the house on a cleared ridge line away from low lying damp ground.'

The site is not on a cleared ridge line. It is sited amongst the only remaining eucalypts and understorey vegetation on the north west end of the property. The remainder of the property is cleared. Despite the applicant stating there would be minimal removal of vegetation, it states in its response:

'53.02-4.2 Defendable space and construction objective

The house has been sited to achieve BAL 29 defendable space (in accordance with Column C of Table 2 to Clause 53.02,) within the property boundaries. This is baes on the hazard of forest on a 15 to 20 degree downslope to the north east and south east (61m) and modified vegetation to the north and west'.

This objection has been sent to those listed below, along with my neighbours, in an effort to have Victorian State Government policy regulated and enforced to provide outcomes that support sustainability of ecologically threatened environments.

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

CC:

Premier, The Hon. Dan Andrews MP

Minister for Planning, The Hon. Richard Wynne MP

Minister for Energy, Environment and Climate Change, The Hon. Lily D'Ambrosio, MP

Minister for Local Government, The Hon. Shaun Leane MP

Managing Director, Goulburn Murray Water Catchment Authority, Charmaine Quick

North Central Catchment Management Authority

DELWP

CEO Hepburn Shire Council

Hepburn Shire Councillors

The Hon. Catherine King MP, Ballarat

The Hon. Mary Thomas MP, State Member for Macedon

From: [REDACTED]
[Hepburn Shire Mailbox](#)
Subject: Objection to PA 1249.01
Date: Saturday, 11 December 2021 7:34:41 PM

Objection to PA 1249.01

106 Torpys Lane Glenlyon 3461

Recent studies and reports of Victorian Waterways have shown that the integrity and health of our waterways, statewide, are in severe decline and the sustained viability and health of precious habitat areas is stressed and greatly compromised. Farming, deforestation, climate crisis, inappropriate over-development, sewerage runoff into waterways, soil degradation, chemical leaching, soil disturbance and sedimentary runoff; all have seriously negative impacts on waterways in particular. This region is the headwaters for the Loddon River and GMW should be involved in this permit application process.

Each new development and associated soil disturbance exacerbates a potential increase in the likelihood of a blue-green algae outbreak and loss of endangered species surviving in this area. In some cases leading to extinction. Application PA1249.01, for the type of development proposed, puts increased pressure on an already fragile and damaged ecosystem on the site after the pine forest was logged. Sedimentary runoff, already a severe problem, will be increased. This will kill fish, platypus, frogs, downstream of the proposed building/vineyard site.

Glenlyon locals along Kangaroo Creek have put considerable time and effort, over many years, to maintain the health of this stretch of the creek, including riparian surrounds. We all participated in a NCCMA River Tender Grant programme 20 years ago. The proposed site provides habitat to many native species including koalas, platypus, sugar gliders, powerful owls and phascogales. It would be negligent and irresponsible to consider the proposed development for this site acceptable.

- Chemical run-off from a proposed vine-yard would run directly into Kangaroo Creek. Vineyards increase the population of European wasps that are greatly detrimental to our native bees and wildlife.
- Soil disturbance and importation of soil presents risks by importing contaminants, foreign seeds and weeds.
- Further clearance of the last remaining remnant eucalypts on this site will severely reduce viable habitat.
- The complex and labour intensive management of septic waste is of great concern. These requirements must be undertaken regularly; what checks and balances are in place to guarantee the proposed system will adhere to “best practice” and be followed?
- Torpys Lane is severely compromised in its ability to safely carry any increase in traffic, particularly large vehicles with heavy loads,.
- Local neighbours care for, protect and sustain remnant pockets of precious native species habitat which is our irreplaceable natural vegetation and heritage.
- Planning needs to be extra sensitive to these issues.

I expect Council to consider my concerns regarding this application.



From: [REDACTED]
To: [Hepburn Shire Mailbox](#)
Subject: Objection to planning permit 1249.01
Date: Friday, 10 December 2021 9:35:51 PM

Dear Hepburn Shire,

I am writing to voice my objection to the proposed development at 106 Torpys Lane Glenlyon, planning permit number 1249.01.

I strongly object to this proposed plan because over the time that I have lived here I have observed the land and wildlife that lives within it including many threatened species such as the platypus, phascogale and powerful owl and strongly object to any development that could potentially degrade the environment in which they live.

I feel this plan does not have them in mind on 3 basis's

1. The proposed building site will require the removal of old growth trees to make way for the proposed building.
2. The sites sedimentary and septic runoff if not maintained and monitored will adversely affect Kangaroo Creek a vital life source for the native wildlife.
3. The proposed development is very large considering the small allotment making a big impact on the animals that transition through this space.

I also feel the construction phase will place a lot of pressure on the roads and the people that drive on them everyday. Torpys Lane has a very sharp and often blind entry and exit once you come down the hill and as a resident of this area I am already challenged to meet the demand of the increasing traffic on Green Gully Rd often contending with large oversized machinery driving me off the road putting myself and my family's life at risk.

Yours Sincerely

[REDACTED]

Objection to Planning Permit Application PA 1249.01, 106 Torpys Lane, Glenlyon

I wish to lodge an objection to the above planning permit.

The two main reasons for my objection are :-

1.The potential adverse effect on the environment, in particular Kangaroo Creek

2.Safety concerns due to increased traffic on Green Gully Road and Torpy's Lane

Kangaroo Creek is an important environmental asset to Hepburn Shire and it is the shire's duty to protect it. I do not understand why a permit is being considered for potentially two dwellings and recently, a vineyard, on land zoned farming. Vineyards, whether organic or not, must use chemicals and due to the steep slope of the land , runoff will go directly into the creek.

There is also the issue of the septic system to consider with the accompanying adverse impacts on Kangaroo creek.

I have been a resident of the area for over thirty years and regularly use Torpy's Lane to access the surrounding forest on horseback. Due to the continuing increase in traffic on Green Gully Road, I transport my horse by float to a friend's property on Torpy's Lane. I have serious concerns about the safety of continuing to do this , especially as the last kilometre of road is a single lane.

A previous Vcat ruling stated that Green Gully Road is a safety concern due to the bushfire risk and the poor state of the road. I have observed a huge increase in traffic along this road in recent years.A new dwelling(s) and business on Torpy's Lane would only exacerbate the safety issues which have previously been brought to the shire's attention.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Hepburn Shire Mailbox](#)
Subject: Objection to Planning Permit PA1249.01 106 Torpys Lane Glenlyon
Date: Sunday, 12 December 2021 8:54:25 PM
Attachments: [image0.jpeg](#)
[image1.jpeg](#)

To whom it may concern,

I am writing to object to planning permit PA1249.01 106 Torpys Lane Glenlyon.

We are residents permanently residing in Green Gully Road Glenlyon. This is a one lane road with passing traffic needing to move off the bitumen to pass oncoming vehicles safely. Most visitors to the area rarely refuse to move off the road forcing other drivers to literally stop to allow them the pass. This is terribly dangerous not to mention the amount of wildlife killed on this road due to driver ignorance. This area is also of great environmental significance. To allow construction of yet another vineyard will increase road traffic. It's a dangerous road already with a ridiculous speed limit of 100km. This is insane.

I also understand the permit will allow a vineyard which creates further concerns due to potential chemical leaks into Kangaroo Creek. This property is clearly unsuitable for this purpose. We already have two vineyards that use Green Gully rd to access their sites. One now being used for weddings. On weekends we have a stream of cars, taxis, people movers and Buses using this poorly managed and maintained road. Where are councils concerns for long residing residents who purchased properties for the very reason of living a peaceful quiet life? Not Turing it into a money grabbing venture.

We have the Loddon River which flows through the bottom of our property which Kangaroo Creek flows into. We have had a number of platypus sightings in this section of the Loddon River not to mention the native vegetation which grows prolifically.

I truly hope council can understand the importance of protecting this area and decline this planning application.

Kind regards

[REDACTED]



▶ OBJECTION TO A PLANNING APPLICATION

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

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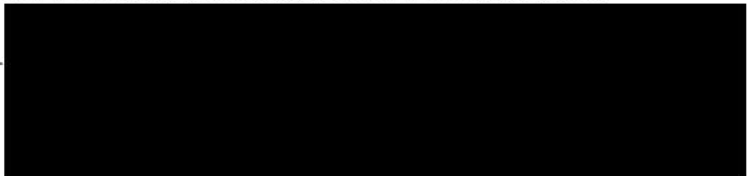
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*If insufficient space,
please attach separate sheet*



IMPORTANT NOTES ABOUT OBJECTIONS TO PLANNING PERMIT APPLICATIONS

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

PA1249-01 Application for Dwelling 106 Torpys Lane Glenlyon (<7.5 hectares, Farming Zone)

I wish to object to the above application on the following grounds:

1. Inappropriate process

Proper process is important for the community to retain confidence in Council decisions. Hepburn Council has adopted a less than normal process for this application and has acted unreasonably in re-activating an expired permit and extending this permit after a new application had been withdrawn.

Background to the application (PA1249-01)

In April 2021 the owners of the above property submitted an application for a dwelling (PA3201) on a <7.5 hectare site in a Farming Zone at 106 Torpys Lane Glenlyon. This site adjoins Kangaroo Creek, and is covered by an ESO and a BMO. It almost entirely sits within an area of Aboriginal Cultural Heritage sensitivity. This application was not in association with any rural use. Application PA3201 was advertised and received a number of objections (>2).

This application was withdrawn in June 2021, presumably because it had little or no chance of success. If it had a chance of success, pursuing this application would have been the cheapest and quickest way for the applicant to obtain a permit.

Subsequent to the withdrawal of the above application, Hepburn Council then (in July 2021) extended a permit that had been issued in 2016, and which had previously expired (PA1249). This prior permit had been issued in association with a pine forest that was removed 2017. My understanding is that the adjacent landowners (including agricultural properties in the immediate area) were not given notice of this original application.

A chronology provide by the Council indicates that an application to extend PA1249 was made in June 2020 but the Council have been unable to provide any evidence that the permit was extended (and given the removal of the pine forest in the interim there is good reason why it may not have been extended). For some reason this chronology also suggests that there was a notice of decision issued by VCAT for A1249. My understanding is that VCAT were not involved in the decision to approve PA1249 and that it was approved by Council officers under delegation. No works under PA1249 have ever commenced and no building permit has been issued (and other necessary pre-conditions have not been met). The applicant does not currently have a right to build on the property.

In extending the permit in 2021, immediately after the withdrawal of PA3201, Council acted unreasonably. One of the considerations in the extension of a permit is whether a new permit is likely to succeed (*Kantor v Murrindindi Shire Council* (1997) 18 AATR 285). The withdrawal of PA3201 is an indication that a new application was unlikely to succeed. Further, the Council cannot lawfully extend an expired permit, nor can an expired permit be modified under s72 of the Planning and Environment Act 1987 (*Mondib Group Pty Ltd v Moonee Valley City Council* [2021] VSC 722).

Having submitted a new application (PA3201), and the Council having processes this application and advertised it, it is unreasonable for the Council or applicant to claim that there was an existing permit in place (and they are potentially legally precluded from doing so).

The original permit (PA1249) is not attached to the s72 application (PA 1249-01). The Council advised objectors that an FOI request was required to view a copy of the original permit, a requirement at odds with s70 of the P&E Act. The requirement for an FOI request in order to see a copy of the permit, would allow the Council to delay release of the permit until after the time for objections had passed. The Council eventually relented and provided a copy of the permit to me (but not to the other objectors). Given that the current s72 application leaves next to nothing of the original permit unchanged one wonders what advantage was considered to be gained by the s72 amendment. Perhaps of relevance is the applicant's request, as part of their submission of PA1249-01, that the application not be advertised. It is believed that the Council initially agreed to this request and that the application was only placed on the Council advertised application site after a community member complained. The impression is that the pursuit of the s72 amendment was designed to apply a lower level of scrutiny to the application, with the potential for it to have been approved over the Christmas break, without the community having become aware of it until after the permit had been granted.

The re-activation of PA1249 also appears to have been orchestrated in order to negate the objections that had been lodged to PA3201 (specifically objections to the use of the land for a dwelling).

The Council has not followed proper or reasonable process with this application.

2. The application under s72 (PA 1249-01)

The Council must consider, on the merits, the difference between what was approved under the original permit PA1249 and what is proposed via the amendment PA 1249-01¹. The changes appear to be a transformation of the original permit, as what was approved under PA 1249 has little in common with what is currently proposed.

The changes under the s72 application include:

1. **A different dwelling constructed of different materials.** The use of rammed earth has the potential to impact Kangaroo Creek either via excavation to obtain materials on-site or through the importation and storage of material (ie potential for erosion and turbidity). This may endanger platypus that have been identified as inhabiting Kangaroo Creek (as well as water quality in general and other wildlife).

There is the potential to introduce contaminated soil material if it is obtained off-site. The construction of a rammed earth home may also produce greater off-site amenity impacts through the requirement for truck movements and noise associated with the ramming of the walls. This may significantly impact agricultural uses on adjacent properties, including inhibiting access to these properties, degradation of Torpys Lane, and though the direct

¹ Objections to this could be difficult to formulate for those to whom Council have denied access to view the original permit.

impact of noise on livestock (eg causing horses to startle and run through fences, injuring themselves).

2. A new building envelope which will now require the removal of native vegetation, and which would allow for the removal of most of the remnant vegetation on the site through the establishment of a defensible space. The land is otherwise mostly denuded of trees and approval of application PA1249-01 would threaten most of the remaining mature native vegetation on the site. This vegetation provides habitat for endangered species such as the powerful owl and the brush tailed phascogale (which are present on the property or in the immediate area).

The removal of vegetation may also make the dwelling site prone to land-slip.

The proposal for a dwelling on such an incredibly steep part of the site, shows a total disregard for human life, and ignorance of the potential impacts of fire on a site accessed via a narrow, heavily treed road offering limited escape options. The design and siting of the building (windows facing a steep N/NE upwards slope, with an earth-cut behind) would mean that survival by staying in place would be compromised. The proposed dwelling site is BAL-40 or BAL-FZ.

The threat to life in case of fire is intensified in the case of dwellings used for tourist accommodation, where the occupants will not have a fire plan, and may have little understanding of bushfires. Such tourist accommodation may also pose risks for adjacent permanent residents (e.g. adjacent agricultural properties), who may be faced with assisting large numbers of tourists who seek help in the case of fire (given that the dwellings are not used as B&Bs, and the tourists occupy these buildings in the absence of the owners).

The proposed dwelling design associated with PA1249-01 is amenable to use as 2 dwellings occupied by up to 8 tourists².

3. A different agricultural use. The original permit PA1249 was granted in 2016 in association with a mature pine forest³, which is clearly marked on the approved plans. This forest was harvested in 2017. The current owners have owned the property since 2018 and have not used the property for any agricultural purpose, and the property is unfenced. There has been very minimum or no revegetation on the property.

In submitted PA3201 in April 2021, the owners did not propose any associated agricultural use. The submission of plans for a vineyard as part of PA1249-01 appears little more than an attempt to justify a dwelling in association with a confected agricultural use. It is apparent

² The adjoining property at 120 Torpys lane (<1hectare) had approval in 2012 for a dwelling in association with a rural use, believed to be a herb farm. The agricultural use was never established, and the Council's enforcement officer has stated that the Council does not have a copy of the farm plan. Details of the approval as being in association with a rural use also appear to have been deleted from the current version of the Hepburn's historic plan register, despite the register still including 2012 applications. 120 Torpys Lane has been advertised for use for up to 16 guests in 2 dwellings and has also been advertised and used as a wedding venue, for large numbers of guests. Council has shown a total disinclination to enforce the permit conditions.

³ It is unclear how PA1249 was granted, given that a mature pine forest does not require a dwelling for its management. Hepburn Shire Council refused a number of similar applications in 2016 for the use of small lots as a dwelling in association with proposed agricultural uses.

that there are no other buildings that are proposed as part of the application (such as a shed to store equipment and the supplies needed for a vineyard). It is unclear whether the applicant has applied for a license to use a bore for agricultural purposes. I am reliably informed by local vignerons that Shiraz is unlikely to ripen in Glenlyon.

An organic vineyard still uses chemicals (eg copper and nitrogen, both of which will pose a risk to Kangaroo Creek). I am aware of one organic vineyard in the region which through some unknown mechanism has potentially killed a large stand of mature eucalypts on an adjoining property (possibly due to excess nitrogen). The establishment of the vineyard would also require the extermination of a large mob of kangaroo and other native wildlife that currently inhabit the property. The proposal will have a dramatic and negative impact on biodiversity if approved.

There is no need for the owners to live onsite in order to manage a vineyard. For the project's \$900,000 budget, the applicants could buy a nice house in the Glenlyon township (approx. 4 kilometers away) and manage the vineyard from there. The dwelling does not relate, nor is it necessary, for the proposed agricultural enterprise.

As the establishment of a vineyard will entail significant ground disturbance, a CHMP may be required for this purpose?

4. **Revegetation.** The proposed revegetation plans appear at odds with the need for defendable space and the plans for a vineyard.

Planning Considerations

The approval of application 1249-01 would be contrary to State Planning Provisions:

- 13.02-1S (Bushfire Planning),
- 14.02-1S (Catchment Planning and Management),
- 14.02-2S (Water quality),
- 16.01-3S (Rural Residential Development), which requires "Protecting existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity and habitat", and discourages "development of small lots in rural zones for residential use or other incompatible uses".

And to the Local provisions:

- 21.08 (Rural Land Use & Agriculture) which discourages "development in areas where environmental values, rural resource values and infrastructure requirements present limitations to development potential".
- 21.09 (Environment and Heritage) which requires the maintenance of water quality and the protection of vegetation and habitat areas, including grasslands, streams and associated riparian zones and enhancing the linkages between these areas. Protecting the quality of groundwater. Addressing the management of landscapes and landscape features, including the identification and protection of significant trees. Protecting people, assets and the environment from the threat of wild fire.

- 22.04 (Rural Land) It is policy that the responsible authority considers the impact of any new land use and development against the potential for continued agricultural activity and production on the subject land or adjoining or adjacent surrounding land. *(This is also relevant because no notice was given to adjacent landowners of the original permit PA1249, despite that development being directly opposite a house and an entrance gate to another property i.e. a situation where there was obvious potential for detriment)*. The Rural Land Policy at clause 22.04 provides detailed guidance for dwelling proposals in rural areas. Amongst other things, an objective and policies that assist in the exercise of discretion ask that dwelling proposals show the ongoing use of land for productive agricultural activity is not diminished and that development is directly related to an agricultural enterprise.
- 35.07 (Farming Zone) which requires that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture. Primacy is attached to use and development that supports agricultural activity rather than the creation of stand-alone residential use and development.
- 71-02-03 (Integrated decision making) “in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations”.
- 71.02 (Operation of Zones) “Because a use is in Section 2 does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the Municipal Planning Strategy, the Planning Policy Framework, the purpose and decision guidelines of the zone and any of the other decision guidelines in Clause 65”.

I also refer the Council to **Department of Treasury and Finance v Hepburn SC [2021] VCAT 210** (11 March 2021) which was a similar application for a permit in a Farming Zone which the Council refused, a decision affirmed by VCAT

How I am affected?

I have kept my horse on the property opposite 106 Torpys Lane (“Taringa Stud”) for more than 20 years, and regularly stay on the property. I am a regular user of Torpys Lane and have intimate knowledge of the wildlife and landscape in the area. I am concerned about the maintenance of native vegetation, the protection of waterways, and the threats posed to biodiversity through loss of habitat. I am also concerned by increased residential densities in fire-prone rural areas, the risk to life this poses, and that this can hamper evacuation of residents and livestock in times of emergency (e.g. my horse). Having recently completed a course in anti-corruption I am also concerned about bias in Council decisions, and lack of proper process. All community members are affected when Council disposes of proper process, fails to consider relevant considerations, considers irrelevant matters, acts unreasonably, or shows bias in its decision making.

I also own a vineyard in the Macedon Ranges region.

██████████
 ██████████
 ██████████

From: [REDACTED]
To: [Cr Brian Hood](#); [Cr Don Henderson](#); [Cr Jen Bray](#); [Cr Juliet Simpson](#); [Cr Tessa Halliday](#); [Cr Tim Drylie](#); lhewitt@helburn.vic.gov.au; [Heppburn Shire Mailbox](#)
Subject: Planning application 1249.01
Date: Monday, 13 December 2021 10:45:50 AM

My objection to Planning Application 1249.01

- a) Greengully Rd and Torpy's Lane are both clearly unsuitable for any further traffic, particularly the type of heavy vehicles necessary for building construction.
- b) The water in Kangaroo Creek and the Loddon River has the very likely possibility of permanent contamination from the run off from septic systems. Already there are 2 systems in Torpy's Lane catering for 22 visitors. A further system in this application brings the number of septic users to 30
- c) A vineyard on a slope of 17 or 18 degrees within 100 mtrs of Kangaroo Creek would pose a detrimental risk to the water in the creek and consequently the Loddon River.

I could write further. This is clearly an unacceptable application with significant detrimental effects on the surrounding land and water and resident wildlife.

11 A RESILIENT AND SUSTAINABLE ENVIRONMENT

11.1 BIODIVERSITY GRANTS PROGRAM 2022

In providing this advice to Council as the Biodiversity Officer, I Brian Bainbridge have no interests to disclose in this report.

ATTACHMENTS

- Nil

EXECUTIVE SUMMARY

The Community Biodiversity Grant Program 2021/2022 aligns with the Council Plan 2021-2025 to achieve a resilient, sustainable and protected environment. Eligible community groups can access funds in a single round annually. This year's round opened on 9 May 2022 and closed on 15 June 2022.

Six applications were received. To ensure each applicant was able to receive a share of the limited funding available, all applications are recommended for partial funding at 85% of what they applied for. All applications were from organisations based in Creswick and Birch wards though three of these projects have the potential for Shire wide impact.

One proponent, Wattle Flat Pootilla Landcare, is based largely outside the Shire but has active landholders within Hepburn and the project is of benefit to Hepburn Shire Council residents. The group's work contributes to the environmental improvement within and adjacent to the Shire boundary where the benefits (positive environmental flows as well as reduction in weed seeds etc) contribute to the health of Hepburn Shire's biodiversity (i.e. as with many environmental projects, the benefits cross LGA boundaries).

Officers recommend that Council award Community Biodiversity grant funding totalling \$24,000 as outlined in Table 1 below. The grant monies will support community projects worth in total \$37,884.35.

OFFICER'S RECOMMENDATION

That Council approves the following Community Biodiversity Grant applications as listed in the following table;

<i>Applicant</i>	<i>Project Name</i>	<i>Recommended grant amount</i>
<i>Daylesford Neighbourhood Centre Inc</i>	<i>Indigenous Flora Demonstration Garden</i>	<i>\$4,236.64</i>
<i>Hepburn Gardens for Wildlife</i>	<i>Growing Roots</i>	<i>\$3,728.24</i>

<i>Hepburn Wildlife Shelter</i>	<i>Reprint 'Meet the locals' booklet</i>	<i>\$3,363.34</i>
<i>Blampied Kooroocheang Landcare group Inc.</i>	<i>Saving private Banksia – Clohesy Banksia SPA" stage 1</i>	<i>\$4,236.64</i>
<i>Daylesford Primary School</i>	<i>Grade 2/3 Biodiversity Design Development</i>	<i>\$4,236.64</i>
<i>Wattle Flat Pootilla Landcare Group</i>	<i>Landcare trailer</i>	<i>\$4,198.51</i>

MOTION

That Council approves the following Community Biodiversity Grant applications as listed in the following table;

<i>Applicant</i>	<i>Project Name</i>	<i>Recommended grant amount</i>
<i>Daylesford Neighbourhood Centre Inc</i>	<i>Indigenous Flora Demonstration Garden</i>	<i>\$4,236.64</i>
<i>Hepburn Gardens for Wildlife</i>	<i>Growing Roots</i>	<i>\$3,728.24</i>
<i>Hepburn Wildlife Shelter</i>	<i>Reprint 'Meet the locals' booklet</i>	<i>\$3,363.34</i>
<i>Blampied Kooroocheang Landcare group Inc.</i>	<i>Saving private Banksia – Clohesy Banksia SPA" stage 1</i>	<i>\$4,236.64</i>
<i>Daylesford Primary School</i>	<i>Grade 2/3 Biodiversity Design Development</i>	<i>\$4,236.64</i>
<i>Wattle Flat Pootilla Landcare Group</i>	<i>Landcare trailer</i>	<i>\$4,198.51</i>

Moved: Cr Don Henderson

Seconded: Cr Lesley Hewitt

Carried

BACKGROUND

The Community Biodiversity Grant Program provides Community Groups with support to conduct works that protect and enhance the Shire's biodiversity and further the objectives in Hepburn Shire's Biodiversity Strategy. An annual assessment and recommendation process has been designed. The total 2021/2022 budget allocation is \$24,000. The program guidelines allow funding applications for up to \$5,000.

KEY ISSUES

Council Officers implemented a communications plan for the Biodiversity Grant prior to the round opening. This included print media, Facebook posts, phone calls and emails to community groups.

Applications opened on 9 May 2022 and closed on 15 June 2022. During this time officers promoted the opportunity to community groups across the shire and advertised publicly through digital platforms. All applicants were required to contact a grants officer to discuss their application. Applications were assessed by an evaluation panel consisting of three officers whose expertise aligned with the submissions: the Reconciliation Officer, Community Development Officer and Team Leader Parks and Gardens.

Recommended distribution of funds

Six applications were received. All were deemed eligible, scoring between 74% and 84% against the assessment criteria. The six eligible applications are recommended for 85% funding with a total amount of \$24,000 to ensure they each receive a share of the limited funding available.

Funding recommendations

The applications received in this round were notable for the number of new applicants from outside the usual Landcare and Environment groups who have applied in previous rounds. All applicants contacted a Council Officer prior to lodging their submission. There is a range of community education, engagement and on-ground outcomes including a youth-based project.

All projects were recommended for funding however the amount of the total grants exceeded the amount available by \$4,324.35. The 85% funding is proposed as four of the projects appear highly scalable and two others - the reprint of 'Meet the Locals' brochure and the 'Wattle Flat Pootilla' Landcare trailer - are projects where additional funding from other sources is likely to be available due to the activities of proponent's projects crossing LGA boundaries. The acceptability of the 85% funding has been confirmed with most applicants including the two projects identified above as less scalable.

Table 1. Summary of projects and recommendations for funding

Project Name	Community Group	Description and Outcomes	Grant Amount Requested	Total Project Amount	Recommendation
Indigenous Flora Demonstration Garden	Daylesford Neighbourhood Centre Inc	Establish an accessible and local demonstration of an indigenous garden on the grounds of Daylesford Neighbourhood Centre. The garden and associated interpretation will have the potential to engage approximately 2500 visitors to the centre annually as well as being a tool for programs such as the Hepburn Gardens for Wildlife program.	\$5,000	\$8,000	85% funding \$4,236.64
Growing Roots	Hepburn Gardens for Wildlife	Professional training in local plant and weed identification for mentors of the Hepburn Garden for Wildlife program. Workshops will deepen the skills of approximately 50 participants in the G4W program from across the Shire who volunteer in a mentorship role to other residents.	\$4,400	\$4,400	85% funding \$3,728.24
Reprint 'Meet the locals' booklet	Hepburn Wildlife Shelter	Revise and reprint 2012 booklet that outlines things we can do to minimise our impact on wildlife and share our spaces with the local wildlife. 2000 copies of the brochure to be available for distribution and electronic copies available via websites including Council.	\$3,969.35	\$6,929.35	85% funding \$3,363.34
Saving private Banksia – Clohesy Banksia SPA" stage 1	Blampied Kooroocheang Landcare group Inc.	Stage 1 (Stock proof fencing) of a seed production area (SPA), aiming to grow 2,000 Silver Banksia from local remnant populations (<50 trees remain in Shire) for this important revegetation species. This will fund 390 m of fencing and tree-guards for 2000 plants.	\$5,000	\$6,020	85% funding \$4,236.64

Grade 2/3 Biodiversity Design Development	Daylesford Primary School	A program to conduct on-ground revegetation projects designed and implemented by 6 student led teams with associated biodiversity awareness excursions and incursions. The funding will cover the costs of the 6 small on-ground planting projects, excursion costs, promotion and mentoring of teams by skilled practitioners.	\$5,000	\$7,000	85% funding \$4,236.64
Landcare trailer	Wattle Flat Pootilla Landcare Group	To purchase a registered covered trailer for the safe storage, handling and transport of equipment for Landcare activities. The trailer will replace a 30-year-old Landcare trailer. The trailer will facilitate the weeding and revegetation work of the group which includes areas of Dean, Creswick, Cabbage Tree and Wattle Flat within the Shire with a particular focus on restoration of the Slaty Creek.	\$4,955	\$5,535	85% funding \$4,198.51

POLICY AND STATUTORY IMPLICATIONS

State of Victoria - Protecting Victoria's Environment - Biodiversity 2037

Specifically, the following priorities:

3. Raise the awareness of all Victorians about the importance of the state's natural environment.
4. Increase opportunities for all Victorians to have daily connections with nature.
5. Increase opportunities for all Victorians to act to protect biodiversity.

North Central Catchment Management Authority – Regional Catchment Strategy 2021-2027

Priority Direction: Improve the retention and restoration of native vegetation and habitat on private land through; community education and community-based programs that support stewardship and permanent protection, leveraging government and market-based incentives.

Council Plan 2021-2025

Focus area 1. A resilient, sustainable and protected environment

Priority Statements

1.5 Protect and regenerate the natural resources of the Shire including soils, water and ecological systems, from both current and future threats.

Hepburn Biodiversity Strategy 2018-2021

Strategic Focus area – Community Knowledge and Awareness Building

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

Successful delivery of the projects will contribute to the shire's environmental sustainability including climate change adaptation through increase in the community capacity to restore the resilience of the shire's biodiversity.

FINANCIAL IMPLICATIONS

The Community Biodiversity Grant Program is a budgeted item in the Council's 2021/2022 budget and recommended projects would result in this budget item to be fully expended.

RISK IMPLICATIONS

All applicants are required to identify how project risk and safety issues will be managed and this formed part of the assessment process. Insurance, not-for-profit status and ABNs are checked for all applications to determine eligibility. Groups have also supplied copies of current landowner agreements and public liability insurance certificate of currency arrangements where required. Council Officers monitor the receipt of acquittals and follow up any outstanding acquittals.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The 2021 Community Biodiversity Grant Program was open for a 5-week period in May and June. It was promoted via the Shire's social media and webpages and an advertisement was placed in 'The Local'. The secretaries or group contacts of 21 environmental groups operating in the Shire were directly emailed. Applicants were advised to contact the Biodiversity Officer who provided technical advice on the projects prior to submission. An additional three potential applications were unsubmitted for this Round. These applicants were ineligible because of unacquitted grants or had failed to contact the grants officer within reasonable timeframe.

Item 12.1 – Outcome of Community Consultation regarding proposed sale of the Rex was brought forward in the agenda and heard before Item 10.

12 EMBRACING OUR PAST AND PLANNING FOR OUR FUTURE

12.1 OUTCOME OF COMMUNITY CONSULTATION - PROPOSED SALE OF THE REX DIRECTOR INFRASTRUCTURE AND DELIVERY

In providing this advice to Council as the Director Infrastructure and Delivery, I Bruce Lucas have no interests to disclose in this report.

ATTACHMENTS

1. Engagement Report - Proposed Sale of The Rex - Max Hardy Consulting [12.1.1 - 20 pages]
2. Proposed Sale of The Rex - Community Engagement Report [12.1.2 - 10 pages]
3. Survey Responses Sale of The Rex [12.1.3 - 37 pages]
4. CONFIDENTIAL - 49-51 Vincent Street, Daylesford - Final Report 13-6-22 & Appendices 1-4 [12.1.4 - 88 pages]
5. CONFIDENTIAL - 49-51 Vincent Street, Daylesford - Appendices 5-6 [12.1.5 - 13 pages]

EXECUTIVE SUMMARY

This report has been prepared following the completion of the Community Engagement regarding the proposed sale of the Council owned property known as The Rex, located at 49 – 51 Vincent Street Daylesford. The report includes consideration of alternative ideas proposed during the engagement process and other options.

Council Officers have completed a community engagement process in line with Council’s Community Engagement Policy and in accordance with the requirements of the *Local Government Act 2020*. The Community Engagement was undertaken with the assistance of an external consultant who has analysed the submissions received.

Council has received a broad range of feedback that demonstrates how parts of our community are invested in this asset and officers have endeavoured to balance the passionate feedback with the longer-term sustainability of Council and used the results of the Community Engagement to form the basis for a recommendation.

Based on the Community Engagement, the review of the ideas put forward by the community and Council’s ability to commit to a further major project and the investment needed, it is the Officer’s recommendation to proceed with the sale of The Rex.

OFFICER’S RECOMMENDATION

That Council:

1. *Acknowledges the significant community interest and thanks our community for the time invested in providing the feedback;*
2. *Notes the Community Engagement Reports;*
3. *Determines to sell the property known as The Rex located at 49 – 51 Vincent Street Daylesford and house at 8 Duke Street Daylesford, currently on one (1) Certificate of Title, through a public sale process;*
4. *Delegates to the Chief Executive Officer the authority to manage the sale process by appointing an appropriate agent and undertake the sale;*
5. *Request the CEO to provide regular updates on the sale process to Councillors;*
6. *Sets the Reserve Price for Sale based on the independent Market Valuation received;*
7. *Authorises the Chief Executive Officer to execute the Contract of Sale on behalf of Council; and*
8. *Publicly releases the Reserve Price value following the completion of the sales process that has resulted in final settlement of the contract of sale.*

MOTION

That Council delay its decision regarding the sale of the Rex until 30 November 2022 to allow time for an investigative design process, where the community representatives with the assistance of an independent facilitator can review possible options for the use and ownership of the Rex site to provide community facilities and present the design options and funding commitments or agreements to council for evaluation. This process will not be funded by council and funds will need to be raised by the community or utilise expertise of local volunteers.

Moved: Cr Tessa Halliday

Seconded: Cr Jen Bray

Lost

Cr Jen Bray called a division:

For: Cr Jen Bray, Cr Tessa Halliday, Cr Tim Drylie

Against: Cr Juliet Simpson, Cr Don Henderson, Cr Brian Hood, Cr Lesley Hewitt

MOTION

That Council:

1. *Acknowledges the significant community interest and thanks our community for the time invested in providing the feedback;*
2. *Notes the Community Engagement Reports;*
3. *Determines to sell the property known as The Rex located at 49 – 51 Vincent Street Daylesford and house at 8 Duke Street Daylesford, currently on one (1) Certificate of Title, through a public sale process;*
4. *Delegates to the Chief Executive Officer the authority to manage the sale process by appointing an appropriate agent and undertake the sale;*
5. *Request the Chief Executive Officer to provide regular updates on the sale process to Councillors;*
6. *Bring a report to Council to recommend the execution the Contract of Sale on behalf of Council;*
7. *Sets the Reserve Price for Sale based on the independent Market Valuation received;*
8. *Publicly releases the Reserve Price value following the completion of the sales process that has resulted in final settlement of the contract of sale; and*
9. *Request the Chief Executive Officer write to the Minister Local Government, and the Local Government Inspectorate, noting Council's disappointment in the delays of the publishing of the investigation into the Rex, and request the report be finalized and published as soon as possible.*

Moved: Cr Don Henderson

Seconded: Cr Brian Hood

Carried

Cr Don Henderson called a division:

For: Cr Juliet Simpson, Cr Don Henderson, Cr Brian Hood, Cr Lesley Hewitt,

Against: Cr Tessa Halliday, Cr Jen Bray, Cr Tim Drylie

BACKGROUND

At the Council Meeting on 23 November 2021, Council passed a motion not to proceed with the Hepburn Hub at The Rex project and requested that the Chief Executive Officer undertake a process to sell, through a public process, The Rex building.

In accordance with s.114 of the *Local Government Act 2020*, the process to sell land requires Council to undertake, among other things, a community engagement process in accordance with its community engagement policy.

Council engaged Max Hardy Consulting to assist with the development and implementation of the Community Engagement, which commenced on 27 April 2022 and closed on 20 May 2022.

KEY ISSUES

The results of the Community Engagement on the Proposed Sale of The Rex are outlined in the two attached reports.

The engagement focused on the Proposed Sale of The Rex and clearly stated that Council would not consider a revival of the Hepburn Hub at The Rex Project. Specifically noting that, “all proposals for alternative use for the building will only be considered if there is a financially viable option with significant community support.” It was also noted that, “it would be difficult for Council to consider options to redevelop the site to a similar extent as the Hepburn Hub at The Rex project”.

There are two additional points worth referencing from the Council Decision at the 23 November 2021 meeting. Council’s determination, in part, included the following:

- *That Council would work with the Daylesford Cinema group on potential temporary and permanent solutions for the community cinema; and*
- *That the Chief Executive Officer would prepare a scope to undertake a planning project that will review possible solutions of staffing accommodation and community facilities that were to be included in the Hepburn Hub.*

These are commitments that remain important to Council and the community and will be investigated and progressed by Council at locations other than The Rex, in accordance with the Council’s previous determination.

Council received 369 Individual Survey Responses and 4 Group Responses, which is a strong response to Community Engagement.

The results can be summarised as follows:

- 66% of respondents were against selling The Rex,
- 30% were supportive of selling The Rex, and
- 4% were not sure/neutral.

A significant number of respondents were focussed on retaining The Rex as a community hub as per the original proposal, including the cinema (and/or performance space) and public toilets. A number of respondents were also concerned about retaining the heritage of The Rex as part of any future development proposal.

It was clearly explained in the information provided in the community engagement that Council would not consider a revival of the Hepburn Hub at The Rex Project and it would be difficult to consider options to redevelop the site to a similar extent.

Most of the ideas shared by the survey respondents were essentially elements of a potential development that Council has already decided not to undertake and to consider alternate sites for them.

It is acknowledged that the community have invested considerable time to liaise with Council and provide feedback through the formal engagement process and through other means such as addressing Council at formal meetings, emails to Officers and Councillors and invites for Councillors to attend community meetings.

Council has received a broad range of feedback that demonstrates how parts of our community are invested in this asset. In reviewing the responses received, Officers are endeavouring to balance the passionate feedback with the longer-term sustainability of Council. The community's desire to retain ownership needs to be considered along with Council's ability to deliver on other current and aspirational projects, as well as preparing a scope for a new project that includes the elements originally proposed in the Hepburn Hub at The Rex project.

Considering this, it is not anticipated that The Rex can be viably retained as a community asset despite the importance some of the community attaches to the building. An overview of the financial requirements for development were provided with the community engagement information pack and may now be considered conservative, meaning the costs would now likely be in excess of \$18 million (in addition to the costs already expended). This is estimated based on a commercial building rate of \$9,000 / m² for a facility of 2,052m².

The site is currently covered by the Hepburn Planning Scheme. Under the planning scheme, the property is zoned Commercial 1 and the applicable Overlays are Heritage and Environmental Significance.

The Heritage Overlay will trigger the requirement for a planning permit for buildings and works/ demolition requiring consideration by Council's Heritage Advisor which may result in restrictions to protect the prominent and valuable features of the structure. The Environmental Significance Overlay will cause no issue to any proposed use or development as it is located in a sewered area thus not being a trigger for a planning permit.

The Commercial 1 zoning dictates the uses available for the property and are split into three parts:

- Section 1 - Conditional Requirements, there is no permit required for the uses listed;
- Section 2 - Permit Required Uses; and
- Section 3 - Prohibited Uses.

The uses under each section are detailed below.

Under Section 1 - Conditional Requirements there is no permit requirement for the following types of uses:

- Accommodation (other than Community care accommodation, Corrective institution and Rooming house)
- Art and craft centre
- Child care centre
- Cinema
- Cinema based entertainment facility
- Community care accommodation
- Education centre (other than Child care centre) Exhibition centre Home based business Informal outdoor recreation
- Office
- Place of worship
- Railway Retail premises (other than Shop)
- Rooming house
- Shop (other than Adult sex product shop)

Under Section 2, a permit would be required for the following types of uses:

- Adult sex product shop
- Agriculture (other than Animal production and Apiculture) Grazing animal production
- Industry
- Leisure and recreation facility (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track) Place of assembly (other than Carnival, Cinema, Cinema based entertainment facility, Circus, Exhibition centre and Place of worship)
- Utility installation (other than Minor utility installation and Telecommunications facility)
- Warehouse
- Any other use that is not included here such as dwelling

As detailed above, the potential uses for this site are extremely broad except for the prohibited uses as defined by the zone provisions.

The prohibited uses for the site are:

- Animal production (other than Grazing animal production);
- Corrective institution;
- Major sports and recreation facility; and
- Motor racing track

There are many ways the property could be sold, however the simplest approach for Council would be a straight sale process.

A range of alternative option have been considered where conditions for future use may be applied to the sales process or the application of additional protections for the building onto the property title.

Options considered include:

1. An Expression of Interest process which may allow consideration of the proposed future use of the building or protections by inclusion of covenants to be placed on title.
2. A sale subject to development approval.
3. A sale subject to a development brief and planning permit.
This may allow the developer to work with Council on potential space for community uses and how the rest of the 'private' development might be integrated.

There has also been reference to the potential to subdivide the building / property into two parts. This would be subject to planning approval and potentially a building permit, however, may allow Council to consider the two parts separately.

Independent advice has been received on this approach and would require several due diligence investigations by specialist providers and include:

- Land Surveying – Preparation of proposed Plan of Subdivision, Title Re-Establishment, Feature and Level Survey, Certification of Plan of Subdivision and Statement of Compliance (post issue of a Planning Permit).
- Town Planning Services - Preliminary meeting with Council, correspondence with sub-consultants, research and discussion with key stakeholders to finalise plans for lodgment.
- Building Surveying – Fire Rating investigation and assessment (proposed common / dividing boundary).
- Services Engineer – Services investigation and assessment (redirection and/or establishment of building services).
- Structural Engineer – Built-form investigation and assessment and consideration of being heritage building.

This process, whilst possible, will require considerable time and costs to realise.

There are also options to subdivide the house at 8 Duke Street Daylesford and/or the two (2) retail shops at the front of The Rex from the remainder of the building and deal with those in separate sales.

In considering these options Council also sought advice from the independent property valuer. Due to the speculative and complex nature of these subdivision options, the valuation consultant was unable to provide advice on the potential sale value for these scenarios.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2021-2025

A dynamic and responsive Council

5.2 Actively communicate, inform and engage with our community about events and decision-making

Local Government Act 2020 (the Act)

The Community Consultation undertaken fulfils the requirements of s.114(b) of the Act as one of the pre-requisites before Council sells land.

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

Whilst many of the community anticipate a social benefit from the creation of a hub at The Rex, it is possible that the key aspirations could be achieved elsewhere by improvement or increased utilisation of other existing Council-owned assets. Council has committed to reviewing the facilities and community needs as a separate project.

Also, given the likely investment required, Council's current commitment and aspirations with other large projects and the extensive or unlikely payback period it does not appear economically sustainable to retain The Rex.

FINANCIAL IMPLICATIONS

The information shared publicly as part of the Community Engagement regarding the financial implications was as follows:

"It would be difficult for Council to consider options to redevelop the site to a similar extent as the Hepburn Hub at The Rex project. This is due to Council's current financial position and the costs required to bring the building to a basic standard in the current economic climate. Current estimates indicate a cost of between \$5,000 - \$9,000 per square metre. The Rex is approximately 2,000 square metres meaning a financial outlay of between \$10 million to \$18 million to rebuild or complete any major internal fit out. Currently the building is essentially an empty shell."

As noted above, this estimate may now be considered conservative and is in addition to all previous expenditure related to The Rex.

The recent valuation of the site is attached as a Confidential Attachment for Councillors' consideration.

RISK IMPLICATIONS

The proposal to sell The Rex was contemplated by Council to ameliorate the risks Council faces with the retention of this building.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Community Engagement Reports and the Survey Responses are attached to this report. Please note that any personal information or in appropriate comments have been removed from the Survey Responses.

Council determined, in accordance with its Community Engagement Policy and the International Association for Public Participation (IAP2) Spectrum of Public Participation (the industry standard for community engagement), that the level of engagement required for this project was to “consult”. This involves obtaining public feedback on analysis, alternatives and/or decisions and keeping the community informed, listening to and acknowledging community concerns and aspirations and provide feedback on how public input influenced the decision.

Council values and respects community input. Community engagement recommendations and findings, along with legislative requirements and Council’s roles, responsibilities and resources are all important elements of Council decision making.



The Sale of The Rex Community Engagement Report

Hepburn Shire Council

28 June 2022

Introduction

Max Hardy Consulting was engaged by Hepburn Shire Council to undertake community engagement on the current plans to sell the building purchased for the delivery of the Hepburn Hub at The Rex as this project is no longer considered financially viable.

The Community Engagement process documented in this report includes the following:

- An online survey that was open to all respondents across Hepburn Shire between 26 April and 20 May 2022.
- A conversation guide for key stakeholders and community groups to complete and submit.

This report provides a summary of the feedback from these two methods.

This approach was co-designed with the Council's project team to meet the project needs and engage at a 'consult' level on the IAP2 spectrum of public participation. This report provides a summary of the method used and the findings from this Community Engagement Process.

Project Scope

The historic Daylesford building that was to host the Hepburn Hub at The Rex project was purchased in 2016, however following initial building works, the contractor engaged in 2020 for construction mutually parted ways with Council in July 2021. As prices have risen due to the impact of extended time frames and Covid-19, Council has now voted to not engage a new contractor and instead sell the building located at Vincent Street, Daylesford.

The scope of this engagement is to understand the level of community support for this decision for the Council to sell The Rex building. Both engagement options allowed for participants to provide any ideas they might have as alternative uses for The Rex. All ideas for alternative uses for the building will also be considered but are subject to feasibility and cost.

It is important to note, that Council will not consider a revival of The Hepburn Hub at The Rex project and these comments will be noted but are outside the scope of this engagement process.

Methodology

Overall Approach

This section outlines the overall approach and key considerations for delivery.

This project included the following engagement components:

- Co-designed Process Detail
- A Conversation Kit/Guide for use by Community Groups
- Online Survey

These activities were undertaken at the 'consult' level on the IAP2 spectrum.

Community Group Self-Guided Conversations

The Conversation Guide was a flexible way for existing groups to provide thoughtful contributions to an engagement process within their own schedule. Group leaders are asked to find space in their regular meetings to consider the Conversation Guide content, provide space for conversations, record key outcomes, and encourage participants to also fill in the online survey. These conversations were estimated to take roughly 30 minutes to complete.

Max Hardy Consulting hosted a session for Council Officers explaining how the Conversation Guide can be used, with Officers then approaching groups they had existing relationships with asking them to complete a group submission.

Groups were asked to provide details on the group name, attendance at the meeting, awareness of the project, the level of support as a group and proposed alternative uses for The Rex building. Participation in a Guided Conversation with a community group did not preclude participation in the broader online survey.

Broad Online Survey

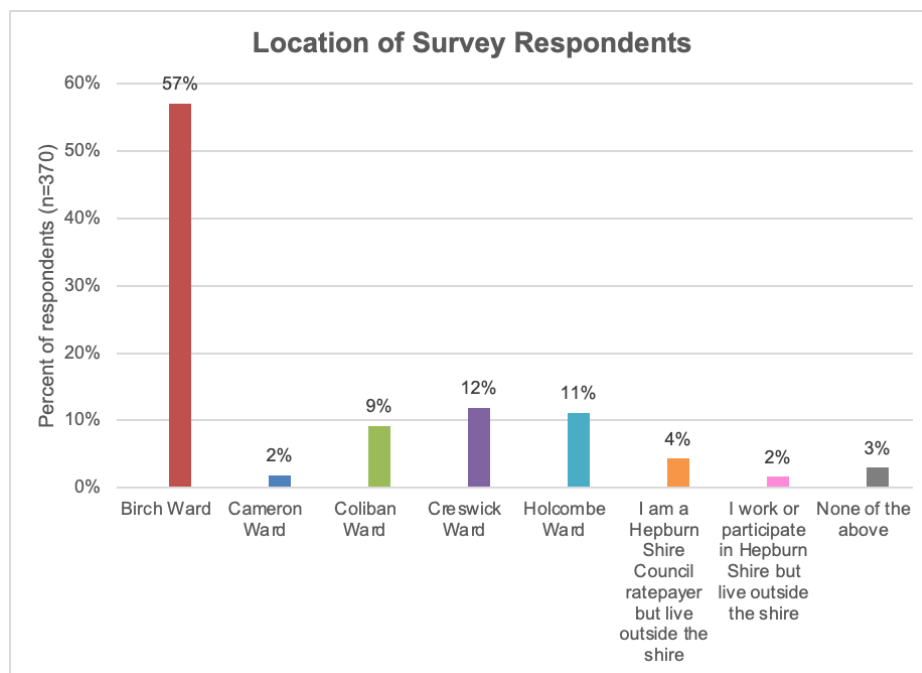
An online survey open to all residents of Hepburn Shire was run between 27 April and 20 May 2022 via Council's 'Participate Hepburn' Page. This survey was promoted broadly via Council's social media, local newspapers, email lists and community newsletters. The survey questions were the same as those asked in the guided conversation kit and included existing awareness of the project, level of support for the decision to sell the building, any alternative uses that Council might consider and some basic demographic questions.

Results

Survey Responses

The survey received 370 individual responses and of these responses, 89% (330 responses) had heard of Council's decision to sell The Rex building, 8% (31 responses) had heard about the intention to sell but didn't know the details and 2% (9 responses) had not heard about the decision prior to starting the survey.

Over half of all survey respondents lived within the Birch Ward (57%), with the next largest response areas including Creswick Ward (12%) and Holcombe Ward (11%) followed by Coliban Ward (9%) and Cameron Ward (2%). 9% of respondents lived outside of Hepburn Shire. The following graph illustrates the location of respondents who completed the survey.



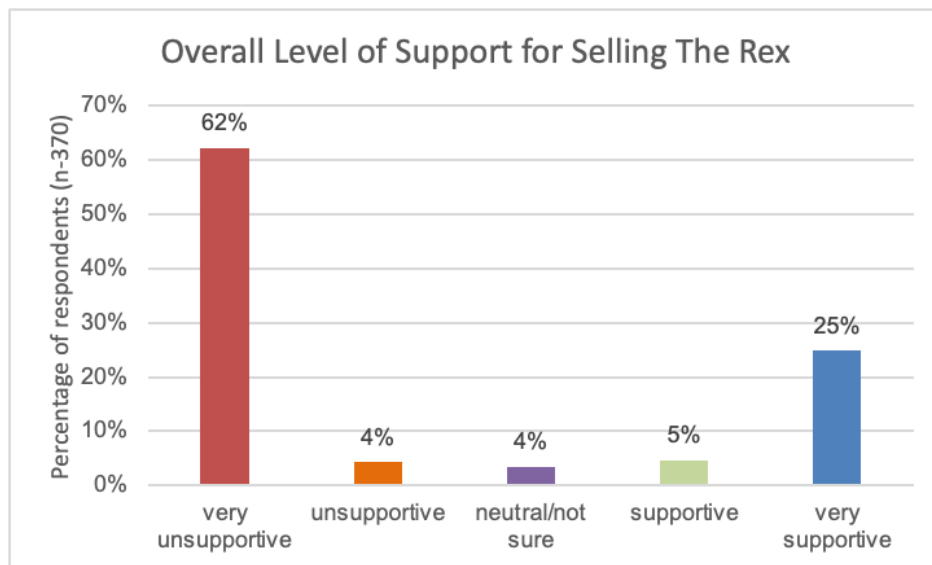
The survey also collected age ranges, which highlighted that the majority of respondents were between 40 - 59 years old (38%) and 60 - 79 years old (46%). The survey had a small number of respondents who were 20 - 39 years old (10%), 80+ years old (5%), and one under the age of 19.

Of those that responded to the survey, 15% of participants were the parent or guardian of a child under the age of 18, 12% identified as LGBTIQ+, 5% identified as a person with a disability, 2% spoke a language other than English as their first language and 1% identified as Aboriginal or Torres Strait Islander.

This next section provides a review of the level of support for the decision to sell The Rex as well as an overview of alternative ideas that were submitted that could warrant the Council retaining The Rex building.

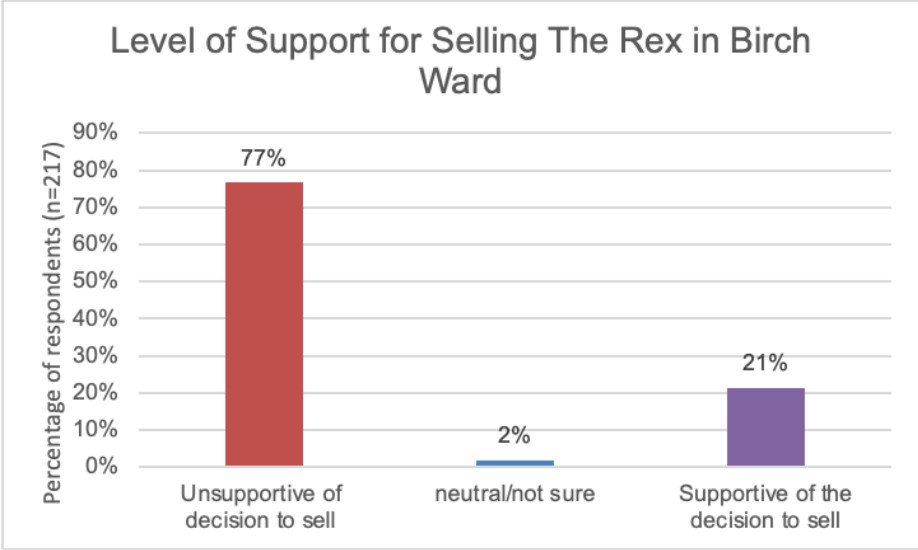
Level of Support

Over half of the survey respondents (62%) are very unsupportive of the Council's decision to sell The Rex and 4% are unsupportive. This can be compared to the, compared to 25% of respondents that were very supportive of that decision and 5% that were supportive. 4% of respondents remained neutral or were unsure about the decision.



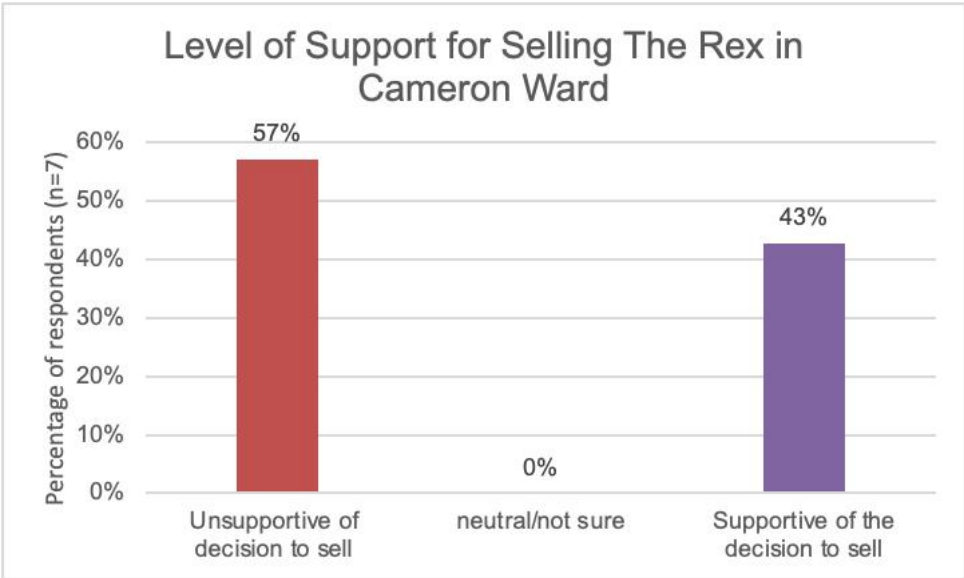
This indicates the polarised nature of responses and a limited number of those that did not respond as (1) very unsupportive or (5) very supportive. For the remaining analysis results have been included as unsupportive (1 or 2), neutral/not sure (3) or supportive (4 or 5).

When looking at the responses from those within the Birch Ward (including Daylesford, Hepburn, Basalt, Kooroocheang, Leonards Hill, Musk Vale, Sailors Flat, Shepherds Flat, and Yandoit) the majority of responses (77%) were very unsupportive or unsupportive of the decision to sell The Rex. 21% of respondents were supportive of the decision, and 2% remained neutral or unsure.

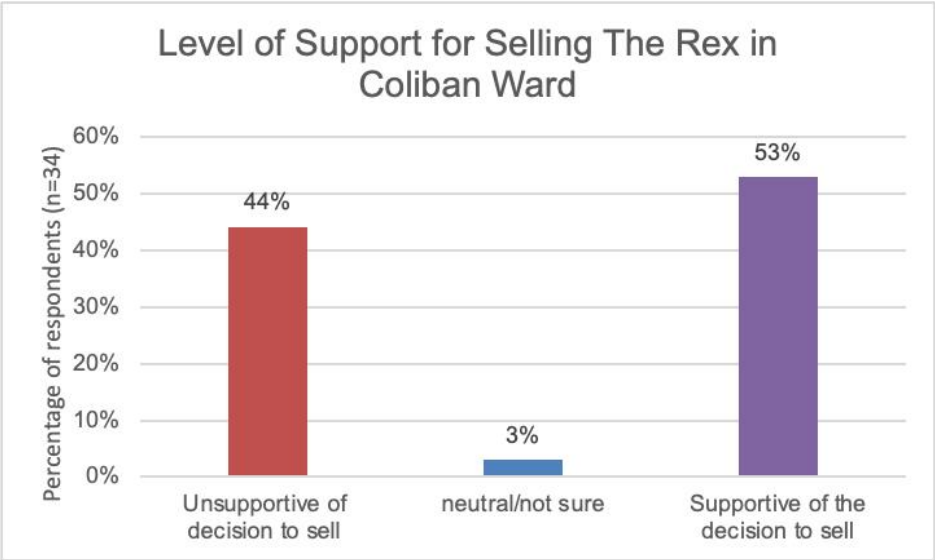


For all other locations excluding Birch Ward, more than half of the responses are unsupportive of selling The Rex (58%), and there were a higher number of respondents that are supportive (37%) and unsure (7%). Though there were smaller sample sizes for the other wards, the response for each ward is provided in the graphs below. Care should be taken when interpreting these results as smaller samples are unlikely to provide a representative opinion of the views in that location. This analysis identified higher levels of support in the wards of Coliban (53% supportive of selling) and Creswick (57% supportive of selling), and more unsupportive responses in Cameron (57% unsupportive) and Holcombe (79% unsupportive of selling).

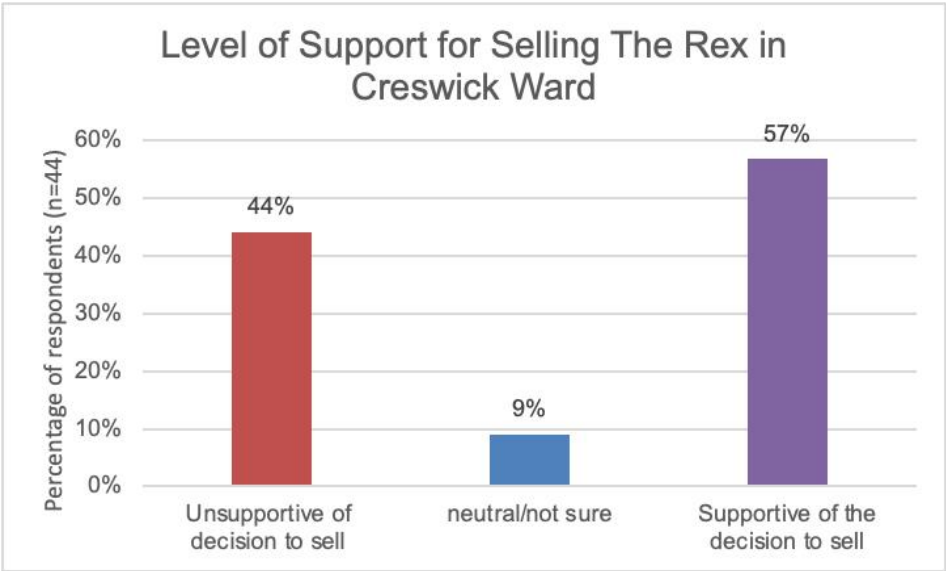
Cameron Ward

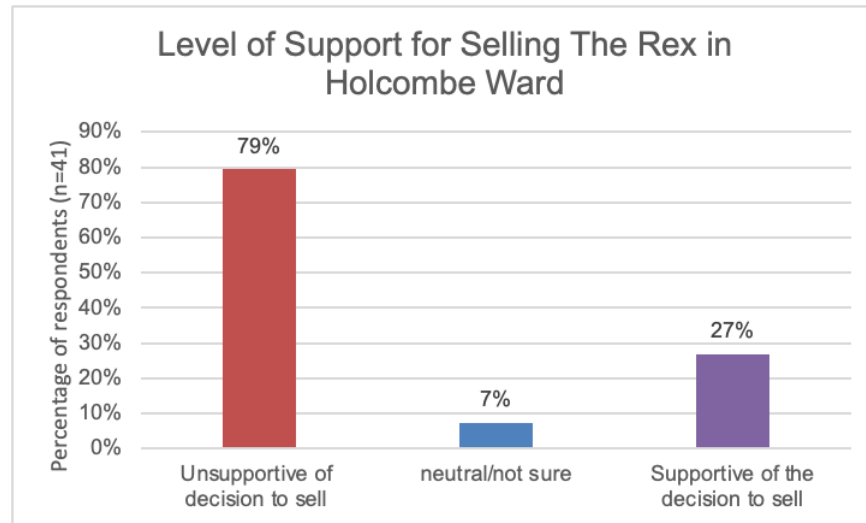


Coliban Ward



Creswick Ward



Holcombe Ward

Reasons for Level of Support

Survey participants were asked to provide a brief reason for why they had identified their chosen level of support for the decision to sell The Rex.

Unsupportive

This section outlines the most common responses from those that identified they were very unsupportive or unsupportive of the decision to sell The Rex. The most common responses are identified in the table below, noting that where comments included multiple themes they have been counted as an individual response under each relevant theme.

Reason provided for level of support (unsupportive or very unsupportive)	Number of responses that included
The Rex is an important building/asset that should be kept for the community. These responses were primarily in favour of retaining the hub or similar concept focused on community use.	150
Failure of Council to complete the project and a result of poor decision making. These responses generally identified that Council should follow through with what was promised.	57
Selling the building now doesn't recover wasted money/investment. Why sell for a loss?	42
Lack of information and consultation to justify selling.	25

Reason provided for level of support (unsupportive or very unsupportive)	Number of responses that included
Important to maintain heritage/can't trust private developers to do so.	19

It is clear from these responses that there was a deep attachment to the Hepburn Hub project or particular elements of that project from those that were unsupportive of the decision to sell The Rex.

From those that were unsupportive of the decision to sell The Rex, there were 38 comments that mentioned (1 or more times) the cinema/theatre, 24 responses that mentioned the heritage, historical/architectural value or iconic nature of the building (excluding comments that referenced historical failings in management), and 3 unsupportive responses that mentioned the public toilets or amenities. This can be compared to all comments in regards to the level of support provided where there were 41 comments that mentioned the cinema/movie theatre, 29 comments that referenced the heritage, historical/architectural value or iconic nature of the building and 5 comments about providing public toilets/amenities.

The following provides an illustrative selection of the responses provided from those that were unsupportive of the decision to sell The Rex:

- “I don’t believe that clawing back a couple of million dollars by selling The Rex is compensation enough for the loss of the site to the community. The Rex has a value to us far in excess of what a developer would be willing to pay.”
- “I feel the council has let us down with poor management of this project and zero consultation with the community before making the decision to sell.”
- “I believe the Council should have taken the advice of the Executive Officers to proceed with the project irrespective of the projected cost. Too much time and money has already been spent on this project. Locals expected it would be completed.”
- “The Rex is an important part of Daylesford’s history. It should be protected with heritage overlay. Surely a combination of public and private financing could help achieve the original objects”
- “The way this question has been phrased ensures a particular outcome. "given the hepburn hub project has been discontinued" this is an issue that should always be addressed. Classic move, to frame a question in a way that bypasses the real issue.”
- “I believe that the new members of council can right the wrongs of many bad decisions made by previous. It is an important asset to the community”
- “The sale would not recoup the level of financial investment already made. The community needs a centralised hub and this building is perfectly situated. I believe there is a way to retain the building for the community and selling is not the answer.”
- “Purchased to benefit our community. For >5 years the community has been adversely impacted by loss of the community cinema and also lack of central public toilets. Funds invested likely lost if sold. I support the sale if all funds spent to date are recouped”.

Supportive

This section outlines the most common responses from those that identified they were very supportive or supportive of the decision to sell The Rex. The most common responses are identified in the table below, noting that where comments included multiple themes they have been counted as an individual response under each relevant theme.

Reason provided for level of support (supportive or very supportive)	Number of responses that included
Sell the building and move on	72
Poor investment/too expensive/shouldn't have been purchased in the first place	42
Sell and focus on more equitable investment throughout the shire	22
Failure of Council/lack of confidence in Council to deliver the project	18
Too high risk for Council who are not property developers. Better in private hands or public-private partnership	18

The following provides an illustrative selection of the responses, which have been kept verbatim with the exception of minor edits for spelling. Comments included:

- “Financially it is not viable for the council to pursue this project. It is well known that smaller rural councils do struggle financially at times. On top of that the cost to council of the recent storms also needs to be considered.”
- “Disappointed that plans for Hepburn hub didn’t work out, but this seems like the only direction forward”
- “As Council has already decided to sell The Rex council should now look to implementing the plan to redevelop the Town Hall. This would allow for the long-held proposal to bring council functions together. including the theatre in the seniors space redev”
- “Council needed to make this decision as The Rex project has the capacity to impact Council finances severely. The Rex project has been mismanaged from its inception and should not proceed.”
- “The Council should be spending money on things that truly benefit the whole community. The Rex has limited benefit, especially for such a bit (edit: big) outlay. Also, Council are not property developers and I have no faith they can manage a project like this.”
- “The Hepburn Hub at The Rex project was very poorly planned and managed such that it is way too expensive for what we get from it. A brand new building would cost less. And in a covid world it is unacceptable to house workers underground in hot-desks.”

- “The Shire needs money and a Hepburn Hub does not need to be on the main street -that accounts for four stars. But I kept one star in case an alternate and profitable use could be found.”

Neutral/not sure

For those that were neutral/not sure there was a range of comments and opinions that included the following:

- “The "hub" was an expensive and stupid idea in the first place. How many buildings does the council need to deliver their pitiful services? So much money has been wasted on this "project" already.”
- “Aware that the cost is overwhelming but the theatre and library need a home.”
- “I'm not sure my vote will count tbh”
- “I am sure Council have valid reasons; it may need corporate \$ to reach its potential.”
- “It is concerning to what the building will be used for if it goes to a private buyer.”
- “I support the sale of The Rex but not until the LGI report is released and council can provide a P&L Statement for the life of the project. Council must not sell the building at a loss.”
- “Sitting in middle ground as I'm not informed enough as to why it may or may not be a sensible decision, either way.”
- “Depends on what the building will be used for”
- “I am only supportive to the extent that the building should not be left vacant. If the council can't/won't develop it as proposed, it should be put to a use that benefits the community and streetscape.”
- “Understand there is no public money to redevelop however concerned about big business moving into redevelop and lose history and character”

Alternative Uses

Those that responded to the survey were also invited to provide any alternative ideas that they have for the use of The Rex building. Of these responses, there were 87 new ideas received as well as 115 comments focused on keeping all or most of the elements of the Hepburn Hub and 72 comments that suggested alternative financial arrangements to complete the original project. 47 Comments focused on selling the building and investing elsewhere. Of the 115 comments to retain the original hub idea, there were 49 comments that mentioned the cinema specifically, 18 mentioned the the community hub, 16 identified the library, 12 mentioned public toilets, 9 included hospitality training and/or a youth enterprise cafe and 22 comments were more general about retaining the original hub plan. Please note that as some comments mentioned multiple elements (e.g. cinema and library) and have been counted more than once, making the total breakdown greater than 121).

Alternative Idea	Number of responses that included
Maintain existing elements (cinema, library, etc.)	115
New ideas (in whole or part)	87
Look for alternative financial arrangements to complete the project as previously intended	72
No alternatives - sell the building.	47
Keep until further consultation is completed	21
Maintain strong heritage protection for the building	5

Where new ideas were submitted, there were a number of recurring concepts, the most commonly mentioned included the use of the building for community spaces (in particular youth spaces or hospitality training centre), a mix of restaurants and shops and an art gallery or performance space. There were some partially new ideas included that also referenced previous hub concepts including 30 mentions of the cinema and 12 mentions of the library. All recurring themes from the new ideas (excluding the cinema and library from the previous hub plan) are summarised in the following table.

Alternative Idea	Number of responses that included
Community Spaces e.g. youth centre, meeting spaces, bookable rooms, hospitality training	26
A mix of restaurants, shops (including pop-ups, supermarkets or co-op), pop up markets and creative spaces	19
Art Gallery/Performance Space	16
Information Centre/public toilets	7
Swimming pool/aquatic centre	5
Apartments, hotel or b and b	4
Carparking (paid or unpaid)	2

Some examples of suggestions and new ideas include the following randomly selected sample (edited for spelling only):

- “An art gallery. Maybe “Daylesford Contemporary” and we can start building a collection of modern works. Bendigo and Ballarat both have great regional galleries, we have huge amounts of visitors already to the town. If it was a beautiful gallery space with good

exhibitions for a small admission fee, it could raise revenue for the shire over time. So many visitors to the town would attend.”

- “Why not open the building as a food court or similar? This would take all the people, who currently sit on the footpaths, off the street into a more comfortable/weather proof environment, thereby increasing the likelihood the facility will be used throughout the year. You could also maybe have a small stage area for local artists to busk/perform creating a warm and welcoming atmosphere. It would also be a cosy place to locals to catch up mid week. This would also free the footpaths, encouraging tourists to view the other shops along Vincent St without the hindrance of manoeuvring around tables and chairs. (Would also be safer too).”
- “There are many options including a council kiosk, theatre performance space that can be used by schools and community, local historical museum, information hub, Indigenous information centre with capacity to book indigenous walks and tours, community gallery, planning hub showcasing council’s green sustainable planning approach, rest centre for those needing a quiet space to have a break, and in general a centre of Daylesford, showing visitors all that the region is and giving the community a centre to use for whatever they care to do”
- “Aquatic centre....drop an in-ground heated pool in, make it special to appeal to tourists and locals Or an ice skating rink, plenty would come for that and for locals it could become an ice hockey/figure skating regional epicentre.”
- “Council has an obligation to spend rate payer monies responsibly. this building could be adapted to become a community training and welfare centre for groups such as single mothers, drug rehabilitation, or underprivileged kids offering them career training that their families can’t afford.”
- “Split the building. Sell the back part and finish the front part with the cinema a learning cafe for youth. Maybe a farmers market type operation in the downstairs part”
- “A community hub that encompasses a youth space and social enterprise, creative studios and shared workspaces, a gallery and multi-use performance/cinema. A food hub and home for our Wholefoods coop. Public toilets that are central. There are co-finance options available where the community is supported to co-contribute with Council and retain control (Hepburn wind farm springs to mind). We need centralised climate-controlled spaces for older/vulnerable people as the summers will get hotter. The space could house community services like CAFS, Centrelink or other support services. We could see a community of for-purpose businesses and organisations all housed under one roof. A festival hub for all the various amazing festivals in our town. A volunteer hub for all of our amazing volunteers for all these festivals. Look at models like the donkey wheelhouse in Melbourne or the Ballarat foundation’s volunteer nfp hub development in Ballarat. There are sustainable models that already exist.”
- “Ditch the office’s, make it back into a movie theatre, a great library with a small cafe and a community space, with the ability of locals to hire small workrooms, feature new artists from around Daylesford every month to keep the space interesting. Hire locals to build. Keep it functional and minimal. Another idea is turning some of the space into hospitality training for the high school students and locals to counter the server worker shortages and give young people opportunities.”

Number of respondents who supported specific ideas

Ideas as to how The Rex could be used were expressed in response to different open ended survey questions. Some respondents referred to the same ideas on more than one occasion. For instance, some people referred to cinemas, and others mentioned movie theatres; and some mentioned both. The count below refers to the total number of respondents who mentioned each idea.

The most popular suggestion was to establish a cinema, and/or theatre, at The Rex, mentioned by 156 out of the 370 survey respondents.

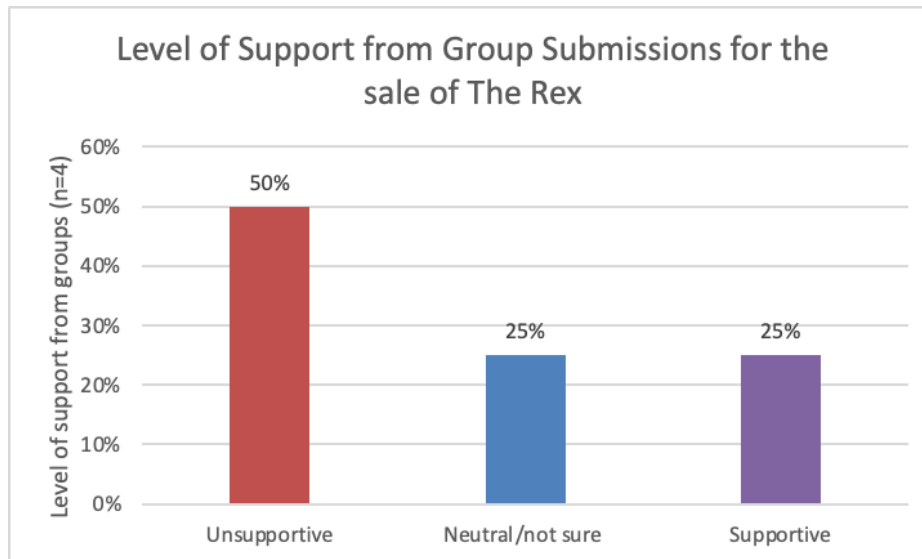
Idea	Number supporting this idea
Cinema/theatre	156
Library	67
Space for youth activities/ training	54
Arts hub/ exhibition space	36
Public Toilets	29
Cafe	28
Shops	26
Visitor Information	14
Hospitality training	12

Community Group Guided Conversation Responses

Over the engagement period, there were also 4 community group submissions that were received from the Public Art Advisory Committee, Rethink The Rex Community Group, Creswick Railway Workshops Assoc Inc and an independent group of local residents. 3 of the 4 groups had heard about the details of the decision to sell The Rex, with the remaining group not being aware of any details prior to taking part in their submission. It is worth noting that within the groups there was a group of 3, two groups of 4 and a group of twelve. As participants were also able to submit individually, each group has been given the same weight for the remaining analysis of guided conversation responses.

Level of Support

All groups had a unanimous level of support on their position on whether or not to sell The Rex. There were two groups that were very unsupportive of the decision (50%), one group that was neutral (25%) and a group that were strongly supportive (25%) as shown on the following graph.



Unsupportive

The comments submitted by those groups that were very unsupportive of the decision are included below. These comments have been partially edited for spelling or contain an extract of comments made as noted below. These comments include:

- "Hepburn Shire Council have spent ratepayers money on a ridiculous level through out this horrific process. Once called the variety store. Now a void.! I pay rates my community should be able to enjoy this space. So many promises made and failed. Why should ratepayers have to contribute to this! Wake up"
- "We are very definite that there are Four Essential Elements that must not be lost. The sale of The Rex as per this consultation, with no conditions on sale, risks losing these essential elements. There is concern that such a sale would result in tourist development/accommodation that does not meet the need of locals.
 1. HERITAGE - We cannot lose the External and Internal Heritage architectural elements of this 95-year-old iconic building in our main street; and
 2. CINEMA – We cannot lose our Community Cinema – an outstandingly successful and rewarding Community Asset; and
 3. COMMUNITY SPACE – We cannot accept the loss of the planned and promised Spaces that would have allowed showcasing of our Art and Products and Community Meetings and Performances; and
 4. PUBLIC TOILETS – Our Community, Our Visitors, Our Families, and particularly our Aged depended heavily on The Rex Public Toilets. We were

promised their priority in returning. We cannot accept their Loss.” (note: partial extract from comment)

Other comments included in the unsupportive submission for the decision include the need for comprehensive community engagement before selling The Rex, including realistic financial figures and sufficient details of the reasons for sale including looking into all feasible alternatives (e.g. different mix of uses or public-private partnerships to aid delivery). It was clearly of great importance to this group that Council communicates how the community services that would have been featured within The Rex will be provided to the community.

Very Supportive

The group that was very supportive in regards to the sale of The Rex provided the following comment:

- “The general feeling was that the costs of keeping the building was far too high and that it was unreasonable to pour more money into it. It would be of nil benefit to Creswick people despite their rates going into it.”

Neutral

The group that was neutral on the topic of selling The Rex provided the following comment:

- “Understand that the decision is primarily economic. The site is also primarily relevant to the Daylesford community and visitors rather than to the Shire as a whole.”

These comments are largely consistent with those received through the broader community survey.

Alternative Ideas

Two of the groups submitted alternative ideas to be considered for The Rex site and some groups submitted several ideas for a new mix of uses. It is worth noting that although out of scope for this question, this group also included a passionate plea to continue the delivery of the cinema, community space, public toilets and heritage protection on this site as discussed in the previous section of this report.

The ideas submitted included:

- “The Rex is seen as having potential as a public art space which could present exhibitions as well as commissioned work such as the Fish Traps public artwork that has been commissioned for the space. It could also support cinema and other cultural activities and events as well as creative spaces, studios etc. However, The Rex may or may not be the best site for this. It would be great to establish a public, community-based arts space that offers diverse creative opportunities.”

- “Cinema: This has already proven to be a profitable venture capable of paying commercial rent and bills. Adding a 2nd screen would increase the profitability of the cinema”
- Wine Bar & Tapis service area in the entrance to ground level with tables onto the street would attract people into the area and increase the profitability of the cinema
- Community Auditorium: accessible space for meetings, dance, choir, U3A activities, festival planning
- Village Square idea: a social space where people can gather on a social basis without any obligation, with tea, coffee facilities. A place encouraging connection on a caring level.
- “Made in Daylesford and Surrounds” shop which could incorporate the Visitor Information service. The shop could showcase regenerative organic produce and manufactured goods together with creative local work produced by local artists, crafts people and artisans.
- Art Space: Workshops, art exhibitions including social media and computer technologies utilised as a new medium for Art.
- Health & Well Being (uses) incorporating Massage, Therapy, Yoga, Herbalism, Pilates
- Youth Space: An area where young people can socialise incorporating hi-tech computer games and research available, pinball and areas of quiet contemplation.

As well as the details of some potential Government grants to assist with funding (including the Regional Accelerator Program, Regionalisation Fund, Investment Fast-Track Fund and others), a further excerpt from this group on how they envision these uses functioning is provided below:

- “To encompass the four essential elements within The Rex, the possibilities of private/ public/ community partnership/ownership should be explored with a view to reducing the financial impost of the project and optimise outcomes for the community. Philanthropic investors have expressed interest in being involved to members of our group.

It should be noted that costs will be substantially reduced by abandoning the plan to develop the wet area at the back of the building. Selling the private residence could also contribute to cost of the project. Unused Council assets should also be considered for sale to contribute towards the cost. Any such considerations should be transparent.

Our Community is very definite in its view that there are Four (4) Essential Elements that must not be lost in either the Re-design or the Sale of The Rex Theatre.

These elements could potentially be integrated. For example, if the cinema is located upstairs, there could be a bar and tapis area located downstairs, possibly spilling onto the street. A Made in Daylesford area could sell locally produced and manufactured goods, produce and artworks, adjoining the hospitality area, with an opportunity to showcase exhibitions of community arts made in Daylesford and surrounds. All these areas could have a training arm and provide opportunities for young people to develop skills and experience. There are many such ideas expressed in the attached document.

What eventuates should be determined by community consultation with consideration to financial viability and community benefit.”

Findings and Limitations

Findings

Overall it was clear that there was a significant portion of the community that are very unsupportive of the decision to sell The Rex and felt passionately about the delivery of a Hepburn Hub or similar style project. However, there were also a number of responses that felt that continuing with the project would be a waste of taxpayers' money and represent an inequitable investment for the Hepburn Shire. Those that were unsupportive of the decision to sell The Rex were from Birch Ward (highest number of survey responses) and Holcombe Ward. There was also a higher level of support from Cameron Ward. However other wards (Coliban and Creswick) were more supportive of the decision.

If Council was to proceed with the sale of The Rex it is recommended that the following be taken into consideration:

- Clear communication with the community about where alternative ideas have been investigated and why an alternative mix of uses or partial adaption of The Rex was identified as unviable.
- An identification or commitment where possible to relocate the key elements of the site, in particular community services, youth spaces, cinema and public toilets.
- Investigating whether it is possible to maintain strong heritage protection on the site if selling the building and communicating that with the community if deciding to sell.

If Council decides not to proceed with the sale, there will also be a number of important factors to consider:

- Whether a public-private partnership or grant can be accessed to assist with funding the project.
- Communicating what money is being spent and how this will benefit the wider shire and not just the residents of Birch Ward (equity of investment).
- Ongoing consultation with the community around the project.

Limitations

There were some limitations with this engagement process which have been noted, as follows:

- Despite the loss of a youth space being raised as an important issue from the sale of The Rex building, there were very few responses from those under the age of 30 to the survey.
- Allowing for group responses and individual responses means that those with a passionate point of view in regards to the project were able to have their views counted twice.
- Groups with a passionate position (supportive or unsupportive) were also able to canvas for additional responses from those that aligned with their point of view.
- There were a limited number of detailed community group responses potentially due to time constraints.

- A number of submissions were not able to respond within the scope provided for alternative ideas due to their passionate support of the Hepburn Hub project/offering.
- There was a lower rate of submissions for those outside of Birch Ward, which makes it difficult to generalise the results for these wards across the population.

These limitations are consistent with other similar projects. It is recommended that future processes may benefit from a drop-in session where more project information could be provided prior to participation in a survey or other engagement method.

Conclusions

This report has provided a summary of the engagement completed during May in regards to the Council's decision to sell The Rex. This engagement has found that the views expressed by the community were very polarised, with participants mainly selecting that they were strongly unsupportive or strongly supportive of the decision, with only a few submissions that felt neutral or less passionately about the issue. Support for the sale differed based on location with those in Birch Ward (the majority of survey respondents) as well as Cameron and Holcombe Wards to the west of Birch Ward, strongly unsupportive of the decision to sell The Rex. Those in Creswick and Coliban Wards to the east of Birch were more likely to support the decision (though response numbers were too low to generalise across the population in these areas).

The survey also resulted in a number of submissions with alternative ideas for The Rex building, though most ideas focused on alternative approaches to make key Hepburn Hub elements viable (e.g. the cinema, public toilet and youth/community spaces). Some of the alternative suggestions included creating an Arts/performance space (similar to those in Bendigo), a community space with a mix of services (training, welfare, bookable spaces etc.), a co-op or supermarket and arcade style shops, an aquatic centre or a cinema complex with shops similar to The Sun Theatre in Yarraville.

Hepburn

SHIRE COUNCIL

PROPOSED SALE OF THE REX COMMUNITY ENGAGEMENT REPORT

JUNE 2022



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1 Introduction

At the 23 November 2021 Council Meeting, the Council passed the following motion:

That Council:

1. ...determines not to proceed with the Hepburn Hub at The Rex project; ...
4. Request that the Chief Executive Officer undertakes a process to sell, through a public process, The Rex building;
5. Work with the Daylesford Cinema group on potential temporary and permanent solutions for the community cinema; and
6. Request the Chief Executive Officer prepare a scope to undertake a planning project that will review possible solutions of staffing accommodation and community facilities that were to be included in the Hepburn Hub; ...

[NB. Edited for relevance]

One part of the public process involved in a proposal to sell The Rex is specified in s.114(2)(b) of the *Local Government Act 2020*, that Council must undertake a community engagement process in accordance with its community engagement policy.

Council determined, in accordance with its Community Engagement Policy and the International Association for Public Participation (IAP2) Spectrum of Public Participation (the industry standard for community engagement), that the level of engagement required for this project was to “consult”. This involves obtaining public feedback on analysis, alternatives and/or decisions and keeping the community informed, listening to and acknowledging community concerns and aspirations and provide feedback on how public input influenced the decision.

Council values and respects community input. Community engagement recommendations and findings, along with legislative requirements and Council’s roles, responsibilities and resources are all important elements of Council decision making. Council will weigh and balance input regarding each of these elements to inform decision making.

Hepburn Shire Council engaged Max Hardy Consulting to assist with the development and implementation of the Community Engagement.

The focus and purpose of the Community Engagement was to discuss the proposed sale of The Rex and not a revival of The Hepburn Hub at The Rex project. It was also specifically noted that, “all proposals for alternative use for the building will only be considered if there is a financially viable option with significant community support”.

2 Invitation for Community Feedback

The Community Engagement on the Proposed Sale of The Rex was comprised of the following:

1. Participate Hepburn website Project Page with downloadable Background Information, a Conversation Guide and online Surveys;
2. The surveys were available to be printed and submitted via post or email; this was also possible at the Customer Service Hubs and Libraries.

The Community Engagement Surveys on Participate Hepburn were advertised in The Local (25 April and 8 May), Clunes Newsletter (May) and Creswick District News (April). It was also publicised in Council's eNewsletter, Hepburn Life (April), and promoted on Council's Facebook Page on 27 & 29 April and 5, 10, 16 & 19 May.

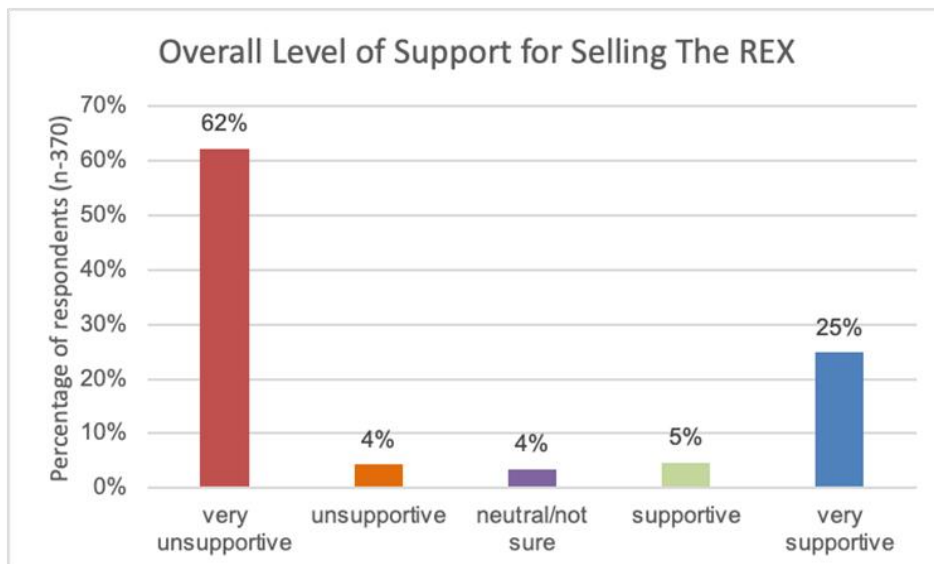
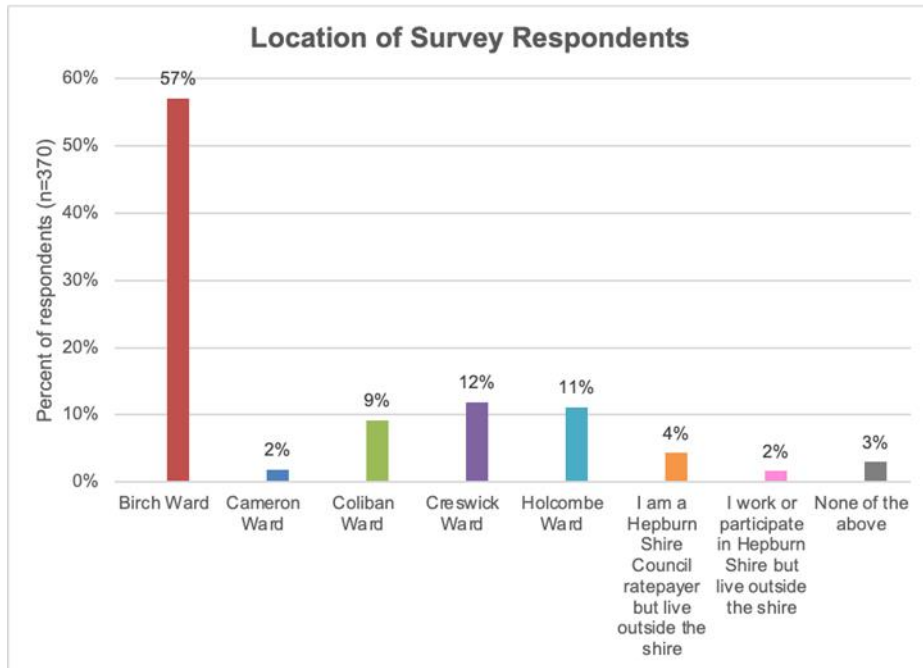
Council Officers contacted a number of community groups to encourage them to Host a Conversation and submit the feedback results. Council is also aware that the Council's Facebook posts were shared to various community Facebook pages and flyers were handed out by the Rethink the Rex (now Hepburn Matters) community group in Daylesford encouraging participation.

The community were able to submit feedback via the Participate Hepburn website from 27 April 2022. The period for submissions closed on Friday 20 May 2022 and this report outlines the feedback received.

3 Participate Hepburn Project Report

The online survey received 369 individual responses (NB. one (1) submission was withdrawn) and four (4) group submissions. This represents 2.3% of the Hepburn Shire population. This is a significant response from the community to the engagement.

4 Snapshot of Feedback



5 Themes from Community Feedback

5.1 Community Hub

The majority of the responses that were unsupportive or very unsupportive are concerned with a Community Hub at The Rex, a project that Council has determined will not proceed and this will not be reconsidered.

As outlined in the Background Information for the surveys, Council's reasons for cancelling this project were varied and included:

- uncertainty of the final cost
- previous construction issues
- Council's financial position and unknown financial impacts of COVID, storm recovery and operating in a rate capping environment
- concerns the project would not deliver expected outcomes
- perceived lack of Shire-wide value

Since the decision was made in November 2021, there has been continuing uncertainty with COVID, a rise in inflation and difficulties in the construction industry due to supply and demand issues. This means that the potential costs have increased even further than were already of concern at that time.

There are two additional points worth mentioning from the Council Decision at the 23 November 2021 meeting. The motion passed included the following:

- *That Council would work with the Daylesford Cinema group on potential temporary and permanent solutions for the community cinema; and*
- *That the Chief Executive Officer would prepare a scope to undertake a planning project that will review possible solutions of staffing accommodation and community facilities that were to be included in the Hepburn Hub.*

These commitments remain important to Council and the community and will still be investigated and progressed by Council at locations other than The Rex.

Council acknowledges that there are a number of members of the community who are disappointed that The Rex development as a community hub has not proceeded. This is primarily due to extensive building issues and financial shortfall; however, we also acknowledge that there are facilities that are important to the community and these will not be forgotten.

▶ Community Engagement Report – Proposed sale of The Rex

The feedback received in the community engagement highlighted the following facilities that the respondents were concerned will be abandoned with the proposal to sell The Rex and discontinue the Hub project: the cinema, the building’s heritage, provision of additional public toilets, improved library and community space.

5.2 Heritage

It has been confirmed that 49-51 Vincent Street Daylesford has a Heritage Overlay under the Hepburn Planning Scheme. The Heritage Overlay Schedule lists HO 674 – Former “Rex Theatre” and Shop, Vincent Street, Daylesford and confirms that both External Paint Controls and Internal Alteration Controls apply.

It should be noted that the building is zoned as Commercial, which means that additional permits would be required in order to develop the building for many of the suggested alternative uses.

The planning controls will determine a number of aspects for the future use and development of The Rex building.

5.3 Ideas for Alternative Uses

Proposals for alternative use for the building will only be considered if there is a financially viable option with significant community support.

The key criterion for assessment of any alternative proposals centred around the financial viability for Council to implement the ideas and the estimated capital investment that would be required. A proposal was also considered less viable if it was a piecemeal use for only a small part of the building’s whole. The majority of suggestions for any use of the building focusses on Daylesford-based services and are outside Council’s general activities.

The following tables show an assessment of the alternative ideas proposed in the Community Engagement.

▶ Community Engagement Report – Proposed sale of The Rex

Considerations				
Idea	Comments	Area of impact	Council's core business	Does this exist in community
Community Spaces (library, auditorium, co-working space)	As part of the November 2021 Council Decision, a commitment was made that the CEO would separately scope a project for the community facilities that were to be included in the Hepburn Hub. Community facilities for Birch Ward and office space will be considered as a separate project, as requested by Council. This will begin after a decision regarding The Rex and will involve significant community consultation.	Daylesford and surrounds	Yes	Yes
Community Cinema	As part of the November 2021 Council Decision, a commitment was made that Council would work with the Daylesford Cinema group on solutions for the community cinema.	Daylesford and surrounds	No	No
Retail space	This would be a project best undertaken by a developer.	Daylesford	No	Yes
Art gallery / performance space	There are established galleries in the surrounding area as well as the major galleries in Ballarat and Bendigo. There are existing performance spaces available within Hepburn Shire, such as the Town Halls. We acknowledge improvements at these sites could be undertaken and these will be subject to future project and budget considerations.	Daylesford and surrounds	No	Yes
Information centre / public toilets	The number and location of public toilets in Vincent St is an issue that Council is aware of, however this site is not ideally suited particularly due to the size of the building.	Daylesford	Yes	Yes
Swimming pool / aquatic centre	Investigations relating to these facilities are being addressed as part of the Aquatics Strategy; The Rex has not been identified as a suitable site for this.	Daylesford and surrounds	Yes	Yes
Apartments / Hotel	While it is acknowledged that there is a social housing issue, this would be a project best undertaken by a developer.	Daylesford	No	Yes
Car parking	Paid parking has been investigated previously and has been shown to have an unsuitable return on investment even if the surrounding area also had paid parking.	Daylesford	Yes	Yes

► Community Engagement Report – Proposed sale of The Rex

Financial Viability			
Idea	Initial estimated capital investment	Potential for Grant funding to be available	Comments
Community Spaces	\$18 million	Yes	Unlikely to have a financial return on capital investment, however we note the community benefit and that community spaces are subject of a future project to be undertaken by Council.
Community Cinema	\$18 million	No	Unlikely to have a financial return on capital investment. However, we note the community benefit and have committed to working with the Daylesford Cinema group on other potential options.
Retail space	\$18 million	No	Potential to have a reasonable return on investment period, however typically not Council's core business
Art gallery / performance space	\$16 million	Yes	Unlikely to have a financial return on capital investment
Information centre / public toilets	\$9 million	No	Unlikely to have a financial return on capital investment
Swimming pool / aquatic centre	\$25+ million	Yes	Unlikely to have a financial return on capital investment
Apartment / Hotel	\$25 million	Yes	Potential to have a reasonable return on investment period, however typically not Council's core business
Car parking	\$10 million	No	With free parking available in central Daylesford it is unlikely that paid parking would generate a suitable return on capital investment

There were a range of suggestions put forward through the engagement process and these have been broadly categorised below with an initial response / comment from officers.

5.3.1 Community facilities

A number of the proposals submitted as part of the community engagement duplicate facilities or activities already available in Daylesford, such as community markets, historical museum, galleries, function spaces, spaces for hire, performance spaces, and health and well-being activities or services.

► Community Engagement Report – Proposed sale of The Rex

Council operates a Visitor Information Centre adjacent to existing public toilets and the town offers ample accommodation, supermarkets, food and beverage and retail stores and parking. There are both private and public/community auditoriums and meeting facilities available, including Town Hall, the Daylesford Senior Citizens Centre and Daylesford Neighbourhood House (including The ARC).

The community desire for additional community spaces that were to have been included in the Hepburn Hub, including the Cinema and additional public toilets, will continue to be addressed by Council as a separate project in location/s other than The Rex.

5.3.2 Aquatic facilities

The suggestion of utilising The Rex for an aquatic centre is impractical and was not considered in detail. The Council's recently completed Aquatic Strategy has confirmed the community's desire for an indoor swimming pool and this will be further investigated as a separate project.

5.3.3 Council Strategies

The need for Youth spaces and Art spaces and Food Co-op are being investigated as part of other Council Strategies currently under development and these processes have not identified The Rex as a suitable location.

6 Conclusion

We appreciate the time taken by the community to provide feedback on the proposed sale of The Rex. This report will be included in the final report to Council regarding the sale of the building. Hepburn Shire Council thanks you for your interest and participation.

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
1	-	-
1	Because it's purpose should be as an asset for the community	Cinema, live music /theatre space, artisanal hub, open studio spaces, small local business buy in and activity that adds to the vibrant creative and cultural life of residents and tourists alike
1	I think the building should be kept for community use and not sold off	The council should consult with community groups and find a use that can would suit all aspects of the community. Could be used for community workshops, shops, education, and so on.
1	The Rex should be retained by Hepburn shire. Council does not own the Rex the community does. It was lack of foresight that by council that has caused this mess and it will be lack of foresight that will deprive the community of	What does my gender or how I identify have to do with this survey it is irrelevant? Hepburn Council are an embarrassment. The whole lot of you need to be replaced.
5	Cost vs benefit doesn't add up	No
1	Think this could be an asset not a liability	New library movie theatre and youth hub
5	Clearly this project is not going anywhere, better to cut our losses and move on. Anyone trying to stop the sale is only dragging this out unnecessarily. It's	Nope
4	I feel there are better areas to develop like Vic park	I would much prefer a purpose built place where there is many areas together, library with outdoor area, picnic area, community space at Vic park.
1	The way this question has been phrased ensures a particular outcome. "given the hepburn hub project has been discontinued" this is an issue that should always be addressed. Classic move, to frame a question in a way that bypasses the real issue.	Firstly. The finances lost need to be recovered and the people responsible need to be responsible for that. ... That budget was more than enough for the community projects to go ahead and it was squandered by corrupt practices. The community knows, something must be done. We are watching to see what is done. Will the investigation be made public?
1	Daylesford is becoming, if not already become, and outer suburb of Melbourne and has lost its country town feel, which is/was the most attractive part of Daylesford along with its landscape. Keep Daylesford	The Rex could be used as await for it.....a theatre. OMG. Who'd've thought ! Movies, old, new and current. Burlesque shows. By the way, why must I answer the "Do I identify as any of the following ?" part of this survey ? It's discriminatory to simply ask this question.
1	Too much money wasted, nothing to show for it, loss after sale both financial n historical, embarrassing to think it happened in the first place. ... to be	Front area - defined separately from back area. Front kept for community, back rented or sold for commercial/residential use?
5	I'm supportive in the hope the proceeds of the sale are used for Shire community projects and NOT used for general purpose.	I have no alternative ideas to keeping the building without spending more money on maintenance etc
1	NO CONSULTATION !	I did not get the opportunity to add As a relatively new resident to Daylesford since 2019 I am surprised by the Council's lack engagement with the local community. Firstly with the Admendment C20 and lack of consultation with the affected residents, of which I was one, early 2021. Now the backflip of the Council and sale of the Rex, with zero consultation We need to find a way to utilize this perfect location at The Rex, and a way forward in spite of all the obstacles. We already have plans drawn up, these need to be modified for a smaller less ambitious project, moving forward. ! am dismayed by the lack of local facilities, the makeshift Library from a converted weatherboard cottage is totally inadequate and substandard. The REX was originally built to be a Cinema which has been operating there on & off since 1920. Castlemaine has a magnificent library & Cinema. Other spaces could provide revenue for Council. Please RECONSIDER !
5	I believe our shire council should face up to the mounting evidence against being involved in these high-risk developments and leave this to the	None.

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
1	I don't agree with it being discontinued	I don't know much about the specifics of the history of the mismanagement of the project, but it blows me away that no one has been held accountable or prosecuted for the blatant waste of ratepayers' money. It would be so well utilised as a hub - personally I was really looking forward to an upgraded library space. I have a young child- these services are critical for the social well-being of families.
4	The funds required to make the space usable are too great and would be better spent elsewhere on many more projects in the Shire.	No.
5	The cost was unjustifiable given that additional costs of fit out and refurbishment of the facade were not included. Escalating costs and unspecified further costs indicated deeply flawed project management from	No.
1	Community expectation is that the advice of the Executive Officers should have been followed and the project should have been completed by now.	No. Too much money has already been inappropriately spent. Complete the project as originally planned.
1	The community needs a 'centre', something that is ours not a tourist	Library and cinema.
4	I never thought it was the right choice for the hub. Sell and let a private organisation develop it.	No. Sell and build a purpose built new building in a place where you can get parking or public transport too easily.
1	The entire project should follow through - too much work has been done to abandon now.	LISTEN TO THE COMMUNITY ! Their is overwhelming support for the project to be completed in its original design. Should also include a very much needed Public Art Space - none currently exists in the Hepburn Shire.
4	Best financial outcome for the Shire / Ratepayers	Council should sell the Building BUT do so to a purchaser who is prepared to complete renovations (to an agreed specification) and lease back. This way the ratepayers can recoup some money, not be exposed to any subsequent building costs BUT still have access to the Building as intended
1	Disgraceful process- citizens have participated since 2013 identifying needs then no rationale, no supporting argument then abandonment. No respect	This iconic building with major heritage status deserves respect - council decisions have brought it to its knees. Make it a centrepiece of the Daylesford town centre- cinema, library, outlet for Made in Daylesford , products, community auditorium for festivals and events and public toilets. Sell the back half to fund it. The need for community cohesion and pride is most important in tourist towns, as we make sacrifices to create this thriving tourist economy- who goes into Vincent Street at the weekend? Cohesion is difficult- ask Byron Bay residents. We provide most of the rate base yet we are punished by NO substantial investment in our community facilities for the last 30 years- e.g. library, swimming pool, Town Hall. We participated in 2013 in planning for the future of our community facilities and ten years later feel very let down by our councillors.No allocation in current draft budget for Daylesford facilities. Do councillors hope we don't notice?
1	This is a terrible decision made without any explanation to local residents & will provide no benefit to residents. Again Daylesford gets nothing while other parts of the shire benefit at our expense. & result in a major financial loss for the community	Daylesford needs a new Library and a Cinema and Auditorium/meeting space which is readily accessible and a space to sell local produce, arts and crafts. It also needs public toilets in the main street. I also believe that this iconic historic building must be respected and retained and used for community purposes. The current building and land at the Rex could be subdivided. The front historic building could be retained by the council and the land fronting Duke Street could be sold along with the current Library site. This would provide capital for work on the Rex building. Rental from the shops on Vincent Street and leasing the cinema would provide ongoing income for maintenance of the Rex. The old Information Centre site next to the Post Office could be sold and this money put into the Rex. The redeveloped Rex could include a Council office e.g. for residents to pay rates thus increasing customer usage of the site as is done in the Barossa Valley. This Council has let us down badly.

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
5	Because it's been blown out of proportion budget wise and now the building is an eyesore I think it's time to move it on and put some money back into the town	Unless they knock it down and build a decent shopping arcade with useful shops instead of the upmarket style clothing outlets and boutique cafes then they shouldn't keep it. Hepburn Shire council have a bad track record with plans and keeping to them may as well sell it to someone who will actually turn it into something useful for the town.
1	For such a key community building to be privately owned and run, who knows what stores may be set up there for the right amount of dollars. Should be kept community based with basic needs ie. library, theatre etc at the heart of the hub	Thorough investigation on the existing building structure - as it stands right now. Construct a Low budget fit out, to suit basic community requirements. Leasing spaces to businesses to build up the hub, while building a budget from that to complete a final planned refurbishment down the track Even if it remains boarded up and a revised layout and planning takes another 12 months.
1	I am concerned that this site will be bought by a developer and pulled down for tourist accommodation.	Some kind of community space. Artist studios and galleries. Meeting place. Youth space. Indoor play area for young children.
1	Lack of business acumen in decision making process	Get stakeholders involved
1	Purchased to benefit our community. For >5 years the community has been adversely impacted by loss of the community cinema and also lack of central public toilets. Funds invested likely lost if sold. I support sale if all funds spent to date are recouped	Return of cinema & indoor youth space for community and possible use as pop-up indoor art/design markets like at Royal Exhibition in Carlton hosts. Also mixed with for-profit businesses renting a portion of space (possibly with cafe/restaurant/wine bar but more likely office or retail) to help cover costs or addition of a few small apartments for rental income. I suggest the Bromley instalment is auctioned (with cost spent as reserve price - may be in several lots to achieve this) if not to be repurposed in the new design. Community seemed very disappointed about this work being done at the time when other work not yet completed.
5	Wasted enough rates money on this building. There are other, more deserving areas of the community that could do with these funds.	No, the building us only of value to a small portion of the community, most of which are based in Daylesford. For everyone else, there are hundreds of other projects/buildings that are just as deserving.
3	I am sure Council have valid reasons; it may need corporate \$ to reach its potential.	* Community meeting and planning space for climate / enviro adaptation / mitigation and extreme weather emergency response planning. * Film Development / Creatives / writing etc HUB. Maybe partner with RMIT or similar... ie partner with an academic institution.
5	Council has displayed extremely poor evidence based processes and shocking decision making. A damning indictment	No, sell while the market is strong
5	HSC does NOT need another physical presence in CBD. The money spent on this unnecessary project is OBSCENE. Sell this asset and relocate the main HSC admin to a low cost area and convert Town Hall to a Transaction Centre. The existing library is OK	The primary "alternate use" suggestions seem to be around a cinema and some vague "hub" ideas based on Council services. HSC has a Town Hall and it has two other existing CBD properties from which to administer services. Town Halls were built as a place of meeting and entertainment, including the showing of films and movies. We already have a place for these activities: the Town Hall. The HSC does NOT need to spend more ratepayer (or taxpayer) funds following an outdated dream of what was always a private enterprise property. Walk away. The Rex is NOT an HSC priority and is not a strategic necessity for the Shire. The HSC office block may not be pretty, but it is situated on a generous size block. Recent HSC notices tell us that HSC Staff levels are dropping (appointment now required for Planning Department). This expansionist desire (at public expense) needs to stop, NOW.
1	The waste by council here is offensive and we have lost so much as a community, now we'll have nothing	An art gallery. Maybe "Daylesford Contemporary" and we can start building a collection of modern works. Bendigo and Ballarat both have great regional galleries, we have a huge amounts of visitors already to the town. If it was a beautiful gallery space with good exhibitions for a small admission fee, it could raise revenue for the shire over time. So many visitors to the town would attend.

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
1	I felt it was a slap in the face to rate payers . It was made without the respect of community consultation, especially when the cinema group had spent so much money, and is not compensated. Millions already spent, will be lost.	<p>1. Do councillors have information the local community does not have? It is said that damage has been done to Council by the manner of the decision without consultation, and people are justly, angry. This needs to be repaired before we move on to think about the building's future.</p> <p>2. Decisions made in haste, are often poor ones. There are several big projects needed, The aquatic strategy, and a new library/hub. The Aquatic strategy was given space and time. Make space and time to allow the community to educate itself as to the issues relating to the Rex. , and try to salvage something and look at broad options.</p> <p>3. Public Toilets, a cinema, meeting place, a youth training Cafe, and space for local goods and produce are all needed in Daylesford. These are needed by the local community, as well as tourists.</p>
1	I am not aware of alternative options/partnerships/processes or business cases that Council has considered other than selling/ Maintaining an anchor use in the main street is key to the health of the retail core.	I would like to see a public/private partnership business case explored for the whole site which, if successful, may generate resources to support quality refurbishment and community uses. I have extensive experience in public use and place planning and management and have strong views regarding the importance of supporting a diverse and community connected main street (which as a newcomer to the area appears to have signs of failing) and believe further investigation is warranted
1	Rex could be revisioned into a community venue - instead of wasting monies	Community theatre, social enterprise opportunities
1	council has already invested !@ million of rate payers money and by selling will be lucky to recoup half of that investment	Council has an obligation to spend rate payer monies responsibly. this building could be adapted to become a community training and welfare centre for groups such as single mothers, drug rehabilitation, or under privileged kids offering them career training that there families can't afford.
1	It should remain in the community's hands, not some private developer	Turn it into a cinema, a library, and a permanent home for the local arts collective/cooperative
4	Council have proven they are not capable of effectively managing and funding refurbishment of the Rex building. They should sell it with conditions on maintaining and enhancing its heritage features and providing some level	Council should sell the building, with restrictions on preservation of heritage features and inclusion of some level of public use eg a cinema.
1	Before making the decision Council should have applied its Community Engagement Policy, which on the IAP2 spectrum would have required involvement, collaboration and empowerment. This high level of deliberative engagement should be done now.	Council has made the Hepburn Hub out of scope but the decision to stop the project and sell the Rex was flawed as it did not result from a proper process prescribed by the Community Engagement Policy. Council has stated that the Rex could remain unsold if an acceptable proposal is submitted. If you can rescind that part of the motion then the option remains to rescind the entire motion. I respectfully suggest that Council undertake a People's Panel/Citizens Jury to do what should have been done several months ago. As a student of deliberative democracy I am aware of the success of such processes to solve "wicked" problems. This is such a problem. It will require a systematic approach to make this work but resources are available to assist Council. This panel can assess all options including the Hepburn Hub and also those proposed under the current process. If you seriously want a way forward that will garner community support then this is it. I am happy to discuss further.
1	I think there is more community benefit in the space remaining an asset	Council could look at what is involved in bringing the Rex into building compliance first. A fit out does not need to cost a ridiculous amount. Pursue government grants for the arts or heritage. Sell off other council assets that aren't so centrally located and fit for purpose to fund a base build. This doesn't need to be the crown jewel of Daylesford, just a functional community space.
1	The Rex is a valuable community asset which should remain community	Council could investigate going into a commercial partnership to run a business, particularly a cinema.
1	To walk away from a project halfway through completion is simply short sighted. Finish the build, and at least you have an asset that will last 60-70	Stick with Plan A - get it built and and finish it.

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
1	due to the predicted loss on Councils investment	Complete the building to a usable standard and then decide if it should be sold
1	I believe many facilities that could be incorporated in this building would be of great benefit to the town	Working on partnership with another investor
5	Because the council isn't a property developer. This is a commercial property	None
1	Disgusted at Councils decision..hoping to claw some \$ back I guess.	Any alternative ideas would no doubt NOT be considered by this Council.
5	...	No. Sell the building.
1	Any plan for the Rex needs to include keeping the proposed cinema!	Shared lease commercial/public to fund community use of this special building.
1	No consultation with the community, which they promised at the time of their election. Give us our cinema back which was run by the community and the council shut down much too early	No I don't have alternative options, give the community what you promised and what they really want, it's the community's money
1	Yet again no consideration of locals	There are very few adequate facilities available to the community in Hepburn Shire. We need spaces where the community can come together. I know tourism is important to the region but locals and ratepayers seem to constantly miss out. WE WANT TO KEEP THIS BUILDING IN RESIDENTS HANDS AND FOR THEIR USE.
5	Bad buy very unsuitable building	Build multi level car park over heated pool with staff offices around the pool site and surrounding area and those staff that can be accomodated in a building at the Depot site that can work remotely do so at this site with a liaison officer from planning building have a meeting room in new complex at pool site. Staff would have parking in both areas thus creating more street space for shoppers ...
1	The asset will be sold below it's value due to it's current state. The private buyer will end up getting the benefit of public funds previously invested.	Long term (10 -20 years if commercially required) lease of the building as part of a public private partnership - allows private investment without losing the asset. Lease should have appropriate encumbrances to ensure social good use of the space.
5	Council needs to recoup its losses as it has far more pressing needs to address in this fast changing community	No
1	Should remain a community asset.	As it's bare it could be utilised by many community groups, artisans and food outlets. There is a real lack of communication it's indoor space. The cinema should be allowed back in.
5	It is known the shire has limited finances, and needs to cash in and start actually running the shire. There is critical issues with Daylesford shire that need attending to now.	The council could continue the development and sell off strata titled shops/accomodation with incoming leases to improve the towns viability. The council needs a means of furthering income after years of consistently losing money.
1	Historical buildings should be maintained and treasured. I am a regular visitor of the Sun Theatre in Sunshine and this historical building can be natured and revitalise the community and visitors in creating a place to	The building can become a convention hub with movie nights, performing artists and exhibitions.
1	1. The delayed report might hold previous council accountable and recover some of the wasted money. Doing anything before the report is released is premature. 2. The asset is not Council's to sell. It belongs to the ratepayers.	Reinstate what the council has destroyed. Why not revert back to its original use as a cinema, at least the ratepayers will have something to show for their money!
1	Would be a shame to loose this part of the history	Bed and breakfast Hotel Movie theatre Community hub
1	The Rex must be part of the community	Negotiate with e community to get funding - there has to be a better way than selling it. What control do the community have over potential buyers?

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
5	This is a money pit and takes Council attention away from infrastructure improvement and maintenance as well as town beautification	Sell it and use the proceeds to address the above
3	as long as all people have their say and what is best for the shire.	let us hope for the people of daylesford and surrounds that maybe the front facade be kept if sold as a monument of past and present citizens.
1	Daylesford needs this building. Daylesford needs a cinema. It would revitalise main street, give young and old something to do for entertainment. Not a good building for council adminsitration but very shortsighted to get rid of this building.	So important for this town to have a cinema. Look at how Sun theatre revitalized Yarraville. No entertainment for young people here. Streets are quiet after dark except for Daylesford Hotel taking people's money on the pokies and providing venue for loudmouthed abusive blokes. The rex is not a place for the local council to be situated though. If you can't refurbish the building, refurbish enough for a cinema and allow for private rental of other spaces.
1	I feel the community is losing an extremely valuable multi-functional facility.	Can we investigate a business/council co-funding arrangement?
5	The loss of the movie theatre is particularly disappointing, Better use of ratepayers money	No it's Hepburn shires white elephant
4	Due to the amount of money that needs to be spent on the renovations	-Food court showcasing local produce -exhibition space for events, festivals etc -pop up restaurants and shops -complete the project and lease out spaces to local businesses
1	The financial cost to the community to this date warrants further investment to realise a benefit .	Yes! Use a Public Private Partnership (PPP) to complete the project and then allow the community to keep its cinema, and develop either retail, hospitality or community based activities. It should not be sold!
1	I would really like to have the cinema back	Cinema
1	I is an icon building in this town and should be kept for community use this town has been ruined by rich city folk buying up everything, daylesford has lost its soul we need this building to be kept for the community	The Hub should go ahead or a version of it, bring back the cinema, the library, information centre
1	This building is a historical building and the community have already put a lot of money into this building it shouldn't be just sold but be repurposed into a	A mix of private enterprise and community use
1	The council has botched the process from start to finish. This should be finished in one way or another. The cinema needs a home.	Split the building. Sell the back part and finish the front part with the cinema a learning cafe for youth. Maybe a farmers market type operation in the downstairs part
4	The rex needs to be in the hands of somebody who respects its history and can appropriately manage its restoration.	somebody needs to take it over who respects the history of the building and location
5	The funds from the sale will benefit the wider community the council serves	No, get rid of it
2	I would it be used for the benefit of the community and council	Youth services, training facilities, Safe space for LGBTQI+
1	At current valuation it will be a big loss	What ever use it still needs more work to water proof it. A theatre for movie and proformance A Caffé to service patrons and a lolly shop. Library. Basically what it used to be. Hopefully it will make enough to cover running costs. I don't expect it to make its cost back. But at least it stays in control of the people of Hepburn.

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
1	This venue is a treasure. It was paid for by the community, and no particular council has the right to simply sell it. It would've been a perfect hub for Council staff, but now it must be something else which serves the Daylesford community.	Whether a 'Hub' or not, the magnificent Rex building can still house many of the facilities which the community desperately needs. At very least, this is the correct venue for an adequate public library, public toilets, tourism information centre and the ever-discussed, never-fulfilled youth enterprise cafe. That leaves much of remaining space to be shared with, leased to or sold to community groups or private enterprises who could install and maintain the cinema complex that this town HAD before the Council bought the premises in 2016. In the November 2021 Council meeting that voted to sell The Rex, councillors made it clear that an alternative site for the cinema must be found. It is very clear there is no other site. The Council must fulfil its promises - made when The Rex was purchased, and again last November - to restore cinema to Hepburn Shire. The Rex is the only location, and finding a way for this cinema to be built there is the only appropriate Council action.
1	It's a building that needs to be saved and preserved	Heritage
1	The Rex is an iconic building in the Main Street and should be held in public hands not private	I believe the council should continue with the original plans for the Hub. It was a fabulous concept and well on the way to completion. I fully appreciate the extra cost involved in finishing the project but consider the long terms gains to be worth it. Given interest are so low and all indications are that they will only rise gradually in the coming years, I strongly believe it is a good investment. It has been proven time and again, that selling off assets is a mistake and we should not fall into this trap for a short term gain.
1	I believe it is short sighted to sell The Rex. It should become a hub for tourists and locals alike. Meaningful community consultation should be entered into as soon as possible.	<ul style="list-style-type: none"> - Do we need to save this heritage Building - YES - We need to keep the building because it is an important part of Daylesford's story, a central and important part of the streetscape in Vincent Street and a potential focal point for tourists which, let's face it, keep this town afloat. - Designing and creating a community hub complete with performance space/cinema within the Rex, public toilets (essential for locals and tourists alike in the centre of the shopping strip) and destination for tourists. - Tourists want somewhere picturesque to go when they come to Daylesford. Not everyone wants to, or even can walk around the lake. A cleverly designed space with great food, places to sit and a nostalgic but funky interior allied with at least one activity for younger visitors would work. - Add in some interactive stories of the founding of Daylesford including the Italian/Chinese/Indigenous miners
1	It is absolutely ridiculous to consider selling such a fine building in a stellar location just to recoup squandered funds due to negligence on Council's behalf in a corrupt failed renovation attempt	Turn it over to the tax paying residents that care more about our town than you seem to and allow community groups to develop into an arts center
5	It is unfortunately not a viable expense and cost for the council and rate	No
1	Why should the body that grossly mismanaged this enterprise be allowed to have any further part of this process?	Arts venue that could be used for cinema and performance
3	Aware that the cost is overwhelming but the theater and library need a home	If the walls are stable and it can be fitted out try finding an investor or grants to keep the project moving

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1	I believe, with community input, the Rex can be a win, win for the Hepburn community. I believe community consultation should have been sought prior to the decision to sell.	<p>In consultation with the community:</p> <p>#1/ The Rex could be developed in stages, over a period of time. Not necessarily all at once.</p> <p>#2/ It could be developed with a combination of private investment, council (community) investment and obtained grants from state government level.</p> <p>#3/ It could be developed in such a way as to be self funding.</p> <p>#4/ It is an opportunity to develop future pathways for the youth of our Shire. Especially in the (TAFE) training areas.</p> <p>#5/ the library could be expanded to provide further opportunity for locals (particularly students and older folk of the Shire).</p> <p>#6/ The local artisans could develop a "By Daylesford, Made in Daylesford" showcasing Daylesford and the other areas of the Shire. What a perfect spot in the Main Street. Small retail outlets with minimal rents.</p> <p>#7/ Imagine the employment opportunities for our locals, particularly our youth.</p> <p>#8/ A great opportunity to develop the cinema both for the cinema group and locals and visitors.</p>
1	Because the community will lose a potentially valuable asset and better use of the building should be considered	Perhaps reinstate a cinema in the front section
5	given the (sensible) decision to give up the HUBconcept, sale of the building should certainly be considered	See Letter from I believe COUNCIL would be well advised to look at subdivision as suggested in the letter. Once that has been implemented there are a number of options which can be tested (as described in the letter)
5	Cost, delays in planning a community facility over many years, my lack of confidence in Council to manage a project of this complexity and scale.	<p>If keeping the building, suggest giving over to community groups to run as a co-op. There are so many people with skills and productive talents in the Shire. VicGov funding to run for 12 months with makers and creators rotating through the space. Be prepared to run at a loss until the focus and activity pays for itself. Be an Arts Hub, run craft, food workshops etc. for a fee, themed shows and popular music events. Focus on social good activities, eg. https://www.abc.net.au/news/2022-05-17/artist-scone-cwa-make-giant-sunflower-quilt-for-ukraine/101069996</p> <p>People will come if comms are targetted. Instead of dragging along Vincent Street during weekends, tourists would have a proper reason to visit.</p> <p>Look at similar public projects, sort out the plan and get it done. Show the leadership we need. Develop the capacity of committees and councillors so skills and expertise exist to take a project forward, putting vested interests, overdone consultation and cranky resident critics to one side.</p>
1	The Rex is a vital community resource and must be retained in the hands of the community.	I do not have the skills to present ideas but the cinema is an essential resource that enjoyed the strong support of the community and has been unable to find another appropriate venue so it is one resource that should be included in the Rex. Our community is more than council!
1	DO NOT SELL THE REX. DO NOT SELL THE REX. IT IS A COMMUNITY RESOURCE. FIX IT UP AND LET US USE IT.	ALL OF THE IDEAS THAT HAVE PREVIOUSLY BEEN MOOTED!!!!
5	Rex is unviable	No
5	The money being spent at this site is not central to majority of community	I think if Council are going to undertake such development - a tight tender specification should be developed and then the project should be closely managed by an independent person - not a relation of councillor or existing staff member and the project should be centralised to where the majority of Hepburn's permanent community reside

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
1	The council needs to keep the Rex building as a cinema	Dear Council, Please do not sell this property ever ! It belongs to the community and needs to be redeveloped as a cinema and community events space as promised to the local people. Once public building are sold privately this historic place will never belong to the community again. Please keep your word and do the right thing by the community that you serve. Yours sincerely,
1	The red is an important building and the proposed community facilities are needed in Daylesford.	It seems quite a pathetic joke that the refit of the red has been so badly handled by council time and time again and is now just being offloaded. Will there be conditions in place for the new owners to ensure the site isn't completely traded if history or just turned into more accommodation which we do not need in town? This community is expanding and we need council to created desperately needed community facilities. Unfortunately this town is drowning under luxury accommodation with no forethought for residents.
1	Because Councillor's did not consult with community prior to making a decision over a major community asset. Council's actions may technically be legal, but it's morally reprehensible and a major failure of governance that won't be forgotten by community.	<ul style="list-style-type: none"> - Sell half the building to a developer to create long-term rental accommodation prioritised for local workers - Use the funds from that sale to help fund development of the remaining 50% to create a "Hepburn Creative Community Hub" that could comprises four core pillars: <ul style="list-style-type: none"> 1. A library with hot desks/working spaces for community use 2. A dual cinema that can also be used as performing arts spaces and for community events/functions 3. A community owned social enterprise cafe that can provide youth hospitality training, which is an identified need in the Shire and which would feed into your upcoming Youth Strategy beautifully 4. A 'Made in Hepburn' Shop/Market/Food Hub featuring the work of local artisans including local food and art <p>Could you help fund this by selling the freehold and taking a long-term lease back from the buyer?</p> <p>Could you convert the existing library on Albert Street into Council offices, potentially adding a second level if more room was required?</p>
2	A completely into private hands - there should always be a component of community use and control	Partner with a developer to build housing for low income workers (affordable housing) on the back of the site (maybe via a community housing association model) - while retaining a community performance space/cinema and meeting rooms (and retail if necessary financially) at the front of the site.
1	Once sold and commercialised all opportunities for community engagement and enrichment are lost forever.	A theatre revival where movies, festivals and events can be held.
1	It's been a waste of money from the start. Incompetent from council	Love to but council has decided to sell We the rate payers should be compensated for this mess. It's a joke
1	I believe the Council should have taken the advice of the Executive Officers to proceed with the project irrespective of the projected cost. Too much time and money has already been spent on this project. Locals expected it would be completed.	No. There has been enough community consultation and money spent on the concept of this project and Council needs to see it through to completion. People are fed up with the wasteful spending on consultancies associated with the project, the eye sore that the space has become and the non delivery on a place that will benefit the local community, the Shire and tourists alike. We just want it finished.

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1	The community would benefit so much from the facilities that the Rex would have offered.	1.Include a commercial space (Cafe) which will compliment the new library and charge rent to cover some costs of the building maintenance. 2. Charge business owners or individuals when using the coworking space for meetings/work etc. Again, additional income for the Council. 3. Depending on plans, if it's possible to have a small cinema in the building, again, earning income for the Council. Library and Cafe downstairs and cinemas upstairs.
1	Council continues to waste money on consultancies that it doesn't professionally follow through on and then withdraws as too difficult. Tradies working on the site said it was hopelessly managed by council with a rip	Rescale the project and find some practical project vision, plan and management.
5	Going to visit too much & original plan was fully inclusive of all the	No ideas for keeping it. Sale of the building would provide money to develop the hub elsewhere
1	It needs to be made safe. It cost the community a lot. The community knew if was not a million dollar project. Promises have been made with no intention to keep. 2 sites traded. Wednesbury failure. Community should not pay for improper actions.	You have no choice not to make it safe and find a use for it. Or you will lose even more \$. You can't get the other sites back. Morally you should be making sure the cinema has a new and suitable home. Taking the easy way out of a situation of your own making is not what is in the best interest of the community. The site was of heritage significance. Council has a duty to identify and protect. It failed to do that in the process and should be doing that now.
5	Council needed to make this decision as the Rex project has the capacity to impact Council finances severely. The Rex project has been mismanaged from its inception and should not proceed.	No
1	It was private ownership that destroyed the intact historical theatre asset. Leaving is with a dead space in the middle of town. Modelling could be undertaken to test investment potential. A large investment has already been thrown away	As a Council owned asset could be leased to a variety of private interests and community groups. Live theatre, gigs, cinema, restaurants and specialty shops rather than a gaping empty arcade which was the result of the last private ownership. The Rex is an icon in the middle of town. Wrecking it or the risk of that is a risk to the tourist dollar we rely on. Please preserve and restore the facade and redesign the interior. A feasibility study would show how far away a break even point may be and is a good investment in our town's future.
3	Understand there is no public money to redevelop however concerned about big business moving into redevelop and lose history and character	Gallery space and look to Bendigo Gallery model of attracting world class events. In addition to retaining a bespoke small cinema
4	I think private hands could do a better job with it than council has managed	I haven't really looked at size and other options. Think a child care centre at the front was stupid.
5	sell it	no. sell it.
5	No better idea	No better idea
5	Economics	None
5	not viable	no
5	Because we need to forget this pipe dream and cut our losses	No it's a total disaster How many heated pools could we have built for 14 million Fix our roads, fix our footpaths which are a disgrace and release the report into how this disaster occurred. If it's not made public soon the stink will get smellier

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
1	It should belong to local community not be sold for development into private shops etc. It would be much better to end up with a positive use for it than privatise it. We currently have very limited other multi use spaces.	<p>multipurpose uses as an unfussy, open plan, partition-able, warehouse-style space. For this minimal internal work would be needed .</p> <p>concerts, dances, cinema, events- like the Theatre Royal in Castlemaine.</p> <p>Part of it as a Youth 'hangout' centre.</p> <p>Restart a community art/pottery space including utilising some of the throwing wheels from the recently closed local 'clay space'. Art/ clay classes for locals & visitors to the area would likely be very popular on weekends as tourists could engage with the artsy aspect of the town.</p> <p>Art studios and changing resident artist / maker /workshops eg. blacksmithing, fermenting, weaving, mushroom growing, lost tradesman skills.</p> <p>Tool library and repair cafe centre</p> <p>Music practice space</p> <p>A local produce food exchange hub along the lines of: https://www.growingabundance.org.au/net</p> <p>Something like the fantastic science 'Discovery centre' in Bendigo</p> <p>Ice skating rink in winter ! Like the pop up rink in Ballarat</p>
1	This is an icon building that needs to be for the people, not high cost apartments or retail. Hepburn Shire has many arts programs, aged care and	As above
4	As Council has already decided to sell the Rex council should now look to implementing the plan to redevelop the Town Hall. This would allow for the long held proposal to bring council functions together. including the	No, as Council has already decided to sell the Rex. Lets get on with the previous community supported plan to redevelop the Daylesford Town Hall. The plan could incorporate the Cinema in the Seniors space in the Town Hall.
1	It should be a community resource	Library Cinema
5	Shire wide equity is not supported by the level of cost for a single project in Daylesford, in the context of a poor financial position, reduced services compared to, for example, Macedon Ranges Shire, although council rates are higher than they are in MR	No. Alternatively, I would expect Council would consider meeting needs for a new or remodelled library; staff office space; and toilet facilities elsewhere. Since the Shire has ownership of various pieces of land, a library and office space could perhaps be built on some of that existing land, with costs met by sale of the Rex, without additional outlays required. With regards to toilet facilities, I have never found the toilet block near the information centre (an appropriate location) to not be meeting demand, although this is only an anecdotal assessment. I visited the cinema when in operation and it was pleasing to have one close by, (aside from having terrible seating) but there are much higher priorities for Council expenditure.

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
1	Once the Rex is sold to private enterprise, the opportunity for the location to become a community hub is lost forever. It will also change the character of the Daylesford township.	Why not open the building as a food court or similar? This would take all the people, who currently sit on the footpaths, off the street into a more comfortable/weather proof environment, thereby increasing the likelihood the facility will be used throughout the year. You could also maybe have a small stage area for local artists to busk/preform creating warm and welcoming atmosphere. It would also be a cosy place to locals to catch up mid week. This would also free the footpaths, encouraging tourists to view the other shops along Vincent St without the hinderance of manoeuvring round table and chairs. (Would also be safer too).
2	The Rex has significant resonance with the Local Community. Selling it off further distances it from any potential future use.	Keep the building and lease it to some sort of commercial development company on the basis that they will "fix" it and return it to the council at the end of the lease. The value of the lease could be quite small so that the developer can make a profit by "fixing" it and leasing it for commercial use - not unlike how it was prior - and at the appropriate time, a future council can take it back and do something with it. It doesn't actually matter what happens to it now, except that it becomes a habitable, leasable, usable space - and optionally remain in the hands of the community. Meanwhile, charge ratepayers a special levy to reduce the cost of past mistakes and employ someone to follow around the perpetrators for the rest of their lives yelling obscenities at them.
1	You have wasted so much tax payers money so far and it is unbelievable that you know quote those estimates costs per square metre for proposed	Donated the building to the DAYLESFORD Cinema group and allow them to raise funding publicly/privately to complete the building to their requirements
3	The "hub" was an expensive and stupid idea in the first place. How many buildings does the council need to deliver their pitiful services? So much money has been wasted on this "project" already.	What happened to the Youth Enterprise Café? Clean, accessible public toilets, a cinema, a theatre of live performance space, rehousing council officers. This building is a great asset, surely the council can think of better uses for it than a "hub", or what was there before - expensive - "boutique" shops, which nobody used.
1	This is an important community asset. It would be disappointing to see it in private hands.	Personally, I'd like to see a cinema in Daylesford. By all means, see if the building can be sold specifically for this purpose.
3	Sitting in middle ground as I'm not informed enough as to why it may or may not be a sensible decision, either way	Generalising here, but perhaps a collaborative of groups that function as community projects and others that generate income. Income generation can come in many forms of course and doesn't necessarily mean retail. Throw out a net and see which groups and businesses put their hands up. If it looks like that could work within a budget, great. Keeping the cinema, youth based projects within this, would be ideal.
1	Don't trust developers will consider what is best for Daylesford	Finish what they started
1	I don't believe that clawing back a couple of million dollars by selling The Rex is compensation enough for the loss of the site to the community. The Rex has a value to us far in excess of what a developer would be willing to pay.	I canvassed on the Daylesford Community Grapevine Facebook page on 20 March 2021 an idea of developing the Duke St portion of The Rex property into the much-desired Indoor Aquatic Centre and retaining the historic Vincent St frontage for our cinema and community needs. The post had an enormous response of 305 likes/loves and 143 positive and enthusiastic comments (with only 2 negatives), and within 24 hours the post had reached in excess of 5100 people. I believe there's enormous support in the community for this alternative vision for The Rex, that it could be delivered in silo-formatted, manageable, budgeted stages and that there is much potential for community fund-raising initiatives, philanthropic engagement and government community grants in this alternative format. Please consider the social, civic, health and well-being, community cohesion and morale, and historic and environmental outcomes that this project could deliver to a community which has long been short of good news.

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
1	The Rex is not a structure that will provide the standard of accommodation that the Staff deserve or expect. It is very costly and difficult to retro fit old buildings to meet today's environmental standards especially if you want them to be 5 STAR	None at all, best it is sold and the waste of money accepted for what it is and on the basis of a poor original decision and those misguided ignorant people involved. WHY ARE THERE 820 CHARACTERS FOR COMMENTS THAT WARRANT KEEPING IT, BUT ONLY 255 TO EXPLAIN THE ORIGINAL PRIMARY QUESTION AND OPINION OF SUPPORT OT NOT. CURIOUS. This suggests a very poor framework for feedback. I was only able to write one comment about why I support its sale, when in fact, there are several reasons. Another reason is ongoing maintenance, structural issues that are inevitably present in old buildings like this, the lack of options for future growth, the fact that it offers NOTHING to the people who live in Creswick yet their rates will fund it. The Shire seems to have a Daylesford-centric view and this project is indicative of that deficiency. Better a multi-functional new build on a greenfield site, maybe in a location outside Daylesford, say in the geographic middle of the Shire?
1	Such a fantastic asset	I really hope all options are very carefully considered....once sold we will never get such a venue back.
2	I think we should wait and see if any good alternative use ideas come forward before it is sold , if no useful viable ideas come forward then sell it	No i dont have any great ideas but others might, first canvas for other suggestions as there are many bright people in this town , if nothing viable comes up then look at selling but dont rush in and sell as once its gone its gone
5	Rex was not a sensible plan for Council to pursue	No
5	words simply fail me in my disappointment and disgust that after all we have suffered these six years, an apparent 'brainsnap' decision at the closure of a council meeting would bring about this situation!	I support the suggestion that: the property on which the Rex stands, should be divided into two separate titles - leaving the original Cinema building intact (back to what was the proscenium arch - and continue with the restoration works. (The cinema is virtually complete, save the fitout, and the rest could return to the original plans - to install catering facilities etc. as a venue for hospitality students. The rear title could be put to whatever use council can find to cover any present or future expenditure.
1	It is an assest, which will increase in time. Rather than take a large loss now, the Council has to take a long term view, it will increase over time.	Maybe investigate the possibly to lease the building , on a long very low rent lease to a private developer, maybe also include reduced rates for a period of time (not necessarily the same period of time as the lease) as an incentive for a developer to take this project on and finish it. Insuring the public toilets and community cinema are included to be built as part of the development for community use at no cost. The Council will still own the asset, which will increase in value over the long period of time, while the developer (as they have put a lot of money in the development as well as the incentives above) would gain commercial rents from the various other offices/shops etc which are in the building (apart from the community Cinema of course)
1	It's an iconic building and needs to be sensitively developed to be the heart of our shire. If it's sold at a loss in its current state, I'm very concerned about what a developer would do with it,	A mix of uses that draws on local community but also visitors. Social enterprise cafe to train youth (look at social foundry in kyneton), local artisan coop that could have a workshop space, local food producers hub with a cooking school that showcases local agriculture, the cinema.
1	Enough money has already been spent. Good asset. Can be used for retail to cover costs and still leave space for community groups to rent/use	Yes. See above. Create a small number of shops to create revenue. Have spaces that community groups or individuals can hire for events or people can hire for meetings or offices. Give the cinema back a space. Also note that Sailors falls wasn't mentioned in your communities below.
1	I feel it is a vital community asset which should be used for community projects and not sold privately where control over it use is lost.	Cinema, theatre, music venue, bigger library, anything which engages and encourages community. A space for the youth of Daylesford and surrounds to be able to use and be encouraged to participate in youth programs.
1	The recoup on the sale won't cover costs. The deal sounds very suspicious.	Put the rebuild back out for tender. Come with a completely open slather and see what the market comes back with.

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
5	The Hepburn Hub at the Rex project was very poorly planned and managed such that it is way too expensive for what we get from it. A brand new building would cost less. And in a covid world it is unacceptable to house	The Rex should return to private ownership as it was for all but the very recent past.
2	the building has too much potential as an important community centre	Convert the rex into an history and interpretation centre - an indigenous and colonial history museum space. Could allow for the integration of the current Daylesford library and museum. Possible creation of a research centre or archives centre (see eureka Centre in Ballarat or Bendigo Library and regional archive centre for examples) Having the museum would allow for ticket sales generating income to pay back the cost. School bookings etc. The heritage interpretation center would allow for the promotion of indigenous and colonial era histories, recognition of cultural history in light of Jim Crow Creek renaming and the history of the Mt Franklin protectorate etc. this presents an opportunity to consolidate some council assets whilst also generating tourism and academic interest in the Daylesford region.
5	The cost versus benefit is not a good use of council funds	No, best to sell it and let Private Enterprise invest and improve the site
4	The problem is inherited. Someone needed to make a decision	The idea of having in the centre of town, the library, council members and workers and a picture theatre seems so simple to me! The hospital has managed to raise community funds rapidly. Not possible for the Rex?
1	Appalling waste of taxpayer funds have been spent on this project for no	Put an indoor pool in it.
1	To sell the building now would be a total waste of the money spent so far. Also it would be a very long time for any of the amenities being of any use for	As raised hospitality training for local youth as well as twin cinema to make the cinema more financially viable.
1	Waste of time, money, opportunity	Investigate public / private partnerships and investment to fund this project Reinstate cinema (which was largely community funded) Opportunities for the district's youth e.g. training opportunities Opportunities to bring community together and build social capital Provision of cultural and educational events for all the community
1	I feel the council has let us down with poor management of this project and zero consultation with the community before making the decision to sell.	I would like to see an investigation into why this project wasn't successful. The amount of taxpayers money spent on this project to now see it sold is gross mismanagement of council power. Where is the accountability?? Find the funds and continue the project as promised for your constituents. Start working for us!
1	I'm very disappointed by the council's decision as a resident of Daylesford and as a long time volunteer to the community cinema.	Follow through and complete the project.
2	I am supportive if it is purchased and the heritage design remains and it is used for a good purpose.	Has council looked at the idea of maintaining ownership of the building but approaching the state government for an arts grant to turn it into a theater/cinema space for use by the community?
1	It is an important community asset that should remain in public hands	Reinstate the cinema A cultural centre for visual and performance arts & community events
1	Important documents have not been released to public yet; decision to sell was hasty (almost panicky) and without enough consultation; the site should remain public and council should assist this goal (whichever option is chosen)	Keep it to at least allow more consultation and thinking how to keep it as a vibrant communal, public asset around cinema, art, performance, art residencies, exhibitions, meeting and modern library functions across all generations, for locals and visitors, a place for interaction, insights and creation rather than another passive consumer space in the main street. reX = re-connect, re-exchange, re-interact post-pandemic and post-digital isolation to allow new personal encounters, insights and creativity
1	Because we need a community space and this is the only one.	Community, community, community.

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
1	I am strongly against selling this asset. The financial hit in selling the asset outweighs the benefit of keeping it as a council property and repurposing it for the community.	<p>I suggest a dual public/private space, with the following:</p> <ol style="list-style-type: none"> 1. A cinema/theatre space. We are sorely lacking in spaces for community performance and there is no alternative place for the cinema. The town hall is inadequate for performances and I believe the town would benefit hugely from a revamped dual cinema and theatre space. 2. A new home for the library, since it's too small for our growing community. 3. Decent longer-term car parking space, given how hard it is to get a spot most of the time in Vincent St. 4. A shared workspace/hub for people who work remotely but want to get out of the house from time to time (or don't have a good home office). It could have facilities like computer hire, printing and scanning, video conference-equipped and standard meeting rooms. This could help offset the cost but also provide significant community benefit.
1	The time/money already invested should not be wasted. It's location and unique location, facilities and profile should be made available for the community to explore other community options.	Relocation of Visitor Information Centre, along with accessible public toilets. Relocation of library. Cinema.
1	should have been done now as one of the original cinema builders we put in a lot of effort ,time and community money this would have all been a waste	The COMMUNITY CINEMA!!!!
1	The REX Hub is an extremely important asset for the community. Because the council has poorly managed the project and it has run way over the budget it is absolutely no reason to unload the project by selling it off.	<p>The Local theatre is the most important part of the REX, a designated community meeting area would be useful for a variety of local groups.</p> <p>Some interesting shops would be good of interest to local residents</p>
1	I think it's a massive asset for the community and the opportunity to realise its potential remains - especially if new plan has scope to evolve along with community need.	<p>Opportunities for shared working spaces.</p> <p>Event hire:</p> <p>Workshops</p> <p>Performance/rehearsal area</p> <p>Exhibitions</p> <p>Library</p> <p>Kid / community group space</p> <p>Forest school.</p> <p>Night classes.</p> <p>Museum/local interest.</p> <p>Meeting rooms.</p> <p>Studio space.</p> <p>Community services.</p> <p>Flexible/modular space to adapt to community needs.</p>
5	Given Council's financial position, and the unknown cost of completing the project it's simply not viable nor responsible.	no

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
1	I moved to this town based on the promise of a cinema and an improved library. I feel let down by the council.	An indigenous cultural centre. Celebrating indigenous culture and how important first nations people are to this area.
5	It's too complicated for a council office.	Where do council workers park? Where do parents or children park to drop off children? Why would any council place a council office in the heart of a tourist town? You do not see any large scale department running a business in the Main Street of a country tourist town.
4	I understand completely that we cannot proceed with current plan for Hepburn hub at the rec. financial position is the main reason - just too expensive for one town in the shire	Community space - celebrating art / music / performance. Rather than so many smaller spaces and private uses (council offices), look to have fewer larger spaces for community areas (We all know the cinema would love to be here), perhaps consider leasable areas for small business (I particularly liked the idea of a hospitality training kitchen / cafe) shared work space. OR a live music / arts venue would be fantastic - yes acoustics would be required but imagine having this venue front and centre of our Main Street? Something to bring the street to life after 6pm I don't know how much of the original stage area remains but to try and bring this back would be fabulous. That said, I am concerned about the cost of the facade - this hadn't been costed as per previous council meetings. It's such a beautiful building - it needs to stand proud again.
1	The unique historic nature of The Rex and opportunity to reinvigorate for a cinema is too important to risk losing, opportunities for connection to fill community needs is crucial for the health of the community - would meet an existing gap.	Cinema/ theatre complex and hospitality training area in partnership with existing group such as Palais Group, Federation University/ training institution or investor with space for youth activities, festivals - no existing facility in the area can accommodate this. Explore grants eg COVID recovery, Commonwealth games investment with Daylesford as hub between Ballarat and Bendigo centres. Sell existing assets not utilised eg adjoining house or back area of The Rex. Melbourne Projects successfully train young people/refugees to place people in hospitality jobs. Emulate initiatives in other country towns that bring people together providing opportunities for young to old! Halt sale to canvass less expensive viable options including private/public (Council)/community partnerships for The Rex. Consider sale conditions to include the development of a cinema/theatre complex and refreshment area with hospitality training for youth. Basement area car parking to relieve street congestion.
2	I saw the refurbishment mid way and loved it . I think it would be a waste to	Listen to local architect David Moore's recommendations.
5	From my observation the project is too expensive to continue.	No ideas for an alternative project.
5	sell it !	no sell it !
1	Shouldn't sell assets	Perhaps I might give this council more credence if they could spell Mollonghip correctly, just curious, so can prefer not to say gender or identify as, but no prefer not to say on the last question, guessing I'll go with the usual political answer of tell them what they want to hear,
1	The community needs this space and facility, especially in winter when it can be used for a meeting area, fun entertainment for families when its too cold outside. There is nothing in the village that caters for this and it is drastically needed.	My family and I have recently moved to the area, and we were very much looking forward to The Rex Project being completed, due to the current lack of learning and entertainment facility for local families in the area. In fact it was even considered when we purchased our property! The current library is a sorry state, rhyme time on a Tuesday can hardly fit 6 kids (with mums) in it and zero prams,there is no reading area for the children to sit and for a town this size its a very sad and run down library. Daylesford gets very cold, in the Autumn/winter there is no where for local mums and children to hang out or enjoy indoor entertainment, no splash park in the summer, no exercise machines, if the community is to grow then it needs these facilities - not just cater for tourists! .I am pleading for the council to continue its promise and reinstate the Rex, for the good of the community.

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
1	It was a poor decision to axe the hub. Seems political. Selling the asset is more of the same. Not community focused.	The council vote went against the experts' recommendation to continue with the hub. This indicates a politicization of the council. It follows that decisions are not being made on the merits of proposals, but along factional lines. This is an abrogation of the council's responsibility. I would suggest that the council find a way to reinstate elements of the hub proposal (by another name) in order to redeem itself before it is voted out of office. The community feeling about this issue is extremely high. Councilors should also consider the limbo the councilors have subjected their own employees to who are in temporary accommodation indefinitely. This has a detrimental effect on retention and morale and will see service standards decline further. Don't compound a terrible decision by making an even worse one.
1	Daylesford still doesn't have a community hub.	Consider other options eg, just develop the front of the building for now. possible subdivision to sell off rear with adjoining house. use the rear for carparking only (including the under slab section).
4	Disappointed that plans for Hepburn hub didn't work out, but this seems like the only direction forward	No
1	We need this hub for the cinema, library and social enterprise cafe...plus	Heritage
5	Get rid of it ASAP. I have never been in favour of The Rex, it is a "mill stone" around our necks, it will only cost more and more if we hold onto it.	No
5	No need for this style of building to be owned by the council	No
5	Too expensive and not what's needed in the main street	No, should be sold. Would be good to work with developers to possibly allow greater development over car park if it included build for rent accommodation for local workers.
1	I feel selling the Rex is the wrong decision - I also feel that not proceeding with the Hub proposal was wrong. I thought that what was put to council was to grant the contract or not. How it turned into selling the building in one night beggars belief.	Cinema Library Public space public toilets tourist information commercial space community group space youth activity space the list is endless But combining Councils requirements and creating a community asset is clearly the way forward. Selling it takes us back to square one having lost millions with nothing to show for it. Get creative and lobby government for grant money to create something the Shire can be proud of.
1	1. Council will make a very substantial loss on the sale of this property that ratepayers will have to bear; 2. CI will suffer reputational damage; 3. the cinema has lost everything, and this is not acceptable.	There has been substantial work done on the property to meet CI office/mtg requirements. CI should therefore continue with the refurbishment as council offices - staff are already spread across a few campuses and there is a need to consolidate them into one building. I am not talking about resurrecting the "hub" concept, just expanding the office space for staff so they have decent facilities that OH&S compliant, especially for the current Town Hall staff. Better minds than mine, like architects expert in community facilities, should be consulted to bring forward some ideas that the community can chew over. The future of this property will be determined by the future of the town of Daylesford & surrounds, and evidence and expert advice should be sought, not uninformed opinions or biases.
5	liquidate the asset, return the funds to the entire Hepburn Shire community, not just to Daylesford.	Whatever happens, the facade should have strong heritage overlays protecting it.

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
1	The Rex should stay as a community owned asset - for community service to be delivered out of	The council should consolidate all council service into the Rex - Council office, building services, library, support groups etc. This will allow them to sell off all other council building to support the REX It should be a place where rate payers and community member can come together. *** No More Art Galleries unaffordable retails products or accommodation, keep it for the locals****
1	Furious that council have wasted so much of our money AND they are now selling! Staff and councillors should be held accountable.	Cinema
1	I think it was a terrible decision - a waste of time, money and opportunity to redevelop a beautiful space for the community. A terrible decision which I completely disagree with. It's not a space that has worked for retail and	The original ideas were fabulous - it's the best place for a cinema and library and social enterprise cafe. Otherwise it could be a museum.
5	The project is clearly unsustainable	No, it's a disaster ...
5	Because our council can not be trusted to spend anymore of our rate money. From reports I have that brand new equipment purchased by council was scrapped, including custom window frames, as well as brand new copper	No
1	How dare Council sell this building, a heritage building of Daylesford. Not many left in the street, a wonderful old building which should be kept, restored carefully, and opened to the public, ESPECIALLY for cinema!	Council should investigate and research and find a wealthy sponsor who will not interfere in restoration and an interest in cinema, stage and music. What about Mrs. Lindsay Fox? Little Jeannie Pratt, gees Gina Rinehart, why not. As well as an official begging letter from Council, ask a literate local to write THEIR feeling for the old building and all our hopes for a beautiful area in the middle of town. God knows Daylesford town needs something.
1	I strongly believe that a Forensic Accountant should go thru council's books and records on this matter	If I had \$14 million in my hand I believe I could have finished the Rex to everyone's satisfaction actually. The town needs a community undercover set of shops, more toilets etc. The Rex would serve this need. DO NOT SELL THE REX, investigate where the money went.
1	It appears to be a complete waste of ratepayers money. Will Council recoup the money already spent on the building?	No.
1	Because I don't think we should sell the asset.	I think it should be an asset for our local community.
1	My previous involvement with the Cinema	Retain the Cinema Create an Arts & Entertainment centre Create a Young Persons/Youth Hub Relocate the Library with a crèche
2	The financials. just do not work out for retention of the Rex. It was a ridiculous purchase price.	Suggestions for retail development are fantasy, as so many retail shops closed and disappeared in the former iteration. It is not suitable for this proposal. The only successful sites were the cinema and the public toilets. As the person who brought the idea of the cinema to Daylesford, I am so disappointed that the successful and vibrant cinema is no more. However, we must acknowledge that to complete the project as planned or to re-jig the plan will place a completely unreasonable economic burden on the financial state of the Hepburn Shire Council. We have many other demands which must be met, and other priorities which demand attention.....there is no other way to partially recoup the funds already spent, thus, yes, I support the sale of the Rex, with regret.

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
1	No discussion with the community about what is intended for offices for council staff. Don't want to see \$9m wasted. I pay \$8k In rates per year.	Council is telling the rate payers it is selling the building and not listening. New ideas - you have to sit down and discuss with the community. We need to have face to face council meetings again - it is too difficult for the older generation to participate in big issues when it's only virtual.
1	The Buildings heratige has been abused by multiple owners over the years, its time we restiore it back to its original theater status.	Restore it back to its original theater design.
1	Decision made without full consultation with the community	There is a need for a community hub in Daylesford Hepburn and I believe with the professional and talented people in the community draw on them for ideas. After all the money wasted take the project back to the basics and complete the project with the community input.
5	Subject to heritage issues being adequately protected it is a precinct that should be developed without further delay	No. Council has had adequate time to examine this issue and further delay will simply add cost and result in the community remaining locked out of the historically important site. It is time to test the market as to appropriate private use of the site.
5	The project is too costly for Hepburn.	I don't see any alternative to cutting the shires losses. The shire has already created Creswick and Clunes Hubs and will shortly commence the Trentham hub. Therefore, it is only Daylesford yet to get an upgrade. Perhaps some of the Duke St staff could be permanently relocated to Creswick, Clunes or Trentham and more vidcon used for customer contacts.
1	The Rex is an important public building - in the heart of Daylesford - it is so well positioned to be the jewel in the crown of our main street. A creative hub that serves the community and brings us all together!	A creative hub showcasing our region's heart beat: 1. A co-working hub (for profit - renting spaces to local businesses and creatives) 2. A cinema / theatre / venue for live performances 3. Library
1	This is a significant central asset that should remain available to the community	There are many options including a council kiosk, theatre performance space that can be used by schools and community, local historical museum, information hub, Indigenous information centre with capacity to book indigenous walks and tours, community gallery, planning hub showcasing council's green sustainable planning approach, rest centre fo those needing a quiet space to have a break, and in general a centre of Daylesford, showing visitors all that the region is and giving the community a centre to use for whatever they care to do
5	To complete the Rex project properly, money would need to be diverted from other priority projects that are more central to the role of local government. That is not right.	Without any specialist or detailed knowledge, I am not aware of any project or purpose that is central to the role of local government that would warrant the Council keeping the building. The Council should make every effort to influence the sale of the building to an organisation or business that can demonstrate social, community or cultural value, and can demonstrate the capacity to be successful, even if that impacts on the amount recouped. It is unfortunate that the Shire finds itself in this position. Every effort should be made to learn from this misstep and to ensure that mitigations are in place to prevent a recurrence. Council and shire officers should be clear on their core goals and have clear strategies and systems to ensure that they are staying true to their core mission. That might include influencing and supporting other arms of government, not for profits, philanthropists and commercial enterprises in undertaking projects of benefit to the local community.

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
1	The Rex is an iconic building which should be retained, wholly or in part, for community use.	The Rex is an iconic building located in the middle of Vincent Street. Once it is gone, it is gone, for good. I believe the Council should be actively looking at ways to keep part or all of it for community use. The 'Rethink the Rex' suggestions must be considered e.g. subdivision, selling with conditions for community use for part of the building (including the cinema), selling with conditions around leasing part of the building for community use and private sale of part of the building to pay for or contribute to the cost of redevelopment of the community part of the building. The cinema must be included in any plans as the community fought a huge campaign to have this included in the original Rex proposal.
1	You wasted so much money, ignored the community at every stage and then gave up - so much opportunity ...	It would be great as a cinema again or a community hub for the community to use, alternatively, upstairs could be easily used for a mill markets style of establishment.
5	1. Cost 2. Inappropriate location for Council offices and community facilities 3. No plan re Town Hall	Sell for retail/private sector development
1	Council should have got on with this project it's the best place in town to be located and Would be a fantastic community asset	If not a hub fix it up and lease out shop space it should not be sold off cheaply to some out of town developer
1	(1) The lack of Council Direction indentified before the October announcement (2) The failure to prioritise the essential continuing components of the project 3) The failure to consult the very interested and embedded com[ponents of the proposed Hub	There are Four (4) Essential Elements that must not be lost in either the Re-design or the Sale of the Rex Theatre. 1.HERITAGE - We cannot lose the External and Internal Heritage Architectural elements of this 95-year-old iconic building in our main street; and 2.CINEMA – We cannot lose our Community Cinema – an outstandingly successful and rewarding Community Asset; and 3. COMMUNITY SPACE – We cannot accept the loss of the planned and promised Spaces that would have allowed showcasing of our Art, our local Products, and our Community Meetings and Performances; and 4. PUBLIC TOILETS – Our Community, Our Visitors, Our Families, and particularly Our Aged depended heavily on the Rex Public Toilets. We were promised their priority in returning. We cannot accept their Loss.
5	Concord effect. Throwing good money after bad. Better to cut your losses. The building (as modified by previous owner) is a liability, and almost certainly a bottomless pit.	No. Cut your losses. Only satisfactory solution to the building is to restore its original form as a cinema/theatre and bulldoze the concrete cave. But it seems unlikely that this would be financially viable. The Theatre Royal in Castlemaine limps on but a daylesford version would not justify the capital expense. Published reports, including council information, is vague about the real problem, which seems to be that no- one knows how much it would (or would have) cost to make the building sound and waterproof. The former proposed design made an ok fist of the situation, but it was always going to be a dead space. Unload it and it is someone else's problem.
1	Public buildings absolutely should remain for community use	Could lease it for a mix of community and commercial uses and achieve a really great vibe
1	Restore and use the asset, NOT as council offices	See how "The Sun" movie theatre complex in Yarraville works. Lovely, historic setting, associated co-marketed bookstore, cafe on site. Make it a hub that people want to visit, more shops, cafes, and the theatre as a part of it. Target tourists AND locals for repeat business. Give youth something to do, somewhere to go. Renting out shops and facilities, you should be able to turn a profit.
3	I am only supportive to the extent that the building should not be left vacant. If the council can't/won't develop it as proposed, it should be put to a use that benefits the community and streetscape.	A PPP should be explored to fund the original concept modified as necessary to attract co-funding, but within parameters established with appropriate consultation.
1	Like tge Town hall, I feel this iconic building should remain in the hands of the community.the community	I feel the rear of the building should be converted to much needed car parking space (rather than a costly office fitout) The front of the building could then be used for a library and, of course, our much loved cinema.
1	The Rex belongs to the community	Consult via community working group to identify ideas/plans. Make Rex a true community/social hub
1	Waste of money, resources and time with no outcome . Identified need for the facilities and services .	Mixture of private enterprise, community facilities, cinema, council services , supporting local artisans, coworking spaces

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
1	So much money has already been spent. Selling it means the money is 'down the drain'! How will council satisfy the community needs identified when the	The thought of Daylesford NOT having a Hub (like the very successful one in Creswick!) doesn't bear thinking about! Don't waste time and effort trying to identify other uses. Bite the bullet and build a Hub!!
5	Get rid of it. It's a millstone around Council's neck.	No. Sell it . Funds raised will be well used within the Shire.
1	The area needs the Hub and this decision is short sighted and not in the interest of Daylesford and surrounding area.	Proceed with the Hub with offices on top of the back "car park", use all of the area available facing Duke Street to creat library. Use under the theatre for retail. Contact Palace Cinemas for possible long term lease (they have a track record in restoring old cinemas and making them profitable) to assess how they could restore the Rex and deliver a viable resource to this part of the municipality.
1	Risks loss of Heritage and history,opportunity for cinema to be most suitable appropriate place, beneficial community use of building.Developer could use the site inappropriately. Decision too hasty, majority of 1, against officer advice, no comm.consult	Defer decision on sale until transparent process undertaken and completed for exploring and assessing viable options. Consider opportunities created by subdivision, sale to private developer, philanthropic person, body or consortium with stipulations about community use of the upstairs and part of the ground floor facing Vincent St. Community use to include upstairs 2 screen cinema and community auditorium for community meetings, festival events, performance, art display. A section at ground floor entrance to building and opening onto the street could accommodate a wine bar serving local wine and produce, attracting people into the building. Both cinema and Wine bar could pay commercial rents and provide training opportunities for young people. If owned by a philanthropic or social enterprize consortium they could attract government grants with profits directed back into the business or the community.
1	We need to find ways to make the Rex work	Private public funding options Try crowd funding
1	The community needs the Rex to remain as a community asset.	First of all, Councils previous ideas and wastage with the mural for example are unforgivable. I would like to see a cinema again on that site along with Council offices and a library with parking out the back. We have enough shops to keep the tourists happy. We need a centralized space that we, as the locals, can all be proud of.
1	It is not what the community wants or needs	Listen to the community. Many good ideas have been provided at the community forum in April
1	Hepburn rates are particularly high. ... It can't now be dispensed with for both a massive financial loss and a loss to the community of its facility.	Look at The Sun Theatre in Yarraville. Do that. It should house a couple of small cinemas so screenings for kids, youth, adults and Arthouse can be simultaneous. The rooms in the Arcade should house cafes, bookshops, and gift shops for added extras for cinema attendees, locals and tourists alike. A Tafe training cafe would be beneficial to this particular community that has such a focus on hospitality. A shop stocking local produce would help our local food and wine producers. A community art gallery that rotates promotion of local artists without bias or large fees would be hugely beneficial to local artists. Separate the development of the back/ carpark from just getting the cinemas and Arcade shops done so the community can get on and enjoy it. Remove any ideas council may have of housing themselves in the building. It's inappropriate. Council does not need to set up their bureaucratic enclave in the best building in the best location in town.

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
1	I think it is critical for our community that this building is developed for community functionality, Thus the install of the library, cinema and other functional spaces is very important	<p>1. Look to the possibility of this becoming a community project. That is asking the, architects, draftspeople, lawyers, tradies and alike to donate a couple of hours a week to work on the building. Each being honored on an honor role that would be installed in the building foyer and in media. Community members provide financial support maybe through fund raising events or raffles. Volunteers to go along and work alongside the tradies to help with the project.</p> <p>2. Re approach both the Federal and State government for help financially. Not suggesting the whole amount but some to kick off the work.</p> <p>3. Run a tourist attracting event to raise funds. Maybe a Spuds and Cider festival.</p> <p>In essence we can become creative to collect funds and deliver the project without having to sell the building.</p>
1	The Rex is owned by the community and should be developed by council on behalf of the community	Develop a community space and theatre using the front of the building. Perhaps sell off rear to the private sector. Engage with local businesses to participate in bringing a theatre space back into Daylesford.
1	Community needs a theatre/cinema. It's entertainment and community hub	<p>Build cinema on some of the space and sell off the remainder!</p> <p>Entice sale to prospective developers of a cinema and lease or sell them remainder</p> <p>Council should try and have a community spirit and serve its community not rip off the community!</p> <p>Ratepayers did not demonstrate incompetence in the disaster that has eventuated but it's they who suffer the pain!</p> <p>Look at other smaller towns with independent cinemas - and Sun theatre in Yarraville</p> <p>Make the news as a progressive community spirited council not a killjoy!</p>
2	The Hepburn hub is something this community needs	A theatre or some sort of youth area. We need to give the kids a space to hang out and be with their friends so parents are not left wondering where they are or what they are doing. It helps to keep them out of trouble
1	They have gone that far with wasting money on it to sell now at a further loss and have nothing to show is stupid. You didn't have to be a rocket scientist to see that the budget was going to blow out they already paid way	I believe others have some ideas who have experimented this area
1	The community still needs a library, offices and cinema. these could potentially be lost or further money wasted on other venues for this. To sell would be a massive loss of a great building and you wont be able to buy	Just complete the original project and provide the community with the spaces that were planned for. Stop wasting more money and time by selling it.
2	I feel that the Rex could be managed/sold as a Public/Private partnership and money to be raised to complete this venture which would have had positive effects for the community. I really think the benefits outweigh the disadvantages.	As mentioned above I think the building should be put up for a public/private partnership (PPP) which could work quite successfully. Hepburn Shire does not have endless funds for this project but money could also be raised by imposing a 'bed tax' on all the accommodation venues - even a small amount such as \$5 per room would accumulate. This tax could be used towards projects at the Rex, towards the indoor aquatic centre etc and must be ongoing. Other methods of raising revenue could include crowdfunding and maybe grants from government or philanthropic organisations especially if the plan to include a social enterprise cafe is retained.
3	Depends on What the building will be used for	Creative arts hub.
1	I think it's disgraceful, using our rate money on whatever they choose.	Council should've had a detailed plan t begin with. Absolute waste of money.

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
1	C mtg #3 Councillors voted for Council officers recommendation to continue Hub # 4 Councillors voted against . not unanimous A motion without notice. an ambush. a confused virtual meeting without face to face, did not abide by its own consultatn policy	Council jumped straight to selling Rex-selling not on agenda & no community engagement beforehand, disempowering community & other Councillors & against HSC Vision & Plan. Build social capital & promote community wellbeing esp for citizens of Daylesford and close, smaller communities Rex is central, iconic, historic & offers indoor community options. Needs a bullet proof brief Cinema on balcony level Exhibition Space alt 2nd Cinema Screen in 1929 upper foyer artist/ produce/ gallery. Bar/Cafe Community Space come Auditorium in lower 1929 stalls and stage below Commercially lease front 3 shops or 2 on South as 1 "Made in Daylesford/Hepburn" outlet. Public Toilets! Library on existing site wet wall car parking only use for the box or other non habitable use like Cool Rooms There are many options including selling off house at rear; sub-divide & sell back part and house; stage plans (develop front now & add council offices & library on top of rear 'wetwall' box later); partnerships.
1	It needs to stay in community hands	Movie theatre and local creative business hub with subsidised retail spaces
5	will be an ongoing burden to the whole shire and benefit if any is confined to a limited few. It is inexcusable to proceed.	None at all I think any ideas have been explored and found wanting.
5	It will be an ongoing burden a small shire cannot afford	Unfortunately no I think there is no alternative but to cut the loss and move on. The building design limits the potential uses.
1	Rare chance to keep an iconic building available for the community	Arts hub to cater for artistic diversity in the community Community info hub to inform and help with local supports, services both council and non-council
1	Council decision short sighted	Movies, theatre,concerts
5	It was too costly	No
1	Worst outcome possible.	Arrest the individuals who created this disaster and fine/sue them for everything they own. The monies forthcoming used for reparations. Failing that, listen to organisations such as Community Cinema and other community groups. They have a range if well thought out options, and have identified flaws in Shire modelling. Why would you trust Shire personnel estimates after this debacle?
3	It is concerning to what the building will be used for if it goes to a private	It was wonderful when the building was used as a beautiful old fashioned family movie house.
5	Believe any further council funds spent on Rex is throwing good money after bad in the context of rising costs, supply chain issues and rising interest rates.	No

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
4	I feel that ours is a small council with limited resources. The unrealistic development plans by past councillors is not the fault of the current crop. We need to sell The Rex, regain some of the losses and move on.	I expect keeping and restoring the building will consume considerable council resources, further monetary losses and have the building sitting idle. I feel it would be better sold. Heritage overlays will protect the building from inappropriate development.
3	Unaware of majority of details	Revamp into cinema complex or a community hub
1	Council mismanagement of the project should not be used as a reason to sell - the two decisions and the rationale for each should be dealt with	Make available as a community hub - even if it's not able to be a council "service centre"
1	The Rex belongs to the people of hepburn shire	I would like to see the The Rex developed as a space for the youth of Hepburn. Bring back the cinema, develop areas where the youth can learn skills appropriate to the arts.
1	You need to look at alternative avenues of raising revenue to keep the venue.	Hitting up federal and state governments for money. Looking at go fund me or alternative social fundraising options.
1	It is a community landmark and should not be sold on to private buyers	Reopen the cinema or create a community space
1	Once it is out of council hands it will be lost to the community. It is strategically positioned in the centre of the main street which is becoming more dominated by tourism. We are losing more of the fabric of the community.	A community inclusive space that doesn't rely on people spending money. A space for exhibitions showcasing local artisans, a library space to share stories and encourage young minds, and the cinema should be reinstated. A place for social connection (refer to the Council Health and Wellbeing Plan). We could do something innovative with the space; it is a great opportunity. A study could be carried out on other community spaces, other Council projects, for ideas and funding. I am concerned that the intrinsic needs of the community is being overlooked in the decision making.
1	The money that has been spent will completely lost and that is unacceptable	The local cinema needs to stay in the Rex
5	Never a great idea	Sorry No very bad luck for the cinema, would be great if you could help them find a place.
1	Council mtg 4 Councillors voted against Council officers recommendation 2 continue Hub & jumped straight 2 selling Rex-selling not on agenda & no community engagement beforehand, disempowering community & other Councillors & against HSC Vision & Plan	4-yr Council Plan respondents said sense of community & access to centres for creative & education opportunities important to wellbeing. Respondents asked council 2 concentrate on a few issues & one priority issue was well maintained & in high usage, excellent sport & recreation facilities. Build social capital & promote community wellbeing esp for citizens of Daylesford, Hepburn Springs, Hepburn and close, smaller communities like Glenlyon, Wheatsheaf, Coomoora. Looking thru Plan, Priority Statements 3.1/3.3/4.3 - The Rex has a role to play. The Rex is central, iconic, historic & offers indoor community options. Commercially lease front 2 or 3 shops or 1 as Made in Daylesford/Hepburn outlet. There are many options including selling off house at rear; sub-divide & sell; stage plans (develop front now & add council offices & library on top of rear 'wetwall' box later);partnerships. Cinema/toilets/library/space/artist/produce/gallery. Spend \$ on us carefully-don't leave us waiting yrs
1	The Rex has the potential to be a wonderful local community arts hub. If sold my fear is that it will become yet another building full of shops that sell things that locals do not need!! This town needs a cinema, performance space and arts hub.	Yes. Look at community hubs that meet the needs of locals in other shires and sates. Investigate having an element which is a business proposal - e.g. a cinema and possible bar (eg Royal in Castlemaine) and make rest of space available for gallery of local work, studio space, performance space etc. Sell off the land at the back of the Rex and use that to finance the redevelopment of The Rex Arts and Cultural Hub.
1	A beautiful asset which one sold will be lost to the community answer just likely bought by people/ groups with less appreciation for its history and	Local open market space.
5	Council has not been able to deal with the issues. Give it to a private	I really think Daylesford could do with an art gallery. Like the one in Bendigo to pull in big displays
5	White elephant. Very poor feasibility, supporting investigations and business case to justify investment.	No

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
5	The conversion project is likely to be very expensive & ratepayers funds could be used better. Let a private developer take the financial risk in	No
5	One gets rather annoyed when the people from Daylesford think they have been wronged by Council. In reality, rate equity has been lopsided for way too long and all townships are entitled to expect spending in their township.	No.
1	I believe this has been a progression of errors by council and they have abrogated their responsibility to this community. A solution to keep it for the	I think there have been a series of good alternatives have been identified.
5	Financially it is not viable for the council to pursue this project. It is well known that smaller rural councils do struggle financially at times. On top of that the cost to council of the recent storms also needs to be considered.	I don't feel council has the capacity to keep the building. It needs to be sold to remove the risk to council. The cost to bring the building up to the requirements of the building code would be significant. If council kept the building and tried to pursue something it would likely be more years of delays due to cost and therefore further angering the already frustrated community.
1	Public building, with architectural merit, in town centre would be an asset to the town. Requires creative thinking	Arts precinct. Theatre. Exhibition space. Art classes Bring creative spirit to the Main Street for locals and visitors. Make Vincent St more than coffee and curios.
5	Sell as in shopping strip and expensive real estate. Then reinvest funds into community projects.	No.
1	Council has spent an enormous amount of money, and for what purpose !!!	Council would be well advised to adhere to the idea of a cinema and public toilets. Start thinking of the locals not just the tourists please.
2	If the Hepburn Hub has been discontinued, we are left with a large unfinished property. I would like to see it utilised by the community but I think it will be economically prohibitive	Community and public art space Artist studios Community cinema Library Youth centre Indoor playground Indoor market Makers market

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
1	The use of the REX for the community is a great asset for our shire, community health, cultural, tourism and income generating aspect. Council offices and car park should NOT be included and if removed from the project it would save costs and be viable.	<p>Visitor Information Centre, Cinema, Library, Training space, meeting spaces & public toilets. All this can be income generating by charging for its use.</p> <p>The VIC can incorporate a shop to sell "Made in Daylesford", produce/farmer shop.</p> <p>Cinema is a fantastic cultural and community asset, maybe 2 smaller theatres and strengthen this with the ability to host events, conferences, theatre productions and other activities.</p> <p>Shared multi-use and flexible training and meeting space that can be hired by individuals, businesses, and council. Council could book these meeting rooms too if they need to meet in person with anyone.</p> <p>For the "young ones" in the shire, a youth focused space would be awesome, but also a technology hub where their skills in tech can be nurtured and taught. The young ones can pass their tech knowledge to the older once too. There is so much to be gained by also mixing the generations rather than segregate them.</p> <p>All these can be income producing for the REX, and council.</p>
5	Too much money already spent on this project.	No.
1	It is a community asset that should not be sold off. We residents want to enliven and enrich our community and a hub like the Rex is the perfect place to enable community organizations to thrive and prosper.	The building is an asset to this community that could be a multi purpose space offering up a diverse range of short and long term projects and initiatives to enrich and engage our community and the tourists who visit here. The cinema must be included and social enterprises would be a huge value add as well as raising revenue for the shire.. I am so dissatisfied and disappointed with the councils lack of creative thinking and openness to retaining the Rex as a community hub. We the residents are tired of being ignored and not included in the process, the gatekeepers keeping vital information hidden to avoid transparency and accountability. This shire is renowned for being a hub for creatives and the Rex could absolutely enhance and showcase the talent we have in abundance here. Retaining the cultural heritage of the building while adding new and multi purpose spaces (plus public toilets) is a win win for the town. We have a one time opportunity to retain this building, don't waste it!
1	An inexperienced group, in a virtual meeting went against the advice of senior officers who had been right through the Rex history	There needs to be genuine community consultation on the issue. This consultation, closing on May 25 Is asham. The Rex is still up for sale! It is like having a gun held to your head. Council could look for a partnership with a private developer to defray Council costs
1	Council have already put many (too many) rate payers dollars into this project, to abandon it now it just throwing that money down the drain. Surely there's a way to resurrect The Rex and give the community the hub it	Finish what they started, give our cinema the home they were promised and make the hub for the community that's needed
5	Not value for money. Too expensive. Please look after Daylesford Town Hall	Develop facilities in Daylesford Town Hall
5	because the cost is too high and it is not value for money	None, it should be sold
5	This was a badly conceived project, trying to shoehorn in uses to the space and not seek proper long term solutions for users. The estimated costs is totally unacceptable. A proper commercial development will add vibrancy to	No. The council should NOT see themselves as developers. They have clearly failed in this role with this project. Leave it to skilled developers to find appropriate solutions.

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
5	I don't think it's value for money. Should never have been purchased. Don't think Council role is to build a cinema as a priority over other needs. This appears to be the only reason given by those who want to retain it	None - needs to be sold and Council needs to plan what it will do with staff and library
1	Abysmal mismanagement bring back the Hub	Bring back Hub plan!
1	I believe that the new members of council can right the wrongs of many bad decisions made by previous. It is an important asset to the community	Just keep it simple.
5	I trust my councilor's judgement	no
1	I understand the huge cost required to complete the Rex , but what concerns me more is that the Plan for the Rex is to sell it to a Developer. My experience with some Developers in the Shire is I think that ththat they can have quite outlandish ideas.	I believe that the Rex is a historical local asset and should be retained by the Shire and to be used for our library and the cinema, as well as being the Council office. Perhaps there could be a way to incorporate accomodation in the upper floors for workers for local businesses. Small studio apartments or backpacker style accomodation that local businesses can apply to rent/ allocate to their staff. Obviously the Shire would then receive the income from these appartments.
1	The original proposal should have been investigated more before committing . But having launched themselves into this quagmire it is now necessary for it to be kept in council and rate payers ownership and a proper local use	None specific But if at all possible returned to its original appearance inside and out . Daylesford is one of very few Victorian towns where this maybe viable . An unreachable tourist attraction
1	It is too significant a building to loose.	Cinema, community arts space , A permanent space for Hepburn wholefoods
1	Do something instead of talking and do what the community wants	Use it for only two things library and information centre oh and proper toilets for a tourist town that has only one way out of the way facility
1	Stop wasting money. Very poor planning!	Yes. Keep it and put in a cinema and library. There are many examples of buildings being used for this purpose. Stop throwing good money after bad,
5	The bleeding obvious... if Council does not have the skills/funds/ creativity.. then let the market MAKE IT HAPPEN	Council???? no way!!!
1	The town would greatly benefit from a cinema	Turn the town hall into a cinema
1	The building needs to be preserved as a part of history	Returning the building to a cinema would be an amazing asset to the town and surrounds
1	The Rex is an iconic vision of the street scale and needs to be preserved and protected. Who knows what a new owner would decide to do with iy	I would like the Rex under the control of the community, much like the John Curtin facility in CRESWICK. That way it would always reflect demands, needs, and desires of the time .
1	This town needs a central place for youth to be able to have something to do. The cinema was fantastic . We want our cinema back and an after school place for kids to hang out. Somewhere for locals.	An arcade, lazertag, bowling alley
1	It is a significant community building, regardless if the money already wasted. This should be kept for the community. It's a prime location and could provide valuable community facilities. We don't need more tourist shops or B&B accommodation in this l	Community facilities such as a cinema/performance venue which would benefit both the community and tourists. We need options for young residents to socialise as well as adults. We also need a performance venue for bands and shows. Also, relocate the library to a new larger venue like the Rex. The current location of the library is too small. Where other areas of the Shire are being upgraded, Daylesford has missed out. Residents deserve a modern, spacious, well stocked library rather than always having to order books in and waiting for them to become available. A facility for meetings, training venue where businesses can rent space to provide training for youth as well as the whole community.

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
5	The Council should be spending money on things that truly benefit the whole community. The Rex has limited benefit, especially for such a bit outlay. Also, Council are not property developers and I have no faith they can manage a	No. Council are not property developers and do not have the required skills or expertise to complete a project like this. There is a significant risk of further cost blowouts.
1	Doesn't align with overall strategy	Rent out front part of Rex building at commercial rates. Sell the offices building at end of duke street and relocate these further out of the centre or to alternative site. Stagger the remaining build to allow commercial rent to fund community states over time. Investigate other land held by council to sell to fund finishing stage.
1	Too much ratepayers money spent pull the plug	Any more money spent will go down a rabbit hole too many other Council towns need help like all of us over Dayelsford taking it all
1	To honour the original point of acquisition, which was to provide valuable facilities for our community	A couple of small cinemas; a training cafe, a shop stocking local produce, and a community art space would be beneficial. Separate cinema and arcade from the rear; develop the cinema first, and just have a walkway through to the back for future parking. Attend to developing the rear later. Leave Council offices elsewhere. There are plenty of other places more suitable to house our council bureaucracy. It was bought for the community, allow it to be for the community.,
1	The original Hepburn Hub at The Rex project would have added value to the	-
1	I think the Community is in need of the Hepburn Hub. It is very unfair to the people of the mishandling of this project by the Shire. The funds used were that of rate payers. The council is responsible to redeem the amount.	The Council need to hear what each and every community members wants for 'their' community. The funds wasted on this unfinished projected needs to be raised to continue with the project. It is totally unethical of the Shire to undersell the building to lose rate payers money.
1	Because there was no community consultation.	Well, if it's retained as a council/Hepburn shire asset, then I can't see why it still can't be a hub. Apart from that, I went to the meeting at the Town hall recently where there were many proposals put up for its use.
1	It would be a huge lost opportunity for our shire if the Rex was sold.	The Red should be retained for community use.
1	Such a fabulous asset for community involvement and use. So much potential for community use.	Theatre/dance/exercise/craft group use, especially for young or older residents. Regular movie special screenings for older residents. Live theatre performances.
5	To much of rate payers money has been spent on this project Council should stick to rates rubbish and roads and stop wasting rate payer rates on	Sell it and cut your losses

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
1	From the information available it seems the sale will result in a massive loss and put the entire project back to square one. It continues to be a waste of time and moeny	<p>The building should only ever be sold if it can generate a profit on the original sale price PLUS the current costs incurred in the project so far. Otherwise a rationalising of the project should be considered. If it is impossible to create all the facilities within the space because of cost or planning issues then maybe council should attempt to achieve SOMETHING with the space. Council stays in their current building and the Rex space is restored to being a cinema/theatre space as this could generate income.</p> <p>The library could be added to the Rex space and so could community usable spaces. Daylesford has none of these facilities and as a major tourist location lacking a performance space is frankly an embarrassment.</p> <p>A well planned and run space like this could become the center of night time entertainment for tourists and generate both income and additional tourist traffic for the town.</p> <p>A larger library space is also beneficial to our growing community.</p>
4	It would cost too much, potentially resulting in increases in council fees such as rates to cover the cost.	No, as it is not a suitable building to turn into affordable housing.
5	Too much money is required for little benefit and next to no benefit for	No, best to sell it
3	I support the sale of the REX but not until the LGI report is released and council can provide a P&L Statement for the life of the project. Council must not sell the building at a loss.	<p>Investigate the cost of leasing the building to recoup past losses with revenue being put into a fund to reduce council or ratepayer liabilities for the 'project'. Surely it could be leased for more than \$100,000 per year?</p> <p>Alternatively, the shire might sell the building, but not at a fire sale price, and invest the proceeds from the sale for 5-10 years to 'pay back' so to speak, any ratepayer or Shire losses over the length of the project.</p>
1	Council should manage the asset reinstate the cinema and pursue commercial use of the site	<p>Reinstate the cinema - it is a big tourist drawcard if it can be run effectively from a suitable space</p> <p>A youth space including mental health space and partnering with other youth centric organisations to better support young people in the region</p> <p>A childcare centre and early learning centre would benefit the area</p> <p>Commercial opportunities such as shops an art gallery or other such businesses</p> <p>Relocate the information hub and other tourist information businesses here to promote the region including tours and bookings</p>
1	The entire Hepburn Hub project was a debacle. The very least the council could do is preserve this historic building and repurchase it for the enjoyment of the community and tourists alike.	We enjoyed the theatre when it was in operation. Some form of arts precinct would be ideal.
1	The Rex is an important part of Daylesford's history. It should be protected with heritage overlay. Surely a combination of public and private financing could help achieve the original objects	As above
1	Council had indicated several years ago that proposed development would include picture theatre and shops.It is their duty to see project through. I am	No. I don't understand the process of how we got to this situation.

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
1	Too much has been spent of councils money and it won't be recouped if the building is sold	Yes, the Hepburn whole foods group is looking for a new home, it seems like they may have some money, perhaps the council could work with this group to redevelop the space for their purposes. I'd also suggest finding other local contractors to price the repairs - \$18 million seems excessive. If the community was involved it may be able to be completed at a cheaper price. What about heritage Victoria? Can't you apply for funding from the state or federal government to help with repairs? Surely it's a building of national significance?
5	going forward it is not viable option for council	no
1	Cos the way the rex has been handled has been ridiculous and to just sell off the problem could cil have created and move onto the next travesty is	We need a community hub. Reinstate the cinema. Anything g other than selling off the problem child council have created
1	Should not be sold	Use as a community hub
5	Other buildings/resources available to meet needs of the community	Will require too much rate payer moniey
1	The opportunity to Develop a Community Centre in such high profile position.The combination of commercial ventures giving local producers and manufacturers the opportunity to profile their goods is unique.The cinema being appropriately placed their.	Only the continuation of above.This avenue was walked along in 2003,the owner supported the project, the council did not.The council are now in a position to determine and control the development.There are many good reason to continue with the project with private support.This would be through the commercial opportunities.The development of a training centre on many levels of therapies(acute shortage of therapists in many modalities to meet the demand).Hospitality,hotel, food service and front of house and many other auxiliary trades.This would open the door to Federal and state government grants.There are many ways of making the project viable.The community aspects are important on a social, supportive and allowing interaction in a central position.This could be a most positive addition to the council and community cohesion.
1	Mismanagement should impact town facilities, the site should be revisioned as an arts complex, youth space etc.	Keep a cinema, build a co-working space, with attached multi-use spaces for arts, youth, community gathering.
1	I think the project can be saved	Project management by anyone but council. Council has proven completely inept. The scope of the refurbishment was ridiculous. Plans were grandiose. And really, who commissioned and installed artwork in a building site??? Honestly, who was running this project??? What would warrant keeping the Rex? People involved taking responsibility for such a fiasco. Too much money has been spent to sell off to another developer to make money. Quitting now is not acceptable.
5	It's not a great use of rate payers money.	No just sell it.
5	A lot of money already spent on this which I think should not have and no more should be spent.	No just sell it to get some of the money back.

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
4	The Shire needs money and a Hepburn Hub does not need to be on the main street -that accounts for four stars. But I kept one star in case an alternate and profitable use could be found	People come to Daylesford to browse and spend money. But there is no 'key destination' or focus on the street, something with energy where people can spend an hour or two (especially in winter), which is historic, atmospheric, exciting to visit and part of a local story. The Rex as a historic building on a prime location could become an eclectic hub for all things related to the Daylesford area, local wines and food, local arts and crafts, antiques and books, perhaps with a niche 'pop up style' cinema at the rear (interesting short films that people can watch for a while) or have singers and performers. You could sample a local wine and local foods, while listening to a local singer. The children could watch a pop up movie. It would be a place where people wander, explore, listen and be part of an energetic mix of people and products that reflects the shire. It would also give the Council the long term benefit of holding this increasingly valuable site.
1	Surely something can be salvaged at the Rex building considering the large sums of money spent already.	Youth space, library, cinema, toilets (!), indoor market in winter.
5	It's costing too much money	Sell to private company
5	Too much money has been wasted on this absurd project. Let's try to get some return for rate payers.	No! Just sell the place and try to get the best possible price
5	I think under the circumstances we need to move on sell the building and then work out how the areas that it was going to house can be provided for the community and Hepburn Shire staff.	No
1	WE NEED A HUB FOR OUR TOWN	MAYBE THE COUNCIL CAN STILL PROCEED WITH A CINEMA COMPLEX AND A FOOD HALL.
1	This is a historical building in our community, and it should stay as a part of our community and history. Council has not listened to its ratepayers. I get nothing but my bins picked up for the rates I pay, I'd be happy for them to go	Historical/ museum hub, small youth centre (I don't have kids but even I can see the lack of youth infrastructure and activities here), commercial indoor pool/recreation centre, food hall featuring businesses/restaurants that source locally (NOT a shopping plaza!).
4	It is a white elephant and we need to move forward realistically	It would be too expensive to renovate this building having heritage issues. Too much money has been lost so far.
5	The costs are way too high. Office space requirements have changed with Covid measures. Money better spent on more practical office improvements and community projects.	No. Our Shire already has many assets that it is struggling to develop, repair and maintain. Improving the Town Hall precinct can provide significant community benefits without spending huge funds we do not have. Our Council has been identified as one of the financially struggling small rural councils (2018 State Government report and many others) and just cannot afford or justify taking on more costly liabilities. Our community needs to be well informed on this. Please focus on improving what we already have and I bet that can take care of genuine community needs rather than pie in the sky dreams that could also become nightmares like the Rex!
1	I would like to see at least part of the site used for community use. Eg cinema, library, training cafe for local youth	Use part of the site as in previous answer and perhaps lease out the rest. Possibly put some Council offices on an upper level.
1	wasted opportunity	As well as public toilets, library, cinema and community art gallery, a multi level paid parking lot could return much needed revenue to the shire. Could pay back loans and help to improve services such as public toilets, cleaning of public facilities such as rubbish bins, rubbish servicing etc.

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1	The sale would not recoup the level of financial investment already made. The community needs a centralised hub and this building is perfectly situated. I believe there is a way to retain the building for the community and selling is not the answer.	A community hub that encompasses a youth space and social enterprise, creative studios and shared workspaces, a gallery and multi use performance/cinema. A food hub and home for our Wholefoods coop. Public toilets that are central. There are co-finace options available where the community is supported to co contribute with Council and retain control (Hepburn wind farm springs to mind). We need centralised climate controlled spaces for older/vulnerable people as the summers will get hotter. The space could house community services like CAFS, Centrelink or other support services. We could see a community of for-purpose businesses and organisations all housed under one roof. A festival hub for all the various amazing festivals in our town. A volunteer hub for all of our amazing volunteers for all these festivals. Look at models like the donkey wheelhouse in Melbourne or the Ballarat foundation's volunteer nfp hub development in Ballarat. There are sustainable models that already exist.
5	I think it should never have been purchased in the first place and is a deep black hole of investment.	None at a. I do not wish to see another cent spent on it.
5	I think it was a waste of money and time, and am glad it will be resold.	I think money should be put into building a purpose built building connecting the town hall as was originally planned along with poolside plans way back. Or buy the block on corner of Central springs and Bridport, and build a purpose built building that will work there with car park and sell duke st if it cannot be used in the future.
1	So much time and \$ has been wasted already and we still have 0	State and federal \$ grants to assist funding Local government investigated as to how this debacle occurred
5	the building must be sold	No, it should be sold
1	It should belong to the community, not an investor wanting to make the	I think the community has voiced some great suggestions over the last few years.
1	We need more public space in our town, not less	Council should maintain ownership of the Rex and explore leasing options if they are not to become the tenants. The Theatre Royal in Castlemaine may provide a nice example of what can be done
1	It is so short sighted to not think about the asset of the building and the expensed funds so far. The community needs this central hub as a home.	<p>Library- <input checked="" type="checkbox"/> libraries are more than book borrowing places now days. It's a safe and central space for community. A place where there is no expectation of spending \$. Internet access, meeting spaces, shared office spaces,</p> <p>Cinema- <input checked="" type="checkbox"/></p> <p>Community gathering space</p> <p>Events space</p> <p>Youth space</p> <p>Community cafe</p> <p>Community access art gallery</p> <p>A beautiful florist out the front opening into open community access spaces.</p> <p>Please please do not let this amazing opportunity go to waste and become another commercial wasteland in the centre of our town. This is such an important site where we can make or break the centre of our special town.</p> <p>Maybe the visitor info centre could move to the Rex as well? Be right in the town?</p> <p>Anything to bring some vibrancy and add to the character of our offerings for locals and tourists.</p> <p>Please don't sell this amazing community asset. Bring the old girl back to life and the town will thank you for many years to come.</p> <p>🙏</p>

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
2	We need to keep the cinema going as promised with the development of the Rex. I cant see the point of selling it off at such a large loss	Just finish what you have started
1	I don't agree with the decision to halt the project or the sale. So much money has already been spent, better to have a community facility than nothing for all that waste of money.	A community facility needs to be put in the space - cinema, community meeting spaces, maybe the library and cafe. Possibly retail or office space on ground level that could be rented out. The town is in desperate need of better community facilities, and so much has already been spent on this space. It's not fair to expect the community to wear the cost of the sheer incompetence shown with this project and still end up with nothing. Every other town in the Shire has a hub, Daylesford is the biggest town and has nothing. We have waited long enough - something positive needs to be done. Selling at a massive loss, then having to start again somewhere new, would be just as much of a financial blow.
1	All options for completion of the project should be considered and made public. It's our building!	Public-private joint venture.
1	Council should retain ownership of such iconic buildings to maintain	finish what you started
1	Heartbreaking that the community will lose this historic hub as library and cinema. It would have bought us together.	Making money by opening the place for retail also again to create an income to pay itself. Add it to the rate payment.
1	Some 6 million dollars of ratepayers money has been wasted and delivered nothing. You HAVE to complete the promised project and the loan required can be serviced by leasing the spaces and cinema. An historic part of Daylesford will be preserved!	Finish restoring the building! Yes it will take a lot of money but managed properly, using the leasing opportunities described above, the loan can be managed, an important building will be preserved and \$6 million will not have been thrown carelessly away for no result. Our lovely old buildings are what makes Daylesford the special place it is- let them fall into disrepair at your peril. We do not want it's charm to disappear into a boring bunch of cheek by jowl "little boxes" built by greedy developers, covering once green paddocks. If we want to live like that, we can relocate to Melbourne's outer suburbs. Much money has been spent on walking paths etc around the lake area for the tourists. All very well but what about giving them a cinema in its original historic building in a vibrant hub, housing cafes/ casual restaurants and some decent public toilets, that will generate revenue? Not exactly rocket science councillors! You can't enjoy the lake area in wet weather...
3	im not sure my vote will count tbh	Id prefer to see it turned into a community hub or centre rather than sold off
5	The existing infrastructure e.g. library, shire offices, etc are sufficient. Improve them if you must but our taxes are best spent not on more infra but on improving services to the community.	If you don't want to sell it then perhaps give long-term leases to private enterprise e.g. arts hub, indoor market for local artisans, etc.
1	I think The Rex should be retained and used as a base of community activities. Any purchaser won't use it for that. We don't need another accommodation built in the middle of town	Create a new cinema AND have community based businesses and youth training businesses operating in the rest of the building - retail and hospitality and artisan and 'lost trades' - also offering workshops available for the public and galleries to display their wares
1	Needs to be part of the community they need to finish it they already sold it once and then paid more to buy it back	Turn it back into shops
1	You need to fix the mess of Councils making. So many voices were raised against the Hepburn Hub at the Rex and they were not listened too. Listen	An indoor swimming / sports centre.

On a scale of 1 (very unsupportive) to 5 (very supportive), how do you feel about Council's intention to sell The Rex building given the Hepburn Hub at The Rex project has been discontinued?	Why did you identify your level of support above?	Do you have any alternative ideas that you think Council could investigate that might warrant keeping the building in question? Please provide a short description of the idea.
1	The waste of money by selling off the Rex at a price far less than what's been put into it is completely ludicrous and should be illegal	With the ageing Coles supermarket in town. Turning the Rex into a shopping centre with a new supermarket (coles or other) could completely rejuvenate the Rex with foot traffic and allow for a long term income stream for council in leasing the area. The upstairs section of the Rex could then still be used for the community cinema and could be a win-win for both community and council. The ground floor of the rex is large enough for a supermarket and is arguably a better shape and size for a supermarket then the building currently holding coles
1	Keep the Rex! It's a public asset that we shouldn't sell!	Ditch the office's, make it back into a movie theatre, a great library with a small cafe and a community space, with the ability of locals to hire small work rooms, feature new artists from around Daylesford every month to keep the space interesting. Hire locals to build. Keep it minimal functional and minimal. Another idea is turning some of the space into hospitality training for the high school students and locals to counter the server worker shortages and give young people opportunities.
1	It seems irrational to dispose of this potentially wonderful community asset.	As a resident and rate payer in the shire I was eagerly awaiting the development of the cinema. I truly believe this should be reconsidered.
1	The expectation was that you would protect the Rex in the locals interest, not leave it vulnerable to similar failed endeavours it had in the past.	Why not restore it to a working theatre/cinema for both movies and community use.
1	It was purchased to develop a much needed hub	Accountability for all the poor decisions made to date. Include local experts in the conversation and decision making process Residents with expertise (architects and builders) have more of a vested interest in a beneficial result for the community and the streetscape than faceless council policy makers and decision makers. Please listen!
5	Cost is too high and it doesn't represent value for money. Burden on ratepayers. Council needs to use ratepayers money for benefit of all residents across shire, not disproportionately on one town.	Sell it, no alternative ideas necessary
3	See my alternative idea. I believe this would be the most appropriate solution.	Council Should borrow the money to complete the project. Thence sell the building on a Lease back basis so the building is not lost to the community. Council should engage with a reputable local/ regional Commercial builder ;(say Troon Constructions in Ballarat) to provide an estimate of costs to complete the process.
1	The council needs to take full responsibility for its historical stuff up not sell of the issue for a massive loss.	A community hub including the cinema, a library, Café and even a mini golf setup. Somewhere for families and kids to enjoy all year round - it's a pretty simple solution.
1	The Rex was a beautiful architectural building. It can be saved and be a focal part of Vincent Street and a much needed community space.	Think The Sun theatre complex in Yarraville. I also believe there are community theatres in other small towns in Victoria. The basement should be a parking area.
1	There was no consultation with the community	Having a central community hub as was promised. Including the library and cinema in the central location that the Rex provides. Have some sort of cafe where locals can meet. An indoor play area for children. Meeting rooms available for groups. Public toilets
5	Facilities not available for so long	No

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2	The Rex seems a unique opportunity to preserve an historical building while providing a new purpose to its existence. Many building find a new life in this way.	The Council could enter into a PPP arrangement with a private developer to provide a shared vision for the site. This might include the developer being allowed to build several prime inner city home units within the building and selling them in return for providing the fit-out works for the Council share of the space eg for chambers and community area on a smaller scale than envisaged. The partnership then would include the Council providing the building for the venture and the developer rationing the cost of building works against profit for the sale of the units.
5	It's apparent the project management's capabilities of this council is well beyond them along with the fact that it's not up to the ratepayer to find a cinema or theatre or any other fanciful concept deluded locals come up with	Renovate the Duke St offices.
4	Inadequate planning and poor project management meant concept became	No. Lack of community support for increased expenditure means the project is dead
5	It is a money pit. The building is already ruined inside. It will take more money than it's worth to rectify. It's in the wrong location for staff	No.
1	Loss of cinema, arts exhibition space and parking access.	Reinstate as above.
1	Our town needs a cinema, undercover market, public toilets and all weather space to hold events. We need an indoor aquatic centre too. The Rex has the size and location to serve out community better than any other space.	Aquatic centre....drop an in ground heated pool in, make it special to appeal to tourists and locals Or an ice skating rink, plenty would come for that and for locals it could become an ice hockey/figure skating regional epicentre.
5	Don't keep it! Sell it and build a council office out at the depot! You made space for the Dharmi school and you could achieve the same thing for council on a block of land that is inog centre of town.	Not at all! Countless money spent on this project which clearly shows the need for an alternative.

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1	Council should follow through with big plans like this not just suddenly abandon such a big community project! Imagine if the state government decided to cancel the Westgate tunnel halfway thru?	<p>Finish the cinema. Fit out the building for various commercial uses (via further consultation) and lease spaces until you have regained enough money to then finish the project properly. You might need a 5 year plan but you will make good money from renting the spaces. From what I have seen there's good light in the building now which was one of the problems previously. With a good mix of tenants and a lively vibe / atmosphere it will do well. Especially in colder months when people gravitate indoors.</p> <p>Some ideas below, I would limit to one of any below:</p> <ul style="list-style-type: none"> > Indoor makers market stalls / carts > Made in Daylesford Store > Micro Distillery > 1 Cafe > 1 Restaurant > 1 Bar > 1 Clothing shop > 1 Gallery > 1 Massage Store > Board game cafe > And Or LAN / Gaming Cafe > Cheese Maker / Making > Chocolate Maker / Making > Classes / workshops retail store > IT repairs / supplies > Art supplies > Locally made Gift Shop > Ice Cream / Sweets Store > A Hair Salon <p>I ran out of room, not ideas!</p>
1	Daylesford needs this cinema, so many people worked so hard to get the original cinema up and going For a town like Daylesford to have this theatre made it special and showed the community spirit that went on in this town	Have thought hard trying to come up with another space that might be suitable, The Rex being in a such a central place would work very well being a central hub eg Library cinema and a meeting place for the community. Perhaps the council office space could be moved to the Old Court House and the Community House moved down to space at the Rex
5	Financially not viable	No, unless there is a monied benefactor hiding out there itching to part with his or her dollars.
2	So much money has been spent with zero to show for it. Where did the money go??	<p>It was a lovely space - can it not be returned to a movie theatre similar to the Sun Theatre in Yarraville? Perhaps with space for a small bar or small retail included. Surely with the millions that were apparently spent on nothing, there are coffers to restore this back to what it was.</p> <p>It needs to be a space the community can use - not sold to developers for more accommodation</p>
2	No community consultation before Council decision.	Library, Public Toilets, Social enterprise cafe, some admin council offices. Maybe limited apartment construction at penthouse level.

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1	It is a let down for the community and the possibility of providing an enriching community engagement centre at the heart of the town. It feels like an unmitigated failure in putting commercial interests before residents.	Has the Council investigated the possibility of a private/public partnership, whereby designating part of the building for commercial development to fund the remainder of the building for community projects? This could take many different formats and with some innovation could accommodate a mixture of a thriving community hub and profitable commercial and social enterprises. I would particularly welcome a space to showcase the many local artists and artisanal producers that draw for tourists and locals alike.
1	It's Council's role to provide community amenities. We don't need another overpriced retail, dining, or accommodation provider. Cost as an excuse doesn't cut it. ...	<ol style="list-style-type: none"> 1. Dissolve the council for incompetence and financial mismanagement. 2. Impose a levy on all air bnb owners who rent their property/ies more than twice per month. 3. Appeal to the multiple, very wealthy, property and business owners whose businesses are putting a strain on the community infrastructure, and seek donations. 4. Apply for grants to heritage buildings.
1	I think it is shock to consider selling this historic building so some developer can continue to destroy its integrity or put it to the bulldozer.	I think the Rex building is a beautiful example of a cinema and calls to our building history. Many country towns are experiencing increased visitor attraction due to the charm of their old style buildings that hint of a more considered and creative past. If one stands at either ends of Daylesford Vincent Street and looks at the buidlings we can see a magnificent eample of old Australia. The Rex building is certainly one of those that stands out its spanish colonial revival architecture harks back to the great theatres and silent films. Surely such an historic buidling should be preserved.
5	Complete waste of money	Somewhere the young 10-16 could meet for games etc
5	It is a money pit.	No
5	It is costing too much	No

13 A DYNAMIC AND RESPONSIVE COUNCIL

13.1 NATIONAL GENERAL ASSEMBLY PARTNERS IN PROGRESS CONFERENCE 2022 CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the Chief Executive Officer, I Bradley Thomas have no interests to disclose in this report.

ATTACHMENTS

1. Nil

EXECUTIVE SUMMARY

The purpose of this report is for Council to note the attendance of Mayor, Tim Drylie, along with CEO, Bradley Thomas, at the 2022 Rural and Regional Summit and the National General Assembly (NGA) of Australian Local Government Association (ALGA) in Canberra from Saturday 18 June to Wednesday 22 June 2022.

OFFICER'S RECOMMENDATION

That Council receive and note the Mayoral conference report in relation to the 2022 National General Assembly.

MOTION

That Council receive and note the Mayoral conference report in relation to the 2022 National General Assembly.

Moved: Cr Jen Bray

Seconded: Cr Brian Hood

Carried

BACKGROUND

Mayor Drylie and CEO Bradley Thomas attended the conference along with 1000 delegates from the over 500 Councils across Australia. Many seminars were attended addressing the theme of being Future Focused and gaining insight into what Councils can do today to get ready for the challenges, opportunities and changes that lie ahead. The conference confirmed the importance of local government and councils need to see action through better partnerships, resourcing and respect as the third tier of government. Convened by the Australian Local Government Association (ALGA) the NGA is the largest national gathering of democratically elected representatives in the nation. ALGA is the national voice of local government and will review more than 106 policy initiatives adopted by resolution of the Assembly in the coming months. Importantly, the Assembly committed to progressing the next step

of Closing the Gap and passed a motion supporting the Uluru Statement from the Heart.

KEY ISSUES

Council's attendance at the NGA provides the opportunity to listen to the current challenges confronting the sector from Councils across the country and consider solutions or innovative ideas that may be relevant to Hepburn Shire. It is also important that local government councils can present a united voice and actively participate in an advocacy role to the federal government for important changes and reforms in the best interests of the communities we represent.

The Regional Forum specifically targets those Councils considered rural, regional and remote. The day focused on topics such as post pandemic tourism, affordable housing and population challenges, regional leadership and the impacts of climate change (increasing the resilience of rural communities affected by floods and fires).

The theme of this year's NGA – Partners in Progress – reflects the important role we all play in building a stronger, more inclusive, and more sustainable Australia – and our willingness to work with other governments to get the job done.

A significant number of motions were put to the Assembly, generating lively, vigorous and constructive debate. All the motions that were supported at the NGA are submitted to the Australian Local Government Association (ALGA) board for consideration and, ultimately, to advance the cause of Local Government and the communities we seek to serve. In keeping with the theme of the Assembly 'Partners in Progress', councillors committed to partnering with the Australian Government to progress critical reforms, including national productivity, climate change transition, Closing the Gap, housing affordability including increased social housing, appropriate road safety reforms, restoring integrity of federal funding to local government, and improved local delivery of community services.

The Assembly heard from leading economists that local government is the most productive level of government delivering 25% of services yet collects just 4% of national taxation revenue. The Assembly agreed that councils need more sustainable and transparent formula-based funding to restore integrity to federal funding of local government.

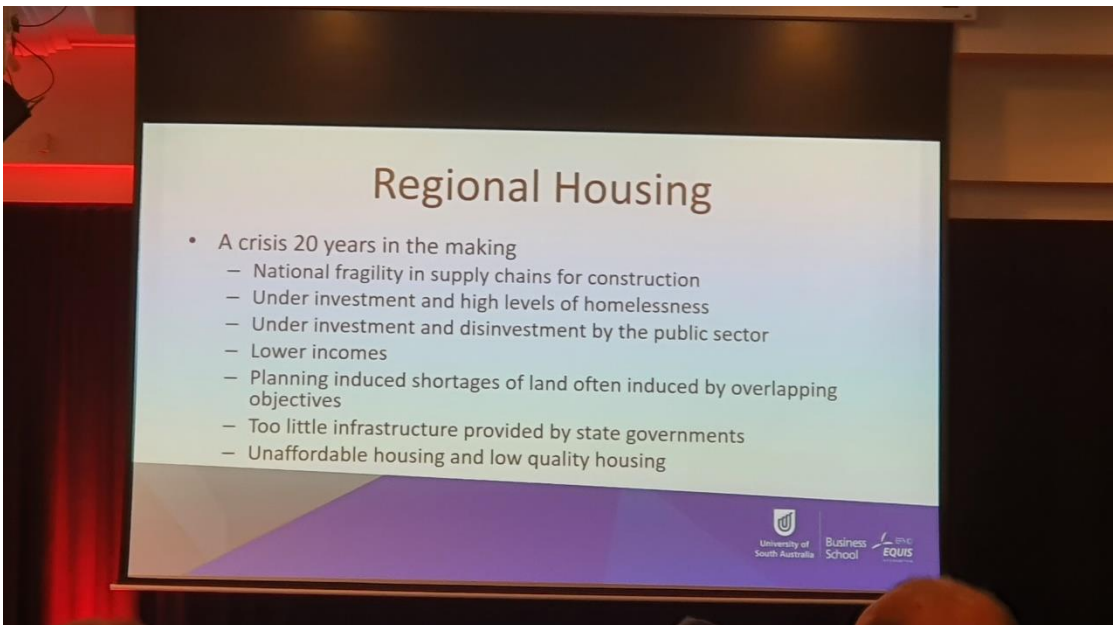
Further, they noted the essential federal funding support to local communities and called on the Government to review Financial Assistance Grants and restore them to at least 1 percent of Commonwealth taxation revenue.

The program for this year's NGA also provided a chance for delegates to meet the exhibitors and discover the latest developments in recycling technologies, Light-emitting diode (LED) lighting, indigenous procurement, government funding, regional technology, and much more. There was also lots of discussion about electric vehicles and what the technology means for the future of transport in Australia.

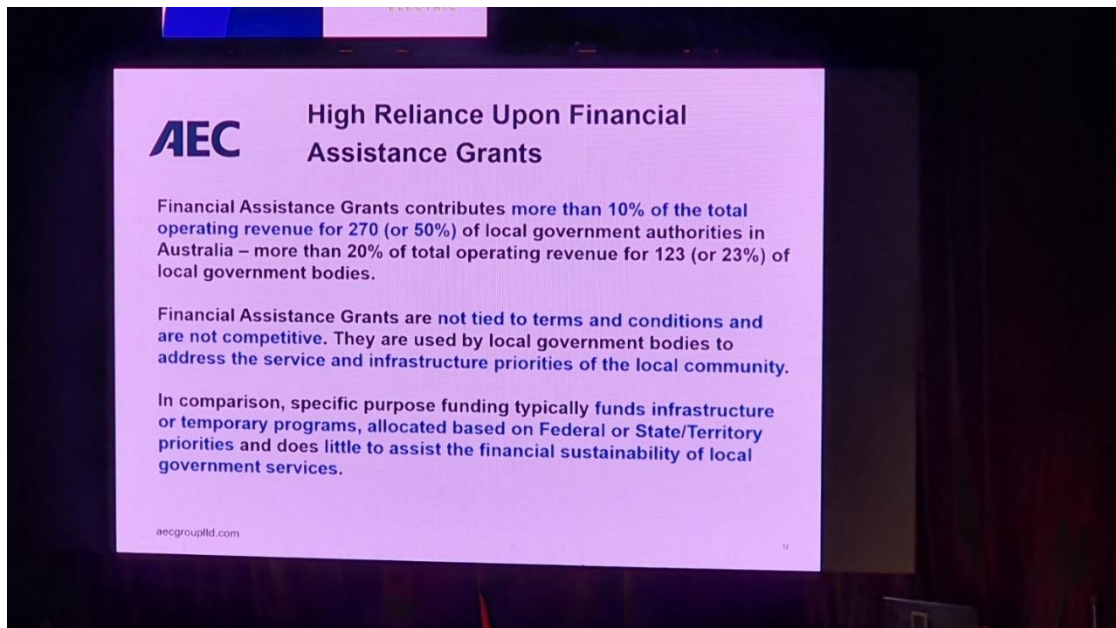
Keynote speakers were Stan Grant, Journalist and Author, Alicia McKay (NZ), Strategic Leadership Expert, Dr Jonathan Carr-West (UK), CEO, Local Government Information Unit, UK, Val Dempsey, 2022 Senior Australian of the Year, Paul Tilley, Economist, Marcus Spiller, Principal & Partner, SGS Economics & Planning. The summit was also fortunate to hear from a number of newly appointed Federal Ministers including Catherine King, Minister for Infrastructure, Transport, Regional Development and Local Government, Minister for Local Government, Murray Watt, Minister for Agriculture, Forestry and Fishery and Emergency Management.

Mayor Tim Drylie and CEO Bradley Thomas met with representatives from the Electricity Division of the Department of Industry, Science, Energy and Resources while in Canberra, in relation to the Western Renewables Link (formerly Western Victoria Transmission Network) and continued to advocate against the current project, especially seeking undergrounding and review of the terminal station placement.









POLICY AND STATUTORY IMPLICATIONS

Council Plan 2021-2025

A dynamic and responsive Council

5.2 Actively communicate, inform and engage with our community about events and decision-making

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. Costs were incurred in relation to airfares, conference registration and accommodation costs.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no community or stakeholder engagement implications associated with this report.

Mr Bradley Thomas left the meeting at 8:12pm due to a conflict of interest for item 13.2 Appointment of an independent member to the CEO Remuneration Committee

13.2 APPOINTMENT OF AN INDEPENDENT MEMBER TO THE CEO EMPLOYMENT AND REMUNERATION COMMITTEE DIRECTOR ORGANISATIONAL SERVICES

In providing this advice to the Council as the Manager Culture and Performance, I Irene McCreevy have no interests to disclose in this report.

ATTACHMENTS

1. CONFIDENTIAL - Confidential recommendation for appointment to the Independent Member [13.2.1 - 1 page]

EXECUTIVE SUMMARY

The *Local Government Act 2020*, requires that Council establishes a Chief Executive Officer Employment and Remuneration Committee and that an Independent Advisor is appointed as one of the Committee Members. This report details the recruitment process followed to select an Independent Advisor and recommends Council endorse the appointment of the preferred candidate.

OFFICER'S RECOMMENDATION

That Council:

1. *Approves the appointment of Independent Advisor, as detailed in the confidential attachment to this report.*
2. *Makes the appointment public once approved by Council.*

MOTION

That Council:

1. Approves the appointment of Independent Advisor, as detailed in the confidential attachment to this report.
2. Makes the appointment public once approved by Council.

Moved: Cr Jen Bray

Seconded: Cr Don Henderson

Carried

BACKGROUND

Under section 45(1) of the *Local Government Act 2020*, Council is required to establish a CEO Employment and Remuneration Committee which will act as an advisory committee to Council.

The purpose of the committee is to consider and make recommendations to Council with respect to:

- A Position Description for the CEO;

- The selection and appointment of a recruitment consultant to undertake the recruitment process leading to the recommendation to Council of a preferred candidate for the CEO position and a recommended remuneration package;
- The annual review of the CEO's performance, including against KPIs;
- The provisions to be included in the Contract of Employment from time to time (including any agreed modifications to the Position Description) and determining the performance plan;
- The CEO's remuneration, after assessing the CEO's performance against the Performance Plan;
- Appointment of an Acting CEO for a period in excess of 28 days in accordance with section 11(3) of the *Local Government Act 2020*; and
- Implementation of the CEO Employment and Remuneration Policy.

Membership of the committee is:

- The Mayor;
- All Councillors;
- The Chair of the Audit and Risk Committee;
- An Independent Member

The Independent Member will be appointed through a public process seeking Expressions of Interest from suitably qualified and experienced candidates. The Independent Member will be appointed for a term of three years and be eligible to apply for an additional three-year term, with a maximum of two, three-year terms.

Initial advertising for the Independent Member commenced on 18 March 2022 via Council's website and via Seek, which resulted in two shortlisted candidates.

The interview panel consisted of the Mayor, the Deputy Mayor, the Audit and Risk Committee Chair and the Manager of Culture and Performance.

From the first round of interviews the suitable candidate withdrew on the basis of the remuneration rate and travel allowance payable as per policy was not sufficient. The second candidate was deemed not suitable.

A second round of advertising commenced on 6 May 2022 and five candidates were shortlisted and interviewed between 15 June 2022 and 1 July 2022. Two suitable candidates were interviewed with one preferred.

KEY ISSUES

Timeframe for initial meeting of the Committee – The appointment and initial meeting of the committee needs to happen in a timely manner as the CEO Employment and Remuneration Policy should have been reviewed within 6 months of adoption on 21 December 2021. A portion of the existing policy refers to procedures for the initial meeting which should be reviewed following the initial meeting of the Committee.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2021-2025

A dynamic and responsive Council

5.3 A sustainable and agile organisation with strong corporate governance that supports excellent operations

5.4 Improve staff resourcing, support, and capacity building.

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

Due to the time taken to attract a quality candidate Council is currently in breach of its CEO Employment and Recruitment Policy which states that Council should have reviewed the policy within six months of adoption (21 December 2021). A meeting will be scheduled as soon as practicable once appointment is confirmed.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no community or stakeholder engagement implications to this report.

Mr Bradley Thomas returned to the meeting at 8:15pm

Cr Tim Drylie left the meeting at 8:15pm due to a conflict of interest in relation to item 14.1 General Business.

14 GENERAL BUSINESS

14.1 GENERAL BUSINESS

RECOMMENDATION

That Council grants Cr Tim Drylie a leave of absence from 30 July 2022 to 7 August 2022 inclusive, noting that Cr Drylie will be an apology for Briefings and Council Meetings during his leave.

MOTION

That Council grants Cr Tim Drylie a leave of absence from 30 July 2022 to 7 August 2022 inclusive, noting that Cr Drylie will be an apology for Briefings and Council Meetings during his leave.

Moved: Cr Lesley Hewitt

Seconded: Cr Don Henderson

Carried

Cr Tim Drylie returned to the meeting at 8:17pm

15 CLOSE OF MEETING

The Meeting closed at 8:18pm.