# HEPBURN SHIRE COUNCIL
# ORDINARY MEETING OF COUNCIL
# PUBLIC MINUTES

Tuesday 25 August 2026

Council Chamber

24 Vincent Street Daylesford

6:00PM

A LIVE STREAM OF THE MEETING CAN BE VIEWED
VIA COUNCIL'S YOUTUBE CHANNEL

Confirmed at the Ordinary Meeting of Council held on 22 September 2026.

Mayor, Cr Tony Clark , Chair

# MINUTES

Tuesday 25 August 2026

Council Chamber

24 Vincent Street Daylesford

Commencing at 6:00PM

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**JANET DORE**

INTERIM CHIEF EXECUTIVE OFFICER

Tuesday 25 August 2026

## 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 OPENING OF MEETING

**COUNCILLORS PRESENT:** Cr Tony Clark, Cr Shirley Cornish, Cr Tim Drylie, Cr Don Henderson, Cr Lesley Hewitt, Cr Pat Hockey, Cr Brian Hood
**OFFICERS PRESENT:** Ms Janet Dore - Interim Chief Executive Officer, Ms Lace Daniel - Acting Director Infrastructure and Delivery, Ms Brooke Holmes - Director Integrity and Strategic Affairs, Mr Ron Torres - Director Development and Community, Mr Justin Finlayson - Acting Director Performance and Transformation, Ms Allison Watt - Coordinator Governance

The meeting opened at 6:01pm.

**STATEMENT OF COMMITMENT**

"WE THE COUNCILLORS OF HEPBURN SHIRE

DECLARE THAT WE WILL UNDERTAKE ON EVERY OCCASION

TO CARRY OUT OUR DUTIES IN THE BEST INTERESTS OF THE COMMUNITY

AND THAT OUR CONDUCT SHALL MAINTAIN THE STANDARDS OF THE CODE OF GOOD GOVERNANCE

SO THAT WE MAY FAITHFULLY REPRESENT AND UPHOLD THE TRUST PLACED IN THIS COUNCIL BY THE PEOPLE OF HEPBURN SHIRE"

## 3 APOLOGIES

Nil.

## 4 DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

## 5 CONFIRMATION OF MINUTES

Go to 00:02:06 in the meeting recording to view this item.

**RECOMMENDATION**

*That the Minutes of the Ordinary Meeting of Council held on 23 June 2026 and the Minutes of the Special Meeting of Council held on 30 June 2026 and the Minutes of the Special Meeting of Council held on 12 August 2026 (as previously circulated to Councillors) be confirmed.*

**MOTION**

*That the Minutes of the Ordinary Meeting of Council held on 23 June 2026 (as previously circulated to Councillors) be confirmed.*

**Moved:** Cr Shirley Cornish
**Seconded:** Cr Pat Hockey
**Carried**

**Voted for:** Cr Tony Clark, Cr Shirley Cornish, Cr Tim Drylie, Cr Don Henderson, Cr Lesley Hewitt, Cr Pat Hockey and Cr Brian Hood
**Voted against:** Nil
**Abstained:** Nil

**MOTION**

*That the Minutes of the Special Meeting of Council held on 30 June 2026 (as previously circulated to Councillors) be confirmed.*

**Moved:** Cr Pat Hockey
**Seconded:** Cr Lesley Hewitt
**Carried**

**Voted for:** Cr Tony Clark, Cr Shirley Cornish, Cr Tim Drylie, Cr Don Henderson, Cr Lesley Hewitt, Cr Pat Hockey and Cr Brian Hood
**Voted against:** Nil

**Abstained:** Cr Don Henderson

**MOTION**

*That the Minutes of the Special Meeting of Council held on 12 August 2026 (as previously circulated to Councillors) be confirmed.*

**Moved:** Cr Pat Hockey
**Seconded:** Cr Lesley Hewitt
**Carried**

**Voted for:** Cr Tony Clark, Cr Shirley Cornish, Cr Tim Drylie, Cr Don Henderson, Cr Lesley Hewitt, Cr Pat Hockey and Cr Brian Hood
**Voted against:** Nil
**Abstained:** Nil

## 6 PUBLIC PARTICIPATION TIME

Go to 00:03:52 in the meeting recording to view this item.

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.

**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

## 6.1 PETITIONS

No petitions were tabled.

## 6.2 REQUESTS TO ADDRESS COUNCIL

No requests to address Council were received.

## 6.3 PUBLIC QUESTIONS

We will now hear questions received in accordance with Council's Governance Rules.

**Question 1 – Trevor Armstrong**

In the Hepburn Shire Council Budget for 2026/27 there is a provision for $110,000 for 'Lee Medlyn Bottle Museum Future Feasibility'.

How many paying visitors used the Lee Medlyn Bottle Museum in the last full year?

**Response – Deputy Mayor Shirley Cornish**

The Museum volunteers have advised that approximately 400-600 visitors attended the site during 2025. This figure includes attendance by individual visitors and large tour groups.

**Question 2 – Trevor Armstrong**

Why is it necessary to spend $110,000 to assess the 'future feasibility' of the Bottle Museum?

**Response – Deputy Mayor Shirley Cornish**

The Bottle Museum requires substantial investment in ongoing maintenance and renewal. The feasibility study will provide Council with the information needed to assess the long-term viability of the site, consider future options and determine the level of investment required to support any preferred option. This will help ensure future investment decisions are informed by a clear understanding of the costs, benefits and risks involved. Community engagement will form a part of the feasibility assessment.

The Interim CEO is also reviewing all similar projects in the context of Council's revenue opportunities.

**Question 3 – Heather Mutimer**

Thank you, Ms. Dore, for providing your first report as Interim CEO. It was pleasing and reassuring to read in your report where you state and I quote:

> *"...Communication is an important element of good governance which will be a prime focus of the Executive Team, through all available means. It is essential to provide clear information based on facts and this will be the standard for internal and external purposes to ensure consistency"*

The focus of my two questions relate to the last paragraph of the report where it is stated and I again quote:

*"Lastly, I believe some practices which have been embedded over the years need to be explored and reviewed against best practice standards. An approach to these matters will be couched in the context of reducing process steps and giving delegation to the appropriate levels of the organisation. This will compliment ongoing service reviews and give CEO oversight"*

In order to help me and others better understand, could you please expand on and give either a real or hypothetical example of practices which have been embedded over the years that may need to be explored and reviewed against best practice standards.

**Response – Interim CEO Janet Dore**

Rather than give real examples, I can talk about things hypothetically, because there are things that have built up over the years in many councils - and this is also from my experience as a monitor in four different councils - things that get added on in policies and reactions to changes in government rules and so on, and we're not very good, any of us, at pruning at the bottom and looking at something de novo - freshly. I'm bringing fresh eyes and I'm wanting to question everything that is standard practice, in the context of the Council Plan and the need to look at our long-term financial sustainability. How do we get better as an organization in both delivering services and increasing community satisfaction and getting more money in from other levels of government and organising ourselves efficiently to be able to deliver those sorts of things.

**Question 4 – Heather Mutimer**

Could you please expand on and give either a real or hypothetical example of what you mean by *"reducing process steps and giving delegation to the appropriate levels of the organisation"*

**Response – Interim CEO Janet Dore**

I think we tend to operate in a top-heavy manner quite often, where we are not embedding or giving trust to third level managers and coordinators, in things like access to things that people need on the job when they're outdoors - we've got two depots, we've probably got two different sets of embedded culture. Let's make sure we're consistent. [In terms of reducing processes] it's using, pure and simple, plain English, and looking at the steps involved in getting to an outcome. They're often cumbersome and unnecessary. If people use the English language properly, we will make it much clearer.

**Question 5 – Debora Semple**

At the Ordinary Council Meeting of 25 November 2025, Council resolved to sell surplus land holdings.

The Officer's Recommendation was amended by Councillors to change the wording from "prioritising" affordable housing outcomes in the sales, to encouraging "possible" affordable housing outcomes in the sales.

Item 8.1.3 of the Minutes records the resolution as:

> *"…As disposal of properties a-e will be executed via an Expression of Interest process that is unrestricted but encourages affordable housing providers to submit …"*

In the absence of a shire Housing Officer to facilitate such encouragement of affordable housing providers in the EOI process.

What steps has Council taken to proactively engage with registered community and affordable housing providers to encourage them to participate in the Expression of Interest process for these properties?

**Response – Deputy Mayor Shirley Cornish**

The expression of interest process has not yet commenced. Once this is underway, it will be an unrestricted process open to all potential buyers, including affordable housing providers. In accordance with the Council resolution, officers will contact affordable housing providers, inform them of the expression of interest process, and encourage them to lodge a submission.

**Question 6 – Debora Semple**

What measures or processes are in place to ensure that the affordable housing opportunities identified in the resolution are actively promoted and translated into meaningful affordable housing outcomes, rather than simply being left to the market?

**Response – Deputy Mayor Shirley Cornish**

Council resolved to conduct an unrestricted expression of interest process that is open to all potential buyers, whilst also encouraging affordable housing providers to submit. At the conclusion of the expression of interest and sales processes, officers will bring a further report to Council to decide the final sales outcome. This report will consider how the EOI submissions meet Council's objectives in line with the resolution.

## 7 OFFICER REPORTS

### 7.1 PLANNING APPLICATION PLN26/0116 - GLENLYON RECREATION PAVILION WORKS

Go to 00:15:53 in the meeting recording to view this item.

**DIRECTOR DEVELOPMENT AND COMMUNITY**

*In providing this advice to Council as the Coordinator Statutory Planning, I Amanda Firenze have no interests to disclose in this report.*

**ATTACHMENTS**

1. PLN26/0116 - Application plans (advertising set) - Glenlyon Recreation Reserve Pavilion [**7.1.1** - 5 pages]

**EXECUTIVE SUMMARY**

Council's Major Projects team has applied for a planning permit to demolish limited parts of the Glenlyon Recreation Reserve Pavilion to facilitate Council upgrades to the building approved on 26 May 2026.

Planning permission is required under the Heritage Overlay 891 applying to the site.

Officers are not delegated to determine the application as it is on Council managed land. Council planning officers have assessed the application and recommend Council grants a permit with conditions.

The assessable demolition under the Heritage Overlay is limited to the following external works:

- Demolition of the current toilet structure at the south corner of the building
- Demolition of the path around the current toilet structure at the south corner of the building
- Demolition of the barbecue structures at the north edge of the building.

The planning scheme does not require permission for the proposed internal demolition activity, nor the replacement building or works.

Public advertising of the application finished on Thursday 9 July 2026 and no objections were received. This follows previous extensive community/stakeholder engagement on the project itself, separate to the current planning process.

**OFFICER'S RECOMMENDATION**

*That Council, having caused notice of Planning Application No. PLN26/0116 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 Planning and Environment Act 1987, decides to Grant a Permit under the Hepburn Planning Scheme in respect of the land known and described as CA 5 SEC 48 PSH Glenlyon located at Suttons Lane Glenlyon for partial demolition of the Glenlyon Recreation*

*Pavilion in accordance with the plans submitted with the application, subject to the following conditions:*

1. *The layout of the development must not be altered from the layout on the approved and endorsed plans without the written consent of the responsible authority;*

2. *The demolition allowed by this permit must only occur in conjunction with the Glenlyon Sports Pavilion redevelopment project authorised by Hepburn Shire Council; and,*

3. *This permit will expire if:*

*The development is not started within three years of the issued date of this permit; or,*

*The development is not completed within five years of the issue date of this permit.*

**MOTION**

*That Council, having caused notice of Planning Application No. PLN26/0116 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 Planning and Environment Act 1987, decides to Grant a Permit under the Hepburn Planning Scheme in respect of the land known and described as CA 5 SEC 48 PSH Glenlyon located at Suttons Lane Glenlyon for partial demolition of the Glenlyon Recreation Pavilion in accordance with the plans submitted with the application, subject to the following conditions:*

1. *The layout of the development must not be altered from the layout on the approved and endorsed plans without the written consent of the responsible authority;*

2. *The demolition allowed by this permit must only occur in conjunction with the Glenlyon Sports Pavilion redevelopment project authorised by Hepburn Shire Council; and,*

3. *This permit will expire if:*

*The development is not started within three years of the issued date of this permit; or,*

*The development is not completed within five years of the issue date of this permit.*

**Moved:** Cr Shirley Cornish
**Seconded:** Cr Lesley Hewitt
**Carried**

**Voted for:** Cr Tony Clark, Cr Shirley Cornish, Cr Tim Drylie, Cr Don Henderson, Cr Lesley Hewitt, Cr Pat Hockey and Cr Brian Hood
**Voted against:** Nil
**Abstained:** Nil

## BACKGROUND

### Site and Surrounds

The 22-hectare Glenlyon Recreation Reserve is located at the northeastern edge of the Glenlyon township, between the Loddon River and Suttons Lane.

The reserve hosts a horse racing track and training yard, along with informal recreation space, public toilets, a playground, rotunda and the pavilion. The pavilion is in the southwest corner of the reserve close to the Loddon River and consists of a kitchen, club room, office, verandah and toilets. The pavilion is used to service events, recreation and community groups.

Access to the site is via an unsealed track off Dysart Street from the south. Land surrounding the pavilion consists of the reserve to the north and east, the Loddon River reserve to west and south. The nearest private land is 150 metres south on Suttons Lane with other private properties beyond the reserve to the north and across the Loddon River reserve to the west and south.

### Proposal

(Refer to attached plans)

Council proposes to demolish the following parts of the pavilion that are assessable under the Heritage Overlay:

- the toilet structure at the south corner of the building
- the path around the toilet structure at the south corner of the building
- the barbecue structures at the north edge of the building.

**Relevant Planning Ordinance applying to the site**

| | |
|---|---|
| Zoning: | 36.02 Public Park and Recreation Zone |
| Overlays: | 42.01 Environmental Significance Overlay – Schedule 1 |

| | | |
|---|---|---|
| | 42.01 Environmental Significance Overlay – Schedule 2<br>43.01 Heritage Overlay – Schedule 891<br>44.06 Bushfire Management Overlay | |
| Particular Provisions | Nil | |
| Relevant Provisions of the PPF | 15.03-1S Heritage conservation<br>15.03-1L Heritage | |
| Under what clause(s) is a permit required? | 43-01-1 | Demolish or remove a building |
| Objections? | No objections received. 1 response was received from the Department of Energy, Environment and Climate Action (DEECA), which is detailed under "Community and Stakeholder Engagement" below. | |

**KEY ISSUES**

**Response to Policy Planning Policy Framework**

The partial demolition of the pavilion is supported by the Planning Policy Framework. The demolition is part of a master plan allowing deteriorating parts of the building to be replaced and repaired.

While demolition will obviously impact on the appearance and character of the heritage place, the demolition should be considered in conjunction with re-construction works separately authorised by Council as the public land manager of the reserve.

Council also proposed to demolish part of the path around the building and the barbecue shelter. These elements were later additions to the building and surrounds with no recorded heritage significance.

The Glenlyon Recreation Reserve is significant for its role supporting community recreation and social activities. The renewal project proposes to improve accessibility for visitors with reduced mobility, and to extend the functional lifespan of the building, supporting the community's continued use of the reserve. The demolition works are the first stage of the broader pavilion upgrade project. If refused, the project cannot be fully implemented.

**Permit Requirement**

The only permit requirement is for partial demolition under the Heritage Overlay.

Clause 43.01-1 Heritage Overlay purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

Council holds a copy of the State of Significance Glenlyon Recreation Reserve has local heritage social significance, due to its role in the history of recreation in the area. The land has been used by the community for social and recreation activities since around 1867.

The pavilion was built before 1985 and is primarily significant for its role as a gathering place for the community; its physical structure and character are secondary factors.

The application provides clear detail on the demolition and works with photographs, detailed plans and a description of procedures intended to protect the building from unplanned loss or damage during works.

The partial demolition, and the works it will facilitate, will support the continued function of the pavilion's role as a place of social recreation consistent with the significance of the heritage place. There are no specific historically important aspects associated with the parts of the building to be demolished.

**Upgrade Works Exemption**

Clause 62.02-1 provides a general exemption for the construction of buildings or works of $1,000,000 or less carried out by a municipality. Major Projects estimate that the total cost of the upgrade works will be $670,000. Hence the redevelopment aspect of the overall project does not require planning permission.

The planning scheme excludes demolition works in a Heritage Overlay from this exemption.

**POLICY AND STATUTORY IMPLICATIONS**

Council must consider this application in its role as a responsible authority under section 14 the *Planning and Environment Act 1987*.

An assessment against the relevant policy and statutory requirements is contained above in this report.

## GOVERNANCE ISSUES

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

Clause 67.01 of the Hepburn Planning Scheme exempts Council from the need to obtain a planning permit for this proposal from the Minister for Planning under section 96 of *the Act*. Clause 67.01 specifically exempts a permit application by Council to demolish or develop a leisure and recreation facility.

This application meets the above requirements providing Council authority to decide this application. Council has not delegated any decision-making powers to officers for planning applications involving Council-owned land.

## SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

## FINANCIAL IMPLICATIONS

There are no financial implications associated this decision.

## RISK IMPLICATIONS

No risks to Council other than those already identified.

## COMMUNITY AND STAKEHOLDER ENGAGEMENT

The application was advertised from Thursday 25 June - Thursday 9 July 2026. No objections were received.

A response was received from DEECA on 17 July 2026, who were notified as the relevant public landowner. DEECA's response included the following points:

- No objection to the granting of a planning permit.
- The incorrect crown parcel (CA **6** SEC 48 TSH TGN) was referenced in the advertising notice. The correct parcel is CA **5** SEC 48 TSH TGN.
- Recommended permit conditions covering standard requirements for works.
- The response concluded with: 'Overall, the form, footprint and materiality of the proposed changes have been detailed to compliment and blend in with the existing form, footprint and materiality. This approach minimises the impact to the heritage value of the pavilion.'

An acknowledgement letter was provided to DEECA on 29 July 2026, which noted:

- The application has been updated to reflect the correct crown parcel.
- Because the permit requirement only applies to the partial demolition of the pavilion, the subsequent renewal works are outside of the scope for permit conditions. However, the recommended standard requirements for works are otherwise covered by Council's policies and procedures.

No further correspondence has been received.

This follows extensive and separate, community and stakeholder consultation for the Glenlyon Recreation Reserve Pavilion Redevelopment Project.

## 7.2 PLANNING PERMIT APPLICATION - 63 CENTRAL SPRINGS RD, DAYLESFORD

Go to 00:23:29 in the meeting recording to view this item.

**DIRECTOR DEVELOPMENT AND COMMUNITY**

*In providing this advice to Council as the Senior Statutory Planner, I Andrew Page have no interests to disclose in this report.*

**ATTACHMENTS**

1. permit application plans - 63 Central Springs Road Daylesford [**7.2.1** - 10 pages]

**OFFICER'S RECOMMENDATION**

*That Council, having caused notice of Amendment to a Planning Permit Application No. PA1946.02 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 Planning and Environment Act 1987, issues a Notice of Decision to grant an amended planning permit under the Hepburn Planning Scheme in respect of the land known and described as Land in Plan of Consolidation PC382312K, 63 Central Springs Road DAYLESFORD for* The use of the land a leisure and recreation facility (Restricted Recreation Facility – Gymnasium and Pilates Studio), construct a building and construct and carry out works and display of internally illuminated and non-illuminated business identification signage*, subject to the following conditions:*

***Compliance with documents approved under this permit***

1. *At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.*

***Amended Plans***

2. *Before the development starts, plans must be approved and endorsed by the responsible authority. The plans must:*

a. *be prepared to the satisfaction of the responsible authority*

b. *be drawn to scale with dimensions*

c. *be generally in accordance with the plans forming part of the application but amended to show the following details:*

i. *Delete the 'Snap Fitness' Pylon Sign shown on sheet TP2.1 and TP6.0.*

ii. *Include additional glazing and verandah/weather protection structure along the Bridport Street frontage of the building to be shown on the elevation plans.*

iii. *Include a 2-metre high acoustic fence to be shown and notated on the site plan and elevations as specified in the Acoustic Assessment '63 Central Springs Road and 28 Bridport Steet Daylesford, Acoustic Report, 24 April 2026, Renzo Tonin and Associates'.*

iv. *A Landscape Plan in accordance with condition 4 of this permit.*

v. *Ensure all proposed car spaces and accessways are dimensioned to the satisfaction of Council.*

vi. *Remove the three southernmost proposed on-street car spaces on Bridport Street.*

vii. *Provide additional turning movement analysis for b-double trucks turning north from Central Springs Road to Bridport Street and make any consequential changes to ensure safe and efficient access and egress from the Bridport Street vehicle access point.*

viii. *Relocate bicycle parking racks close to the Bridport Street frontage.*

ix. *Provide an operations management plan in accordance with condition 13.*

***Layout not altered***

3. *The layout of the use and development must not be altered from the layout on the approved and endorsed plans without the written consent of the responsible authority.*

***Signage***

4. *The permitted sign(s), including any structure and content, must be constructed and maintained to the satisfaction of the responsible authority.*

***Landscaping***

5. *Before the development starts, a landscape plan must be approved and endorsed by the responsible authority. The landscape plan must:*

a. *Be prepared to the satisfaction of the responsible authority;*

b. *Be prepared by a suitably qualified person;*

c. *Have plans drawn to scale with dimensions;*

d. *Include the following:*

i. *Layout of landscaping and planting within all open areas of the subject land.*

ii. *A survey (including botanical names) of any existing vegetation to be retained and/or removed*

iii. *Details of surface finishes of pathways and driveways*

iv. *A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant*

v. *Details of how the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation.*

*The responsible authority may consent in writing to vary any of these requirements.*

6. *Within three months of completion of development, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of the responsible authority.*

   *The responsible authority may consent in writing to vary this requirement.*

7. *At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the responsible authority.*

***Construction Management***

8. *All construction works must be carried out in accordance with the approved and endorsed Construction Management Plan 'Construction Management Plan, 63 Central Springs Road and 28 & 30 Bridport Street Daylesford, PA1946.02, May 2026, G2 Urban Planning'*

***Waste Management***

9. *Waste management and collection must be carried out in accordance with the requirements of the approved and endorsed Waste Management Plan 'Waste*

*Management Plan, Proposed Development: Retail Redevelopment 63 Central Springs Road, 28 Bridport Street and 30 Bridport Street, Daylesford, Victoria, 30 April 2026, Leigh Design' to the satisfaction of the responsible authority. This includes the implementation of a private waste collection as specified.*

10. *All waste and recyclables must be stored in and collected from an area set aside for this purpose. This area must be graded, drained and screened from public view to the satisfaction of the responsible authority.*

***Loading and Unloading***

11. *The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the responsible authority.*

12. *All deliveries/loading/unloading may only within the site between 7am-10pm.*

***Operations Management Plan - Restricted Recreation Facility***

13. *Before the use of the restricted recreation facilities commences, an Operations Management Plan must be prepared to the satisfaction of the responsible authority addressing:*

a. *The number of staff*

b. *The number of patrons*

c. *Noise and music volume control*

d. *Member and public access to premises*

e. *Complaints handling process and complaints register*

f. *Requirements for staff training to ensure effective implementation of the operational management plan.*

*An Operations Management Plan may be prepared and approved separately for each premises.*

*The Operations Management Plan may be amended to the satisfaction of responsible authority.*

***General Amenity***

14. *The use and development of the site must implement and maintain all required noise mitigation measures specified in the approved and endorsed Acoustic Assessment '63 Central Springs Road and 28 Bridport Steet Daylesford, Acoustic Report, 24 April 2026, Renzo Tonin and Associates'.*

15. *At all times noise emanating from the land must comply with the requirements of the Environment Protection Regulations 2021 (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority.*

16. *Noise generated from within the premises must not be audible within the habitable rooms with windows closed of any nearby dwellings to the satisfaction of the responsible authority.*

17. *All deliveries/loading/unloading may only within the site between 7am-10pm.*

18. *All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service to the satisfaction of the responsible authority.*

19. *No external sound amplification equipment, loudspeakers or public address system are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.*

20. *All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level to the satisfaction of the responsible authority.*

21. *No plant, equipment, services or architectural features other than those shown on the approved plans are permitted above the roof level of the building(s).*

22. *Before the development is occupied, all new or extended walls on or facing the boundaries of adjoining properties or a laneway must be cleaned and finished to the satisfaction of the responsible authority.*

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

24. *The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:*

a. *transport of materials, goods or commodities to or from the land,*

b. *appearance of any building, works or materials,*

c. *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil,*

d. *presence of vermin,*

*to the satisfaction of the responsible authority.*

***Engineering***

*Stormwater*

25. *Prior to commencement of the 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. Construction shall not commence until the plans have been approved by the Responsible Authority. All drainage construction shall be carried out in accordance with the approved plans.*

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

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

*Access*

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

29. *Prior to the commencement of the use, the following will be constructed for approval:*

a. *Vehicle access/crossing to the site must be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 250 or to approval of responsible authority.*

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

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

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

30. *The final location and construction of the vehicle crossing is to be approved by the Responsible Authority (Engineering Department) 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. Vehicle turn around must be provided within the property. Prior to construction a plan showing turning circles shall be submitted to the Responsible Authority (Engineering Department) for approval.*

*<u>Car Parking</u>*

32. *Before the development starts, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice: Part 11 Parking', Australian Standard "AS2890: Parking Facilities" and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority (Engineering Department). The plans must be drawn to scale with dimensions.*

33. *Before the use starts, the area(s) set aside for parking of vehicles and access lanes as shown on the endorsed plans must:*

a. *Be surfaced with an all-weather surface and treated to prevent dust;*

b. *Be drained in accordance with an approved drainage plan;*

c. *Include provision for vehicles to pass on driveways; and*

d. *Be constructed and completed to the satisfaction of the Responsible Authority.*

34. *Where the boundary of any car space, access lane or driveway adjoins a footpath or a garden area, a kerb or a similar barrier shall be constructed to the satisfaction of the Responsible Authority (Engineering Department).*

*Line Marking & Signage*

35. *Appropriate signage and line marking shall be provided to the satisfaction of the Responsible Authority (Engineering Department).*

*Lighting*

36. *Energy efficient LED street lighting shall be provided in accordance with the current issue of Australian standard AS/ANZ 1158 – Lighting for Roads and Public Spaces and to the satisfaction of the Responsible Authority (Engineering Department).*

***Goulburn Murray Water***

37. *All construction and ongoing activities must be in accordance with EPA Publication 1834.2 Civil Construction, Building and Demolition Guide (September 2025).*

38. *All wastewater from the development must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.*

39. *Stormwater must be discharged to a legal point as nominated by the Responsible Authority. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.*

***Expiry***

40. *Use - This permit will expire if one of the following circumstances applies:*

a. *The development is not started within two years of the issued date of this permit.*

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

c. *The use does not start within two years of completion of the development.*

*Signage - This permit as it relates to a sign(s) will expire fifteen (15) years from the issued date of this permit. On expiry of the permit, the sign and structures built specifically to support and illuminate it must be removed.*

*In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.*

**MOTION**

*That Council, having caused notice of Amendment to a Planning Permit Application No. PA1946.02 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 Planning and Environment Act 1987, issues a Notice of Decision to grant an amended planning permit under the Hepburn Planning Scheme in respect of the land known and described as Land in Plan of Consolidation PC382312K, 63 Central Springs Road DAYLESFORD for* The use of the land a leisure and recreation facility (Restricted Recreation Facility – Gymnasium and Pilates Studio), construct a building and construct and carry out works and display of internally illuminated and non-illuminated business identification signage*, subject to the following conditions:*

***Compliance with documents approved under this permit***

1. *At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.*

***Amended Plans***

2. *Before the development starts, plans must be approved and endorsed by the responsible authority. The plans must:*

    a. *be prepared to the satisfaction of the responsible authority*

    b. *be drawn to scale with dimensions*

    c. *be generally in accordance with the plans forming part of the application but amended to show the following details:*

        i. *Delete the 'Snap Fitness' Pylon Sign shown on sheet TP2.1 and TP6.0.*

ii. *Include additional glazing and verandah/weather protection structure along the Bridport Street frontage of the building to be shown on the elevation plans.*

iii. *Include a 2-metre high acoustic fence to be shown and notated on the site plan and elevations as specified in the Acoustic Assessment '63 Central Springs Road and 28 Bridport Steet Daylesford, Acoustic Report, 24 April 2026, Renzo Tonin and Associates'.*

iv. *A Landscape Plan in accordance with condition 4 of this permit.*

v. *Ensure all proposed car spaces and accessways are dimensioned to the satisfaction of Council.*

vi. *Remove the three southernmost proposed on-street car spaces on Bridport Street.*

vii. *Provide additional turning movement analysis for b-double trucks turning north from Central Springs Road to Bridport Street and make any consequential changes to ensure safe and efficient access and egress from the Bridport Street vehicle access point.*

viii. *Relocate bicycle parking racks close to the Bridport Street frontage.*

ix. *Provide an operations management plan in accordance with condition 13.*

***Layout not altered***

2. *The layout of the use and development must not be altered from the layout on the approved and endorsed plans without the written consent of the responsible authority.*

***Signage***

3. *The permitted sign(s), including any structure and content, must be constructed and maintained to the satisfaction of the responsible authority.*

***Landscaping***

4. *Before the development starts, a landscape plan must be approved and endorsed by the responsible authority. The landscape plan must:*

    a. *Be prepared to the satisfaction of the responsible authority;*

    b. *Be prepared by a suitably qualified person;*

    c. *Have plans drawn to scale with dimensions;*

    d. *Include the following:*

        i. *Layout of landscaping and planting within all open areas of the subject land.*

        ii. *A survey (including botanical names) of any existing vegetation to be retained and/or removed*

        iii. *Details of surface finishes of pathways and driveways*

        iv. *A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant*

        v. *Details of how the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation.*

*The responsible authority may consent in writing to vary any of these requirements.*

5. *Within three months of completion of development, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of the responsible authority.*

*The responsible authority may consent in writing to vary this requirement.*

6. *At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the responsible authority.*

***Construction Management***

7. *All construction works must be carried out in accordance with the approved and endorsed Construction Management Plan 'Construction Management Plan, 63 Central Springs Road and 28 & 30 Bridport Street Daylesford, PA1946.02, May 2026, G2 Urban Planning'*

***Waste Management***

8. *Waste management and collection must be carried out in accordance with the requirements of the approved and endorsed Waste Management Plan 'Waste Management Plan, Proposed Development: Retail Redevelopment 63 Central Springs Road, 28 Bridport Street and 30 Bridport Street, Daylesford, Victoria, 30 April 2026, Leigh Design' to the satisfaction of the responsible authority. This includes the implementation of a private waste collection as specified.*

9. *All waste and recyclables must be stored in and collected from an area set aside for this purpose. This area must be graded, drained and screened from public view to the satisfaction of the responsible authority.*

***Loading and Unloading***

10. *The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the responsible authority.*

11. *All deliveries/loading/unloading may only within the site between 7am-10pm.*

***Operations Management Plan - Restricted Recreation Facility***

12. *Before the use of the restricted recreation facilities commences, an Operations Management Plan must be prepared to the satisfaction of the responsible authority addressing:*

    a. *The number of staff*

    b. *The number of patrons*

    c. *Noise and music volume control*

    d. *Member and public access to premises*

    e. *Complaints handling process and complaints register*

*f. Requirements for staff training to ensure effective implementation of the operational management plan.*

*An Operations Management Plan may be prepared and approved separately for each premises.*

*The Operations Management Plan may be amended to the satisfaction of responsible authority.*

***General Amenity***

13. *The use and development of the site must implement and maintain all required noise mitigation measures specified in the approved and endorsed Acoustic Assessment '63 Central Springs Road and 28 Bridport Steet Daylesford, Acoustic Report, 24 April 2026, Renzo Tonin and Associates'.*

14. *At all times noise emanating from the land must comply with the requirements of the Environment Protection Regulations 2021 (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority.*

15. *Noise generated from within the premises must not be audible within the habitable rooms with windows closed of any nearby dwellings to the satisfaction of the responsible authority.*

16. *All deliveries/loading/unloading may only within the site between 7am-10pm.*

17. *All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service to the satisfaction of the responsible authority.*

18. *No external sound amplification equipment, loudspeakers or public address system are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.*

19. *All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level to the satisfaction of the responsible authority.*

20. *No plant, equipment, services or architectural features other than those shown on the approved plans are permitted above the roof level of the building(s).*

21. *Before the development is occupied, all new or extended walls on or facing the boundaries of adjoining properties or a laneway must be cleaned and finished to the satisfaction of the responsible authority.*

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

23. *The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:*

    a. *transport of materials, goods or commodities to or from the land,*

    b. *appearance of any building, works or materials,*

    c. *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil,*

    d. *presence of vermin,*

*to the satisfaction of the responsible authority.*

***Engineering***

*Stormwater*

24. *Prior to commencement of the 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. Construction shall not commence until the plans have been approved by the Responsible Authority. All drainage construction shall be carried out in accordance with the approved plans.*

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

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

*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 the commencement of the use, the following will be constructed for approval:*

    a. *Vehicle access/crossing to the site must be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 250 or to approval of responsible authority.*

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

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

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

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

30. *All vehicle entry to and egress from the property shall be in a forward motion. Vehicle turn around must be provided within the property. Prior to construction a plan showing turning circles shall be submitted to the Responsible Authority (Engineering Department) for approval.*

*Car Parking*

31. *Before the development starts, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice: Part 11 Parking', Australian Standard "AS2890: Parking Facilities" and to the satisfaction of the Responsible Authority must be submitted to and approved*

*by the Responsible Authority (Engineering Department). The plans must be drawn to scale with dimensions.*

32. *Before the use starts, the area(s) set aside for parking of vehicles and access lanes as shown on the endorsed plans must:*

    a. *Be surfaced with an all-weather surface and treated to prevent dust;*

    b. *Be drained in accordance with an approved drainage plan;*

    c. *Include provision for vehicles to pass on driveways; and*

    d. *Be constructed and completed to the satisfaction of the Responsible Authority.*

33. *Where the boundary of any car space, access lane or driveway adjoins a footpath or a garden area, a kerb or a similar barrier shall be constructed to the satisfaction of the Responsible Authority (Engineering Department).*

*Line Marking & Signage*

34. *Appropriate signage and line marking shall be provided to the satisfaction of the Responsible Authority (Engineering Department).*

*Lighting*

35. *Energy efficient LED street lighting shall be provided in accordance with the current issue of Australian standard AS/ANZ 1158 – Lighting for Roads and Public Spaces and to the satisfaction of the Responsible Authority (Engineering Department).*

***Goulburn Murray Water***

36. *All construction and ongoing activities must be in accordance with EPA Publication 1834.2 Civil Construction, Building and Demolition Guide (September 2025).*

37. *All wastewater from the development must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.*

38. *Stormwater must be discharged to a legal point as nominated by the Responsible Authority. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.*

***Expiry***

*39. Use - This permit will expire if one of the following circumstances applies:*

*a. The development is not started within two years of the issued date of this permit.*

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

*c. The use does not start within two years of completion of the development.*

*Signage - This permit as it relates to a sign(s) will expire fifteen (15) years from the issued date of this permit. On expiry of the permit, the sign and structures built specifically to support and illuminate it must be removed.*

*In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.*

**Moved:** Cr Don Henderson
**Seconded:** Cr Shirley Cornish
**Carried**

**Voted for:** Cr Brian Hood, Cr Don Henderson, Cr Lesley Hewitt, Cr Pat Hockey, Cr Shirley Cornish, Cr Tim Drylie and Cr Tony Clark
**Voted against:** Nil
**Abstained:** Nil

**EXECUTIVE SUMMARY**

Planning permit application PA1946.02 seeks to amend current planning permit PA1946.01 to allow a new use of the land to be introduced to the site being a restricted recreation facility in the form of a Gymnasium and Pilates studio and to delete and remove the proposed use of the land for a Bottle Shop, specifically Dan Murphy's store. The amendment to the permit will also seek to make changes to the previously endorsed plans and several permit conditions will be amended, deleted or replaced and three smaller shops for retail use will be included in the proposed building that do not require a permit for land use within the Commercial 1 Zone.

The site is within the southwestern portion of the commercial precinct of Daylesford at the corner of Bridport Street and Central Springs Road. The site adjoins the

Daylesford Country Fire Authority (CFA) Station to the north and several established dwellings to the west, also within the commercial zone.

Access is proposed to the site from both Bridport Street on its eastern frontage and Central Springs Road on its southern frontage.

Public notice of the application to amend the permit was given and five objections have been received that relate to character, signage, traffic, amenity, economy and net community benefit.

**BACKGROUND**

**Site and Surrounds**

The site is known and described as land in plan of consolidation 382312 (PC382312), being a rectangular site of 3,004sqm with frontages to both Bridport Street on its eastern side and Central Springs Road to the south. The site is currently vacant, and site works have commenced under the current permit in the form of basic earthworks for cutting and filling.

The land is within the Commercial 1 Zone (C1Z) and affected by Environmental Significance Overlays, Schedule 1 & 2 which relate to the special water supply catchment and the mineral springs area.

The surrounding area exhibits a mix of established residential uses within the commercial zone to the west, residential and education uses to the south of Central Springs Road including the Daylesford Primary School and various public and commercial uses to the east including the Daylesford Outdoor Public Pool, Coles Supermarket and CFA Station.

*Figure 1 – Aerial Image of site – Source: Enterprise Maps*

**Proposal**

The application proposes to amend current planning permit PA1946.01, also known as PLA22/0024 to amend what the permit allows to delete the use of the land for a bottle shop and introduce a Gymnasium and Pilates studio. The amendment proposed will also involve amending, deleting and introducing new permit conditions and endorsing new development plans and reports to reflect all proposed changes.

For clarity, the existing permit allows:

- *Change permit conditions from 'supermarket' to 'shop' and to include the sale of packaged liquor with minor changes to floorplan and building design.*

The proposed amendments, if approved will allow:

- *Use and development of the land for a restricted recreation facility (Gymnasium and Pilates Studio), associated buildings and works and display of business identification signage.*

The amended proposal is as follows:

*Restricted recreation facility – Gymnasium*

It is proposed to introduce a 24-hour gymnasium. The number of patrons to the Gym will be spread across the 24-hour operating times with maximum numbers at any one time expected to be 19 between 6pm and 7pm on a weekday with 10-15 patrons generally at other times.

The Gymnasium will occupy the eastern portion of the proposed building and have a total floor area of 697sqm and be known as Tenancy 5. The building will be internally fitted out and have two entry points from the carpark.

*Restricted recreation facility - Pilates Studio*

The proposed Pilates Studio will operate to provide 45-minute classes of up to 12 patrons between 6.30am and 7pm Monday-Thursday and limited classes on Friday (6.15am-1pm), Saturday (7.30-12pm) and Sunday (8am-11am). The studio will to be internally fitted out, have an area of 135sqm and be known as Tenancy 4 with one entry point from the carpark.

*Buildings and works*

The proposed buildings and works are generally similar to what has been previously approved. The built form will consist of a concrete panel construction, large, glazed elements, with flat roof form to create a building of 1381sqm to house the proposed Gym, Studio and three additional retails spaces to be known as Tenancies 1, 2 and 3.

The building will occupy the northern portion of the site with the balance of the land to be used for a carpark and two access points to Bridport Street and Central Springs Road. The car parking area will include landscaped areas, waste storage and bicycle parking areas.

*Signage*

Business Identification signage is proposed to be affixed to the building to include:

- Gym – 10.7 x 1.2m facade mounted sign.
- Pilates – 5.2m x 1.2m façade mounted sign.
- Shops 1-3 – 5.2m x 1.2m façade mounted sign each.

No illumination or animated/electronic signage is proposed. The proposal includes a Pylon sign to be sited in the southeastern corner of the site near the intersection of Central Springs Road and Bridport Street. The Pylon Sign is not supported, and the recommendation is to include a permit condition to remove the pylon sign from the plans.

*Relevant Planning Controls, Hepburn Planning Scheme*

| | |
|---|---|
| Zoning | 34.01 Commercial 1 Zone (C1Z) |
| Overlays | 42.01 Environmental Significance Overlay, Schedule 1 (ESO1)<br>42.01 Environmental Significance Overlay, Schedule 2 (ESO2) |
| Particular Provisions | 52.05 Signs<br>52.06 Car Parking<br>52.34 Bicycle Parking |

| | |
|---|---|
| | 53.02 Bushfire Planning<br>53.18 Stormwater in Urban Development |
| Relevant Provisions of the Planning Policy Framework (PPF) | 11.01-1R Settlement - Central Highlands<br>11.01-1L Township and settlements<br>13.02-1S Bushfire planning<br>13.07-1S Land use compatibility<br>14.02-1S Catchment planning and management<br>14.02-1L Catchment and land protection<br>14.02-2S Water quality<br>14.02-2L Mineral Springs and Fresh Water Springs Protection – Hepburn<br>15.01-2S Building design<br>15.01-2L Environmentally sustainable development<br>15.01-5S Neighbourhood character<br>15.01-5L-01 Neighbourhood character in Daylesford<br>17.01-1S Diversified economy<br>17.01-1R Diversified economy - Central Highlands<br>17.02-1S Business |
| Under what clause(s) is a planning permit required? | • 34.01-1 Use of the land for Leisure and recreation facility (Gymnasium and Pilates Studio).<br>• 34.01-4 Construct a building or construct or carry out works.<br>• 42.01-2 Construct a building or construct or carry out works.<br>• 52.05-11 Construct and display business identification signage. |

**KEY ISSUES**

**Planning Policy Framework (PPF)**

The proposed amendments to the existing permit are considered to generally align with the objectives of the PPF. The proposed amendments look to introduce a desirable new land use to the site that aligns with the strategy of clause 11.01-1R and 11.01-1L *to provide local and sub-regional services at Avoca, Ballan, Beaufort, Clunes, Creswick, Daylesford* and to *provide for urban development and economic growth in the townships of Clunes, Creswick, Daylesford, Hepburn Springs and Trentham based on township boundaries and structure plans.*

Some environmental constraints are present on the site in the form of bushfire risk and the proposal's ability to be a compatible and acceptable land use within its context. Bushfire risk is assessed in more detail below, but it is considered that the proposal does not give rise to risk associated with bushfire despite its location within a bushfire prone area (BPA), due largely to the developed nature of the surrounding area and the location generally within the Daylesford commercial centre.

Land use compatibility is considered acceptable in this instance given the location of the proposal within the commercial centre of Daylesford and the site's proposed intermittent use. It is acknowledged that the gym aspect is proposed to be 24-hours however several amenity-based permit conditions will be recommended to be included on any amended permit issued, including the construction of an acoustic fence to the western side boundary as recommended by the supporting acoustic assessment. The fence will provide acoustic mitigation to dwellings abutting the site to the west, noting that these dwellings are within the C1Z and not a residential zone.

The site benefits from its location and access to all reticulated services including reticulated sewerage, potable water and councils' drainage infrastructure. Availability of these connections' guards against risk to groundwater and waterways within the special water Supply catchment and mineral springs area. The application is further supported by Goulburn Murray Water and is considered to meet the objectives and strategies of clause 14.

The built form of the proposal is typical of the commercial context and is consistent with the area, and particularly the Coles supermarket along Bridport Street. The area exhibits a mixture of uses and building forms, noting that no specific design controls apply to the site. The built form has undergone a series of minor changes from what was previously approved, however remains consistent with the relevant objectives and strategies of clause 15. A recommendation included is to require amended plans to show additional glazing and verandah to the Bridport Street frontage to ensure an active frontage is achieved.

Establishing a Gym and Pilates studio on the site is considered a positive planning outcome in terms of a diversified economy, employment opportunities and meeting the communities' needs for a commercial service. The location of the proposal sits within the commercial centre of Daylesford, with the town itself noted as a sub-regional centre that is forecast for population growth.

**Commercial 1 Zone (C1Z)**

The site is within the C1Z, the purpose of which is as follows:

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

- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

In considering the application to amend the existing permit, council are required to consider the following decision guidelines:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The interface with adjoining zones, especially the relationship with residential areas.*
- *The effect that existing uses may have on the proposed use.*
- *The drainage of the land.*
- *The availability of and connection to services.*
- *The effect of traffic to be generated on roads.*
- *The interim use of those parts of the land not required for the proposed use.*
- *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*
- *The provision of car parking.*
- *The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.*
- *The storage of rubbish and materials for recycling.*
- *Defining the responsibility for the maintenance of buildings, landscaping and paved areas.*

A planning permit is required under the zone to use the land for a Gym and Pilates Studio and Construct a building and carry out works on the site. The proposed amendment is considered to meet the purpose of the C1Z in providing for a use of the land that contributes to a vibrant mixed use commercial centre for retail, office, business, entertainment and community uses. The site does not interface with another zone although it is acknowledged that existing dwellings abut the site to the west, also in the C1Z, however it is considered that the proposed use is compatible with existing uses abutting the site given the lower scale and intermittent use, coupled with amenity-based considerations to be recommended to be included as permit conditions on any amended permit issued.

The site can accommodate the proposal and includes sufficient space for parking, loading and unloading and waste storage. There are no parts of the site that are not required to be used and there is no opportunity for the site to become unsightly of have maintenance difficulties. It has good access to roads and the footpath network and can connect to reticulated services.

The built form and affixed signage are considered acceptable and typical of a commercial context. While there will be a visual change to the streetscape, it is considered the proposal can integrate with the streetscape, given the location of the building and the requirement for further landscaping prior to the use commencing.

**Environmental Significance Overlay, Schedule 1 (ESO1)**

A planning permit is required under the ESO1 for a buildings and works that include a site cut of more than 1m. The ESO1 relates to water catchment protection and guarding against development that gives rise to risk associated with groundwater and waterways.

Given the site has access to reticulated sewerage and drainage, the proposal is considered appropriate in this instance. The application was referred to Goulburn Murray Water (GMW) under clause 66.04 of the Scheme, with GMW supporting the application subject to conditions.

The application to amend the permit is considered to meet the purpose of the ESO1.

**Environmental Significance Overlay, Schedule 2 (ESO2)**

A planning permit is required under the ESO2 for buildings and works including works that result in changes to surface or groundwater runoff. The ESO2 relates to mineral springs protection and guarding against development that gives rise to risk associated with water quality.

Given the site has access to reticulated sewerage and drainage, the proposal is considered appropriate in this instance. Updated engineering conditions will regulate stormwater runoff.

The application to amend the permit is considered to meet the purpose of the ESO2.

**Signs**

A planning permit is required to construct and display business identification signage that exceeds 8sqm per premises. The proposal includes adding a total of 31.56m2 of signage across the five tenancies:

- Tenancies 1-4 (Retail spaces and Pilates Studio) – 1 x 6.72sqm façade mounted non-illuminated sign each.
- Tenancy 5 (Gym) – 1 x 12.84sqm façade mounted internally illuminated sign.

In considering the application council is required to consider the relevant decision guidelines that relate to character, streetscape, illumination, any structures required and road safety.

The signs are considered appropriate in this instance given their location being attached to the building in the northern portion of the lot and no other structures required to support the signage. Furthermore, only one sign, being the gym will be internally illuminated by LED lighting, given the 24-hour operation.

The signs given their scale and structure are not considered detrimental to the character of the area and the streetscape and are generally consistent with the commercial context. There is no traffic hazard created by the inclusion of low scale signage and this is further supported by the submitted traffic impact assessment. It is noted that the signage proposed as part of this amendment is reduced from what was previously approved for the bottle shop use.

It is recommended to included new permit conditions to regulate the proposed signage and achieve and acceptable planning outcome.

It is noted that the development plans include a 6.4m H x 1.6m W pylon sign in the southeastern corner of the site. This is not supported given its interface with the Neighbourhood Residential Zone and Neighbourhood Character Overlay and unacceptable impact on character and the streetscape to the south of the site. This is consistent with the reasons given in *Banco Properties Pty Ltd v Hepburn SC [2024] VCAT 4*. It is recommended to include a condition to remove the sign from the proposal prior to endorsing any plans for the proposal should the permit be amended.

**Car Parking**

A permit is not required under this clause as the proposal provides for 42 car parking spaces onsite, exceeding the minimum requirement of 21. There is a permit requirement to provide more than the specified amount of car parks, but this is not considered in for this proposal as discussed below.

The requirement for 21 car parks comes from Table 2 to clause 52.06-5 with the minimum requirement for the 21 car parks relating to Tenancies 1-3 being retail spaces or future shops. A shop requires 4 car parks per each 100sqm of leasable floor area. The use for the Gym and Pilates is not specified in the table, if not specified then the requirement is to the satisfaction of the Responsible Authority. An additional 21 car parks to service the Gym and Pilates Studio is considered appropriate in this instance.

The layout and design of the car park to service the amended proposal complies with the design standards of clause 52.06-9 including unloading and loading and waste collection as demonstrated in the Traffic Impact Assessment (TIA) submitted in support of the application. The TIA is included as an attachment to this report.

Advice from Council's engineering department is that the three southernmost proposed on-street car spaces on Bridport Street should be removed to reduce potential conflict associated with drivers reversing out of those spaces close to the busy intersection of Bridport Street and Central Springs Road.

**Bicycle Parking**

A permit is not required under this clause as there is no requirement specified in the table to clause 52.34-5. The applicant has provided provision for four bicycle parking spaces.

Decision guidelines at Clause 52.34-4 require consideration of "The location of the proposed land use and the distance a cyclist would need to travel to reach the land." While the Design of bicycle spaces guidance at Clause 52.34-6 requires addressing:

- "Be located to allow a bicycle to be ridden to within 30 metres of the bicycle parking space.
- Be located to provide convenient access from surrounding bicycle routes and main building entrances.
- Not interfere with reasonable access to doorways, loading areas, access covers, furniture, services and infrastructure."

Reflecting this guidance, and to increase cyclist accessibility and reduce cyclist conflict with pedestrian and vehicles within the development, bicycle parking should be relocated close to the commercial street frontage at Bridport Street.

**Bushire Planning**

Planning Scheme amendment VC248 to all Victorian Planning Schemes requires the Responsible Authority to now further consider the decision guidelines of clause 53.02-6 for an application within the Bushfire Prone Area (BPA) but not in the BMO.

It is considered that the location of the amended proposal does not warrant further bushfire mitigation measures. This is due to the size of the site, compact and setting the site is in within a central area of Daylesford and the managed nature of land in all directions surrounding the site.

It is considered that the application meets the purpose of the provision.

**Stormwater in Urban Development**

The application will include several engineering conditions in relation to stormwater management for the amended proposal. With the inclusion of engineering conditions, it is considered that the proposal will achieve a high degree of compliance with the relevant standards and objectives of clause 53.18-5 and 53.18-6.

**COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

**Council Plan 2025-2029**

Future Hepburn

1. Preserve the unique character of our towns and communities, plan for future growth and protect our productive rural landscape.

**FINANCIAL IMPLICATIONS**

Any application determined by Council is subject to appeal rights and may incur costs at the Victorian Civil and Administrative Tribunal (VCAT) should an appeal be lodged.

**COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Public notice of the application to amend the permit was given under section 52 of the *Planning and Environment Act 1987* and five objections have been received, concerns raised within the objections are as follows:

- *Lack of a demonstrated need and economic impact to existing business.*
- *Impact to character of Daylesford including the Pylon Sign.*
- *Traffic and parking.*
- *24-hour operation and amenity impact as a result.*
- *No net community benefit.*
- *Construction-related disruption.*

The applicant for the permit is not required to submit a detailed market analysis for the business to demonstrate a need or ensure no impact to other business. The proposal is to use the land for a commercial use to provide access to a fitness use that is considered generally desirable to a growing population in Daylesford. It would be the responsibility of the applicant/owner to undertake their own research into whether the proposal is feasible from a business perspective and commercial competition is not considered a reasonable ground to object to a planning permit application.

As discussed above the nature of the proposal will cause a visual change to the streetscape but not to a point where it is detrimental to the established character of the area, particularly to the south. The siting of the building and signage is considered appropriate for a commercial zone and achieves a reasonable setback to residentially zoned land to the south of Central Springs Road. If the amended permit is issued a condition is recommended to be included requiring the Pylon Sign be removed in its entirety.

The application is accompanied by a Traffic Impact Assessment that has assessed the site and its maximum demand in relation to car parking and access and egress to the site. The site will provide 42 car parking spaces onsite and will also include six additional on street parking spaces that do not currently exist and will be constructed by the developer at the direction of the councils engineering department should the amendment be approved. The Traffic Impact Assessment provides the following commentary form a traffic engineer:

- *The amended development will provide 42 on-site car spaces and will have access to 17 on street spaces along the site's frontages, equating to an overall parking provision of 59 car spaces.*

- *The conservative temporal parking demand assessment indicates as highest overall peak parking demand for 55 spaces during the weekday morning period. This peak demand can be adequately accommodated by the overall provision of on-site and on-street parking,*
- *The layout of the on-site car park and access arrangements are acceptable and considered the be efficient given the constraints of the site and in accordance with the relevant requirements of Clause 52.06-8, AS2890.1-2004 (where relevant).*
- *Traffic associated with the development is expected to have a reduced impact on the road network when compared with the existing approval.*

The site benefits from two access points, therefore it is not essential to have to use Central Springs Road to access the site, particularly if approaching from the north, during peak school pick up and drop off times.

The proposal of Snap Fitness is a 24-hour business model that has been implemented over time. It is acknowledged that dwellings abut the side to the west but are in a Commercial Zone. The application is supported by an acoustic assessment that assesses the use as reasonable and not significant detrimental to amenity. Roof mounted plant and equipment will be enclosed by acoustic panelling, and a 2m high acoustic fence will be required to be constructed along the western boundary to mitigate any further noise impacts. It is recommended to include and update several amenity-based conditions if an amended permit is issued.

It has been considered in the objections that there is no demonstrated net-community benefit from the proposal. Respectfully, this is considered incorrect as there are many health benefits both physically and mentally from exercise and fitness activity. The proposal provides a facility within a commercial setting in the centre of Daylesford.

Should the amended permit be granted the conditions will include the endorsement of a Construction Management Plan (CMP) as part of the permit. Furthermore, the construction phase of any development will be further regulated by a building permit approval and council local laws.

Planning Conference, 18 August 2026: This provided an opportunity for the applicant and objectors to elaborate on their written submissions in person, before councillors and planning staff. Three objectors, the applicant as wells as selected staff and Councillors were in attendance. Objectors reiterated their grounds of objection and discussed concerns around noise, amenity, the proximity of residences, traffic safety, signage, and loading arrangements. The applicant advised that the proposed pylon business sign would be deleted from the proposal. The applicant discussed the typical operating conditions for the gym.

Conditions have been imposed to delete the proposed pylon sign at the corner of Bridport Street and Central Springs Road and require an operations management

plan to address staff requirements, patron numbers and behaviour and music and other commercial noise levels.

**RISK AND GOVERNANCE IMPLICATIONS**

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

**ENVIRONMENTAL SUSTAINABILITY**

There is no sustainability implications associated with this report.

**GENDER IMPACT ASSESSMENT**

There are no gender equity implications associated with this report.

## 7.3 REVIEW OF AUDIT AND RISK COMMITTEE CHARTER

Go to 00:38:02 in the meeting recording to view this item.

**DIRECTOR PERFORMANCE AND TRANSFORMATION**

*In providing this advice to the Council as the Coordinator Governance, I Allison Watt, have no interests to disclose in this report.*

**ATTACHMENTS**

1. Audit and Risk Committee Charter review 2026 [**7.3.1** - 17 pages]

**OFFICER'S RECOMMENDATION**

*That Council adopts the revised Audit and Risk Committee Charter.*

**MOTION**

*That Council adopts the revised Audit and Risk Committee Charter with four independent members and with a review of the Charter to take place in two years' time.*

**Moved:** Cr Brian Hood
**Seconded:** Cr Shirley Cornish
**Carried**

**Voted for:** Cr Brian Hood, Cr Don Henderson, Cr Lesley Hewitt, Cr Pat Hockey, Cr Shirley Cornish, Cr Tim Drylie and Cr Tony Clark
**Voted against:** Nil
**Abstained:** Nil

**EXECUTIVE SUMMARY**

The *Local Government Act 2020* requires Council to adopt an Audit and Risk Committee Charter. The Charter was last reviewed and updated in 2024. This current review proposes to reduce the number of independent members from four to three, which is consistent with other small rural councils and will result in a quorum comprising two independent members and one councillor.

**BACKGROUND**

The Audit and Risk Committee Charter outlines the responsibilities of the Committee, such as monitoring the compliance of Council policies and procedures, financial and performance reporting, risk management and fraud prevention systems and controls, internal audit function, external audit function and internal controls and compliance.

The current Charter is based on a template provided by Maddocks Lawyers. It was reviewed and adopted in 2024. The changes have been endorsed by Chair of the Audit and Risk Committee.

**KEY ISSUES**

The following amendments have been made to the Charter, as attached:

- A change to the membership of the Committee to include two Councillors and three independent members, a reduction of one independent committee member. This will result in a quorum of three members, with a minimum of two independent committee members and one Councillor.
- This membership is consistent with other small rural councils.
- The reduction in the number of independent members results in a small cost saving to Council of around $3,500.
- Minor administrative amendments to update position titles and clarifications to repetitive language.

**COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

**COUNCIL PLAN 2025-2029**

Hepburn Working Together

2. Maintain corporate governance to enable good Council decision making and to ensure long-term financial viability.

**FINANCIAL IMPLICATIONS**

The reduction of independent Audit and Risk Committee members from four to three will result in some minor costs savings to Council of around $3,500 per year.

**COMMUNITY AND STAKEHOLDER ENGAGEMENT**

There are no community or stakeholder engagement implications associated with this report. Public consultation is not required. The Chair of the Audit and Risk Committee has been involved in discussions with Council officers about the Charter review and an email update will be provided to all ARC members following Council's decision.

**RISK AND GOVERNANCE IMPLICATIONS**

The proposed changes will assist the Audit and Risk Committee in providing its important governance role to Council.

**ENVIRONMENTAL SUSTAINABILITY**

There are no sustainability implications associated with this report.

**GENDER IMPACT ASSESSMENT**

There are no gender equity implications associated with this report.

## 7.4 REVISION OF INSTRUMENTS OF APPOINTMENT TO AUTHORISED OFFICERS UNDER THE PLANNING AND ENVIRONMENT ACT 1987 AND ENVIRONMENT PROTECTION ACT 2017

Go to 00:47:59 in the meeting recording to view this item.

**DIRECTOR PERFORMANCE AND TRANSFORMATION**

*In providing this advice to Council as the Governance Advisor, I Catherine Nurse have no interests to disclose in this report.*

**ATTACHMENTS**

1. S11A - Instrument of Appointment and Authorisation - Planning & Environment Act - XX Month 2026 - Draft [**7.4.1** - 1 page]
2. S11B - Instrument of Appointment and Authorisation under the EPA 2017 - XX Month 2026 - Draft [**7.4.2** - 1 page]

**OFFICER'S RECOMMENDATION**

*That Council:*

1. *In the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, resolves that:*

a. *The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument;*

b. *On the coming into force of the instrument, the S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987) executed on 28 April 2026 is revoked; and,*

c. *The instrument comes into force immediately it is signed by Council's Chief Executive Officer and remains in force until Council determines to vary or revoke it.*

2. *In the exercise of the power conferred by s 242(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, resolves that:*

a. *The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument;*

b. *On the coming into force of the instrument, the S11B Instrument of Appointment and Authorisation (Environment Protection Act 2017) executed on 28 April 2026 is revoked; and,*

c. *The instrument comes into force immediately it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.*

**MOTION**
*That Council:*

1. *In the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, resolves that:*

a. *The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument;*

b. *On the coming into force of the instrument, the S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987) executed on 28 April 2026 is revoked; and,*

c. *The instrument comes into force immediately it is signed by Council's Chief Executive Officer and remains in force until Council determines to vary or revoke it.*

2. *In the exercise of the power conferred by s 242(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, resolves that:*

a. *The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument;*

b. *On the coming into force of the instrument, the S11B Instrument of Appointment and Authorisation (Environment Protection Act 2017) executed on 28 April 2026 is revoked; and,*

c. *The instrument comes into force immediately it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.*

**Moved:** Cr Lesley Hewitt
**Seconded:** Cr Don Henderson
**Carried**

**Voted for:** Cr Brian Hood, Cr Don Henderson, Cr Lesley Hewitt, Cr Pat Hockey, Cr Shirley Cornish, Cr Tim Drylie and Cr Tony Clark
**Voted against:** Nil

**Abstained:** Nil

**EXECUTIVE SUMMARY**

The appointment of authorised officers enables appropriate staff within the organisation to administer and enforce various Acts, Regulations or Council local laws in accordance with the powers granted to them under legislation or a local law.

The S11A and S11B Instruments of Appointment and Authorisation are being updated to reflect staffing changes.

**BACKGROUND**

The Instruments of Appointment and Authorisation prepared for Council's consideration are based on advice from the Maddocks Authorisations and Delegations Service.

Instruments of Appointment and Authorisation empower relevant staff to exercise the powers granted to authorised officers by legislation, regulations or a local law.

While the appointment and authorisation of authorised officers under other relevant legislation is executed by the Chief Executive Officer under delegation, Maddocks recommends that officers enforcing the *Planning and Environment Act 1987* and the *Environment Protection Act 2017* be authorised by Council resolution, because these Acts place limitations on what powers can be sub-delegated. By delegating direct from Council, the risk of decisions being challenged on the basis that the delegation was not appropriate is mitigated.

The Instruments of Appointment to Authorised Officers that do not relate to the *Planning and Environment Act 1987* and the *Environment Protection Act 2017* will be executed by the Chief Executive Officer as per legislation.

**KEY ISSUES**

**Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987***

There are no legislative changes to the authorisation under the *Planning and Environment Act 1987*. The instrument has been updated in line with staff appointments.

**Instrument of Appointment and Authorisation under the *Environment Protection Act 2017***

There are no legislative changes to the authorisation under the *Environment Protection Act 2017*. The instrument has been updated in line with staff appointments.

## COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

### Council Plan 2025-2029

Hepburn Working Together

2. Maintain corporate governance to enable good Council decision making and to ensure long-term financial viability.

## FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

## COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council subscribes to the Maddocks Authorisations and Delegations Service, and relevant advice has been considered in the preparation of this report.

For transparency purposes, Council is required to prepare a register of Instruments of Appointment to Authorised Officers and Delegations on Council's website.

## RISK AND GOVERNANCE IMPLICATIONS

Instruments of appointment and authorisation allow the business of Council to continue and operate effectively.

## ENVIRONMENTAL SUSTAINABILITY

There are no sustainability implications associated with this report.

## GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.

## 8 ITEMS OF URGENT BUSINESS

Go to 00:49:42 in the meeting recording to view this item.

**MOTION**

*That Council resolve to admit the item relating to submitting a motion to the Municipal Association of Victoria State Council into urgent business in accordance with Council's Governance Rules Division 3, item 20 as the item:*

- *relates to or arises out of a matter which has arisen since distribution of the agenda; and*
- *cannot safely or conveniently be deferred until the next Council meeting.*

**Moved:** Cr Tim Drylie
**Seconded:** Cr Brian Hood
**Carried**

**Voted for:** Cr Tony Clark, Cr Shirley Cornish, Cr Tim Drylie, Cr Pat Hockey and Cr Brian Hood
**Voted against:** Cr Don Henderson and Cr Lesley Hewitt
**Abstained:** Nil

**MOTION**
*That Council submits the following motion to the 23 October 2026 Municipal Association of Victoria (MAV) State Council:*

*That the Municipal Association of Victoria calls on the Victorian Government to establish a State-wide framework for renewable energy and transmission projects (**Projects**) to ensure host Councils are not financially disadvantaged by the construction, operation and decommissioning of these Projects.*

*The framework should:*

a. *Be developed in consultation with MAV and affected Councils as a matter of urgency.*

b. *Require proponents to meet the full reasonable cost of impacts on local government infrastructure (including roads, bridges, drainage and other Council assets) arising from and in connection with the construction, operation and decommissioning of Projects.*

c. *Reduce the administrative and evidentiary burden on Councils by establishing:*

i. *mandatory pre-construction condition assessments;*

ii. *prescribed methodologies for assessing road and infrastructure impacts;*

iii. *project traffic monitoring and ongoing traffic reporting requirements;*

iv. *formula-based contributions where appropriate; and*

v. *a rebuttable presumption that deterioration on designated construction transport routes during the relevant project period is attributable to Project traffic to the extent determined under the prescribed methodology.*

d. *Provide an effective mechanism for measuring cumulative impacts, particularly where multiple renewable energy, transmission or associated projects use the same local road network, so that Councils are not required to establish which particular project caused individual items of damage.*

e. *Require appropriate financial security from proponents to ensure funds are available for maintenance, rehabilitation and final reinstatement of affected Council infrastructure.*

**Moved:** Cr Tim Drylie
**Seconded:** Cr Brian Hood

Cr Cornish proposed an amendment to the motion as follows:

*That Council submits the following motion to the 23 October 2026 Municipal Association of Victoria (MAV) State Council:*

*That the Municipal Association of Victoria:*

1. *calls on the Victorian Government to establish a State-wide framework for renewable energy and transmission projects (**Projects**) to ensure host Councils are not financially disadvantaged by the construction, operation and decommissioning of these Projects;*

2. *Notes that Council reaffirms its position that the underground and/or alternative routing of transmission infrastructure must be genuinely considered, particularly where this would avoid or substantially reduce*

*impacts on high-value agricultural land, significant landscapes, heritage areas and communities;*

3. *Requires that this position is consistent with Council's May 2021 resolution and subsequent affirmations of Council's opposition to the Western Renewables Link in its above ground configuration and proposed route.*

*The framework should:*

a. *Be developed in consultation with MAV and affected Councils as a matter of urgency.*

b. *Require proponents to meet the full reasonable cost of impacts on local government infrastructure (including roads, bridges, drainage and other Council assets) arising from and in connection with the construction, operation and decommissioning of Projects.*

c. *Reduce the administrative and evidentiary burden on Councils by establishing:*

   i. *mandatory pre-construction condition assessments;*

   ii. *prescribed methodologies for assessing road and infrastructure impacts;*

   iii. *project traffic monitoring and ongoing traffic reporting requirements;*

   iv. *formula-based contributions where appropriate; and*

   v. *a rebuttable presumption that deterioration on designated construction transport routes during the relevant project period is attributable to Project traffic to the extent determined under the prescribed methodology.*

d. *Provide an effective mechanism for measuring cumulative impacts, particularly where multiple renewable energy, transmission or associated projects use the same local road network, so that Councils are not required to establish which particular project caused individual items of damage.*

e. *Require appropriate financial security from proponents to ensure funds are available for maintenance, rehabilitation and final reinstatement of affected Council infrastructure.*

The amendment was accepted by Cr Drylie and Cr Hood.

**Moved:** Cr Tim Drylie
**Seconded:** Cr Brian Hood
**Lost**

**Voted for:**Cr Shirley Cornish, Cr Tim Drylie and Cr Brian Hood
**Voted against:** Cr Tony Clark, Cr Don Henderson, Cr Lesley Hewitt and Cr Pat Hockey
**Abstained:** Nil

## 9 COUNCILLOR AND CEO REPORTS

### 9.1 MAYOR'S REPORT

Go to 01:14:04 in the meeting recording to view this item.

**Councillor Tony Clark**

It is with great pleasure that I submit this report. Democracy has been restored on 5 August to Hepburn Shire with the withdrawal of all charges by the Director of Public Prosecutions resulting in all five stood down councillors returning to their community elected positions.

The return of our councillors has also coincided with the appointment of our interim CEO, Janet Dore. We are delighted to have a person of her experience and leadership style join Hepburn Shire. Janet is excited and already making great in roads to learning and connecting with the staff and our diverse community. Leadership change always presents a wonderful opportunity to take a new direction and presents opportunities to review and improve.

I would also like to take this opportunity to thank and congratulate our departing CEO Bradley Thomas. Bradley has made a wonderful contribution to Hepburn Shire and led our organisation through difficult times. Under Council direction, Bradley has implemented major reforms and changes to set Hepburn Shire onto a path of long-term sustainability in a difficult environment. Bradley will leave a solid foundation and a legacy to build on. We wish him all the best in his new role.

The Council will now be embarking on a recruitment process for our permanent new CEO. This process will take anywhere from 6 to 12 months and will be a national search process.  We will keep the community informed as we progress.

I will be taking personal leave from 31 August to 13 September. Deputy Mayor Councillor Shirley Cornish will be standing in my place during this time.

In conclusion, the last month has been personally difficult. The unfounded criminal charges pressed against all councillors has taken a toll. Attacks of this nature also impact on many others including all of the staff and their families and has been incredibly disruptive to delivering services.

Criminal charges are a personal and professional attack and will have long term permanent impacts on all involved. Our return is, without exception, on the basis that we all have a deep and true commitment to our community. Each and every one of us is seeking to make our home a better place in the best way we possibly can. I want to thank and acknowledge the courage, tenacity and true belief in making our home a better place - thank you all. Standing for public office is not easy.

## 9.2 COUNCILLOR REPORTS

**Councillor Don Henderson**

Presented a verbal report.

**Councillor Lesley Hewitt**

Like my fellow Councillors, I have been reflecting on the extraordinary experience of the past few months; in particular the impact on Councillors, their families, the operation of Council and, ultimately, our community.

Five Councillors were stood down following criminal charges that were subsequently struck out in the Ballarat Magistrates' Court on 5 August 2026.

Criminal charges are serious and there are proper legal processes for dealing with them. But disagreement with Council decisions is something quite different.

What concerned me was the apparent piling on through social media, with suggestions that because Councillors made decisions, or officers acted in ways people disagreed with, this somehow indicated corruption.

I make the point that disagreement is not corruption or wrongdoing.

There is nothing wrong with strongly challenging Council decisions. That is an important part of democracy. But social media can become a great big echo chamber, where assertions are repeated until they appear to become facts.

So how do residents make their voices heard by Council?

I would suggest the following: Read the Council papers. Ask questions. Talk to your Councillors. Make submissions. Come to Council meetings and participate in consultations.

And at the end of four years, if you believe we Councillors have done a poor job, stand for Council yourself, support someone you believe would do better, or vote for somebody else.

Councillors should absolutely be scrutinised and held accountable. But that scrutiny is strongest when based on facts, evidence and fair debate and not on untested assumptions or personal attacks.

But moving forward.

The State Election provides another opportunity to advocate for an important community issue, and for me that is the future of Daylesford Hospital.

Many residents will remember that in the lead up to the last state election the Daylesford Hospital Community Upgrade Committee and our community raised around $120,000 in just eight weeks towards developing a Masterplan, designed so improvements could be delivered in stages.

With Victorian Government finances under pressure, we need to be realistic, but also ambitious about what our community needs.

A priority is Urgent Care. Daylesford Hospital Urgent Care attendances have increased by over 5% in the last year, while Ballarat Hospital Emergency is under enormous pressure, with very long waiting times and concerns about staff and patient safety.

An upgraded Urgent Care service at Daylesford would benefit our community while helping relieve pressure on Ballarat.

Members of the Daylesford Hospital Community Upgrade Committee recently met with Liberal candidate for Macedon, Kate Kendall, to discuss the proposal.

The ask is approximately $10–$12 million to deliver the next stage of the Masterplan vision.

Regardless of politics, this is something I believe our community should advocate for.

We don't have to agree on everything. But we should be able to disagree respectfully and come together when something really matters.

That is what strong communities do.

**Councillor Pat Hockey**

Councillors, one of the delights of our return to office was the brief period in which our diaries linked to our devices were cleared of appointments and we had a few days off after the trauma that five of us had experienced. It was wonderful to be footloose and fancy free for a few days after everything we had been forced to confront. This was quickly amended of course, and by the Thursday of the following week I was back into it with three engagements on that one day and more to follow on the Friday. Subsequently our diaries were refilled with activity and community events. Can I take this opportunity to acknowledge the enormous support I received from the community from the instance events were made public. It sometimes takes a crisis to realise how much your efforts are appreciated. The one fundamental thing we owe the community in gratitude for the extraordinary trust they have placed in us is making sure we play as a team and get along with each other. Recent events have only strengthened my resolve to make sure that happens.

Like other parts Clunes has had a tremendous amount of rain and at my front gate I have tipped to date over 170mm from the gauge. A doubtless record for August. The impacts have been more muted than some flood events in the last decade, but still they have stretched the resources of our Shire to keep up. To take one example, the structure known as Bob's Bridge which provides a pedestrian crossing of the Creswick Creek on the North Western edge of the township has had its collapsible sides flung into the nearby trees.

**Councillor Brian Hood**

Presented a verbal report.

**Councillor Shirley Cornish**

Presented a verbal report.

**Councillor Tim Drylie**

Mayor, fellow Councillors and community,

It is genuinely good to look around this chamber tonight and see a full Council sitting here again.

The past couple of months have been extraordinarily difficult, in particular for my Councillor colleagues who were stood down and for our staff and community members who were left without local representation. What stays with me is how fragile local democracy can be, and how important it is that people can elect representatives, have their voices heard, and trust that disagreements are resolved through robust democratic processes rather than ugly procedural disruption and inflame disinformation online.

I hope we come back with a renewed appreciation of that responsibility.

I also warmly welcome our interim CEO, Janet Dore. I was pleased to be involved in recruiting Janet during a particularly challenging period. She brings enormous local government experience and I look forward to working with her as we steady the organisation and rebuild confidence.

At the recent regional MAV meeting I attended as Hepburn's delegate, councils were raising many of the same pressures: deteriorating roads, disaster recovery, renewable energy and transmission development, and frustration when regional communities are expected to manage the consequences of major decisions without enough resources or enough say in making them.

I also raised Hepburn's experience and the need to close the legislative vulnerability that disrupted our democratic representation.

There was a common thread: regional communities are being asked to carry more infrastructure, more responsibility and more risk without always being given the resources to match.

You only need to drive our roads to see part of that story. Potholes are everywhere this time of year. I recently needed RACV roadside assistance and was warned of a four-hour wait because of incidents associated with potholes on the Western Highway caused by the intense wet weather inundation of the past week.

But this is bigger than potholes.

Victoria's Parliamentary Inquiry into Climate Resilience found that climate risks to our infrastructure are growing and specifically identified the barriers facing local

government. It called for a shift away from simply rebuilding damaged infrastructure like-for-like and towards building back better.

At the same time, ALGA's 2026 National State of the Assets Report estimates Australian councils face up to $280 billion in infrastructure renewal and upgrade demand, including around $65 to $68 billion just to replace assets already in poor or very poor condition.

So we are starting with a huge infrastructure gap while climate change is making the task harder.

And regional Victoria will host much of the renewable generation and transmission infrastructure needed for our energy transition. I strongly support that transition, but it needs to leave our communities stronger, not hand councils another unfunded liability.

That is why I brought forward a motion for the next MAV State Council seeking support for a statewide framework requiring major energy proponents to meet the reasonable costs of their impacts on council roads and infrastructure.

More broadly, State and Federal governments need to properly fund the roads, bridges, drainage, transport, communications and community infrastructure that will allow regional communities not merely to survive a changing climate, but to thrive.

Regional Victoria cannot be expected to generate the energy, grow the food and absorb growing climate impacts while being left behind on the infrastructure needed for our own future.

Closer to home, I attended the Creswick Brass Band AGM, the recent Kingston community event, and the planning conference for 63 Central Springs Road in Daylesford. Each, in very different ways, reminded me that resilience isn't only concrete and bitumen. It is culture, volunteers, participation and people having a genuine say in what happens to their communities.

Institutions matter. Infrastructure matters. Participation matters.

Our communities deserve investment in a resilient future, and a genuine voice in shaping it.

**RECOMMENDATION**

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

**MOTION**
*That Council receives and notes the Mayor's and Councillors' Reports.*
**Moved:** Cr Don Henderson
**Seconded:** Cr Pat Hockey
**Carried**

**Voted for:** Cr Brian Hood, Cr Don Henderson, Cr Lesley Hewitt, Cr Pat Hockey, Cr Shirley Cornish, Cr Tim Drylie and Cr Tony Clark
**Voted against:** Nil

**Abstained:** Nil

## 9.3 CHIEF EXECUTIVE OFFICER'S REPORT

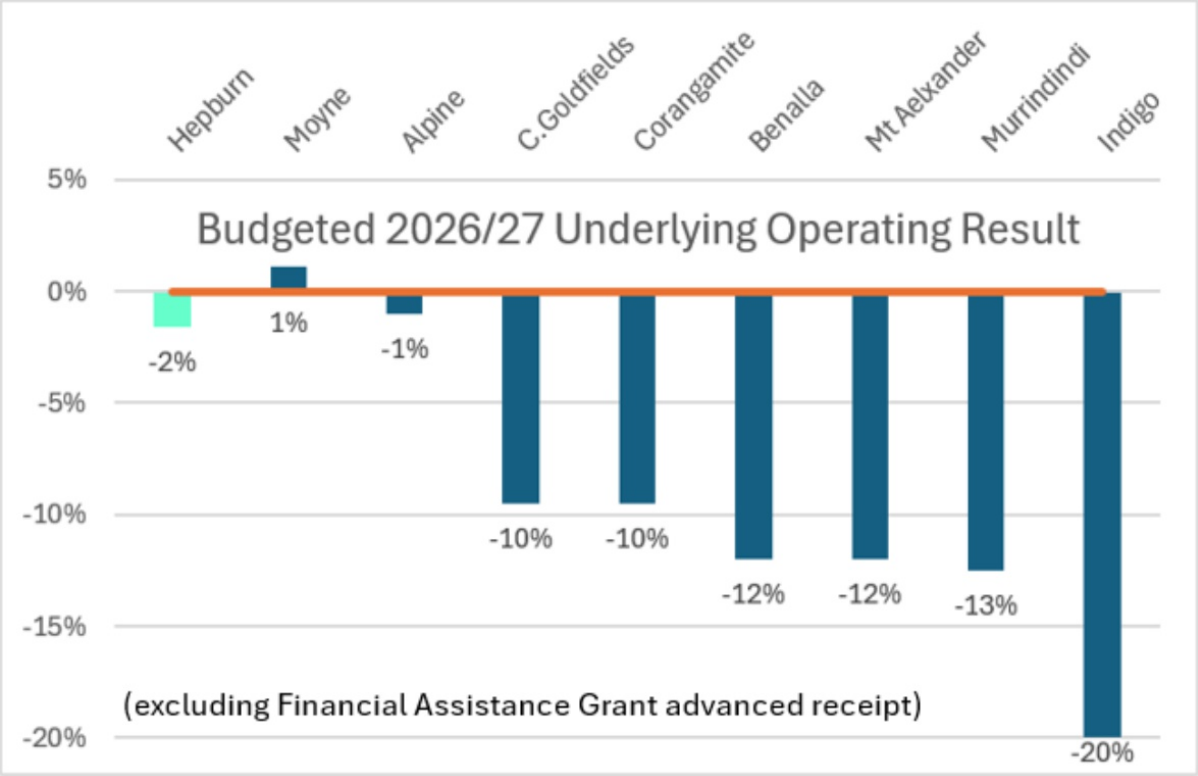
Go to 01:35:09 in the meeting recording to view this item.

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

### CHIEF EXECUTIVE OFFICER UPDATE

The local government sector is in a difficult situation, evidenced by the recent ALGA General Assembly emergency motion, which called for fairer funding across all councils in Australia. Comparisons with other small rural Councils show similar patterns. This is not to say that we cannot improve our position, but it will be a challenging task.

Despite the recent reductions in some service areas, Council's adopted 2026/27 Budget demonstrates the need for continued focus on long term financial sustainability in accordance with Council's Financial Vision.




My observations of the organisation across the board are that people are generally here for community benefit and do show resilience and purpose.

There are however opportunities for improving priorities and timeliness to show greater accountability to Council and communities. Depreciation rates are one area where a review will be helpful, especially in comparison to similar Councils and industry benchmarks. Every opportunity will be examined by the Executive

Leadership Team to encourage and develop suggestions for effective working, savings, and increased income opportunities.

There are several areas relating to governance that require some review, including Governance Rules which have not been updated since 2022, because Model Governance Rules are incorporated in the Local Government Legislation Amendment (Stronger Communities) Bill 2026 which is still being debated in State Parliament. This will need to be monitored for time frames; the Office of Local Government is convening a meeting of all CEOs about which I expect to give a verbal update to Council at this Council meeting.

After the difficulties of recent times, and the ongoing legal matters still not completed, my concern for Councillors is their individual and collective well-being. Support mechanisms are in place and returning to the Council Chamber is important to everyone. My duty is to uphold the Governance requirements and, with the Mayor, ensure civility of discourse and debate.

My intention is also to attend as many community meetings as possible over the next few weeks and months to hear about things firsthand and to support our staff involved in the 2026/27 budget process.

There are some obvious issues out there, potholes being the subject of most requests. Our teams are working hard to keep up after what has been exceptional wet weather and although this time of year is traditionally 'pothole season', this one is on steroids! It is frustrating and risky for motorists, but patience and careful driving will help to reduce the level of risk.

Road funding has been diminished over the last decade in favour of public transport and other infrastructure. All Councils are grappling with this situation (as the ALGA Assembly referred to earlier shows) and peak bodies such as Rural Councils Victoria are essential for advocacy to restore realistic levels of funding.

Communication is an important element of good governance which will be a prime focus of the Executive Leadership Team, through all available means. It is essential to provide clear information based on facts and this will be the standard for internal and external purposes to ensure consistency.

Lastly, I believe some practices which have been embedded over the years need to be explored and reviewed against best practice standards. An approach to these matters will be couched in the context of reducing process steps and giving delegation to the appropriate levels of the organisation. This will compliment ongoing service reviews and give CEO oversight.

**RECOMMENDATION**

*That Council receives and notes the Chief Executive Officer's Report for 25 August 2026.*

**MOTION**

*That Council receives and notes the Chief Executive Officer's Report for 25 August 2026.*

**Moved:** Cr Pat Hockey
**Seconded:** Cr Don Henderson
**Carried**

**Voted for:** Cr Brian Hood, Cr Don Henderson, Cr Lesley Hewitt, Cr Pat Hockey, Cr Shirley Cornish, Cr Tim Drylie and Cr Tony Clark
**Voted against:** Nil
**Abstained:** Nil

## 10 CLOSE OF MEETING

The Meeting closed at 7:39pm.