

Hepburn

SHIRE COUNCIL

HEPBURN SHIRE COUNCIL ORDINARY MEETING OF COUNCIL MINUTES

TUESDAY 21 MARCH 2017

FUNCTION ROOM, VICTORIA PARK
DAYLESFORD-BALLAN ROAD, DAYLESFORD
6:00PM

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Confirmed at the Ordinary Meeting of Council
held on Tuesday 18 April 2017



Chair, Mayor Cr Sebastian Klein

MINUTES

TUESDAY 21 MARCH 2017

Multi Use Facility, Victoria Park
Ballan-Daylesford Road, Daylesford
Commencing 6:00PM

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AARON VAN EGMOND
CHIEF EXECUTIVE OFFICER
21 MARCH 2017

1. **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

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

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

2. **OPENING OF MEETING**

**PRESENT: MAYOR SEBASTIAN KLEIN, CR JOHN COTTRELL,
CR DON HENDERSON, CR GREG MAY, CR NEIL NEWITT,
CR KATE REDWOOD AM, CR FIONA ROBSON**

**IN ATTENDANCE: AARON VAN EGMOND CHIEF EXECUTIVE OFFICER, BRUCE
LUCAS GENERAL MANAGER INFRASTRUCTURE, GRANT SCHUSTER GENERAL
MANAGER CORPORATE SERVICES, KATHLEEN BRANNIGAN GENERAL
MANAGER COMMUNITY SERVICES, JUSTIN FIDDES MANAGER PLANNING**

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

RECOMMENDATION

- 5.1. That the Minutes of the Ordinary Meeting of Council held on 21 February 2017 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.

MOTION

- 5.1. *That the Minutes of the Ordinary Meeting of Council held on 21 February 2017 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

Moved: Cr Don Henderson

Seconded: Cr Neil Newitt

Carried

6. NOTICES OF MOTION

Nil

7. ITEMS OF URGENT BUSINESS

Nil

8. PRESENTATION OF COUNCILLOR REPORTS

MAYOR'S REPORT

Councillor Sebastian Klein, Coliban Ward

Verbal report presented - no written report provided for minutes.

COUNCILLOR REPORTS

Councillor John Cottrell, Holcombe Ward

Verbal report presented - no written report provided for minutes.

Councillor Neil Newitt, Cameron Ward

On Friday I attended the Clunes and District Agricultural Society AGM.

The Society is responsible for the Clunes Show - an event that is in its 157th year - one of the oldest shows in Australia. In acknowledging the show's longevity and history I would like to acknowledge the office bearers elected that night.

I can report that Succession planning is well under way at the Clunes Show. Amongst the appointments were many familiar names to those who have gone before. Lachlan Campbell - son of Robert (who has held many positions with the society) was returned as President. Murray Cook, who has served as treasurer for eighteen years continues along with his daughter Laura as vice treasurer.

Incoming Vice President John Drife is the great grandson of another John Drife, President from 1886 to 1890. That now covers 4 generations of the Drife families involvement with the show. There are many more names repeated through the years on the Shows honour board. And it was Barb Adam's last report as secretary. Barb has served 18 years as Secretary, in fact, starting back last century!

Barb served through some tough times with the agricultural show - through the drought years, and two major flood events. Through the 150th Show commemorations, the publishing of two books and the upcoming 160th event. Barb has now retired as secretary, but joked that she will now be able to take up other community positions!

What I raise is that we often enjoy and acknowledge our history and our long standing events. I would also like to acknowledge those who continue to make these events a success - and note they do so as a legacy of their families commitments over the many years.

Councillor Kate Redwood AM, Birch Ward

The highlight for the month was Council's annual International Women's Day event – the 13th such event. This year International Women's Day took on a new lease of life resulting from the community's concern regarding family violence. It is the first year that I can remember people commenting on the fact that we hold our event on the Thursday before the long weekend, and not necessarily on 8 March. The event gained further standing as a result of our keynote speaker, Linda Dessau, the first female governor of Victoria who took the opportunity presented by attending our IWD event to visit a number of organisations in the district including the 5000 Club and the CFA.

Sissy Austen gave a particularly moving acknowledgement of country to start the event, and I am pleased to learn that she has been invited to join with other indigenous women at a forthcoming event at government house.

We were delighted by the Daylesford Secondary College students who spoke so well, Antigone Jonas and Chloe Leonard. Our IWD event is now a standing item in the annual calendar for our state representative, Mary Anne Thomas usually also for Louise Staley, member for Ripon, and if parliament is not sitting in Canberra, for Catherine King our federal representative.

Frances Greenwood's photographs were a highlight – all the women on the Heather Mutimer Honour Roll for Women, and these hung around the Town Hall. Thank you to Crs Henderson and Robson for attending and to Mayor Klein for his speech.

Inductees into the Heather Mutimer Honour Roll for Women for 2017 were:

Elsie Miller (posthumous)

Kit Manning

Jenny Beacham

Candy Broad

A special thank you to the Council staff who worked so hard to make the event such a well organised success, and to the members of the IWD Advisory Committee and Nomination Panel.

Chillout – a wonderfully colourful celebration of LGBTI, was held over the long weekend. I was delighted to be in the Chillout parade again this year and was proud to walk with the Council's library contingent. The parade is attracting an ever greater number of participants each year and an increasing number of community organisations. Mention should be made of the pre-Chillout event celebrating 20 years of Country Pride and held at the Daylesford Museum.

Council's budget deliberations commenced, and have produced a great list of proposals for ongoing and new projects. The pressure is now on to deliver as many of these as can be afforded given the constraints on funding.

Councillor Don Henderson, Creswick Ward

Not much to report over in Creswick . There are some projects that I understand may start soon if long awaited permits are obtained and contracts let.

Residents have had plenty of praise for outdoor staff and flood contractors as work on this work kicks in.

I attended the Heather Mutimer IWD honour roll function and it was great to see the person who started the event in attendance. Heather has been a trail blazer in this area in our Shire. Although Governor of Victoria was there and spoke at the function I was not one of those chosen to meet her it seems. Just as well I am not a supporter of the royal family nor their representatives.

There have been recent consultations with community members regarding Calemben Park in Creswick which includes the Black Lead Dredge which doubles as a swimming hole when the Ecoli level drops. Many young people still take the risk in order to cool off on very hot days. It is sad to see the parlous state of neglect and lack of basic maintenance at such a popular tourist spot that could be enjoyed by all as it was in the past when Creswick Shire was in charge. Then of course we have the wonderful cup and ball sculpture, which in some way commemorates the death of 22 miners about four kilometres up the road, but still no sign boards about the rich and colourful history of Chinese pioneers and of course the fact that the place was once a training area for our Olympic swimming and diving team.

On a brighter note the latest batch of school children have graduated from my woodwork class. This program gives the opportunity for young people in the school community to meet their Councillor and get to know how things work. Although this program receives no Shire support It is an opportunity to find out just what it is that our youth want and need. They tell me that they are not that interested in an occasional movie . All of them however think that the splash park and skate friendly area is the best thing that has happened in Creswick ever. This view is shared by all demographics as well.

It really goes to show that some of our ratepayers are very appreciative when they get a small allocation of budget funding for something that is useful. Sometimes I get the feeling that no matter what some areas get they always want even more.

I was unable to attend the recent Chillout events but do note that on an invitation I received that it referred to the Daylesford Council. I hope they appreciate that all of the ratepayers from across the shire contribute as a major sponsor of the event on behalf of the Hepburn Shire.

Councillor Greg May, Creswick Ward

Just a few events or meetings to report on this month beginning with a meeting of White Ribbon Ambassadors held recently. The meeting gave the ambassadors the opportunity to meet each other and discuss the program as well as the training they are about to undertake in their roles as ambassadors. People from Womens Health Grampians were also at the meeting and spoke to the group about a variety of aspects of domestic violence .

I also attended a meeting in Creswick attended by a good number of local residents who had come along to have some input into the Shire's 4 year plan. A wide variety of concerns and ideas were raised at this meeting including communication with council, arts and business opportunities, tourism development, youth engagement and environmental concerns to name just a few.

The quarterly Municipal Emergency Management Planning Committee meeting was another I attended recently in Daylesford along with around 25 others from the various emergency services organisations. One point of interest to come out of the meeting was that, although this fire season has been relatively quiet, the CFA have still recorded 267 incidents within the Hepburn Shire and of these over 100 were actually fire related.

Finally , along with some of my fellow councillors and councillors from Mt Alexander and Macedon Ranges Shires, I attended a dinner in Kyneton. For me the opportunity to talk to councillors from other shires was both informative and interesting.

Councillor Fiona Robson, Birch Ward

Verbal report presented - no written report provided for minutes.

RECOMMENDATION

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

MOTION

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

Moved: Cr Kate Redwood AM

Seconded: Cr Neil Newitt

Carried

9. PUBLIC PARTICIPATION TIME

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

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

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

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

9.1. PETITIONS

Nil received a week in advance of the meeting.

One petition from 87 people was received on 20-03-2017 in relation to Planning Application 1519 (item 10.1 on the agenda), which was too late to include it in the agenda. In accordance with our Local Law Number 1, this petition will be tabled at the April 2017 ordinary meeting.

9.2. QUESTIONS

Two questions were received by noon on the day of the meeting, and an additional two questions were received late.

Question 1 - Mr Keith Pyers

In recent talks with the cinema committee, why did shire officers & councillors pressure the committee to call off a planned and advertised rally to support the committee's aims?

Answered by Mayor Sebastian Klein

We do not believe pressure was applied in discussions with the Cinema Committee. We have engaged the Cinema Committee in extensive cooperative discussions with a range of options being considered. While those options are being explored, we expressed the fact and we do believe that a rally would not be the most constructive path. We believe that the matter should be considered on its merits, and not on the tenor of public debate. That is how we will approach item 11.1 on tonight's agenda.

Question 2 - Mr Gary McIntosh

At the Council run December 7th 2014 Community Info Day the Bullarto Community Planning Group was asked by Council officers not to present or talk about our community project that included development of an Interpretive Display / Community Map for Bullarto that needed final community input. Instead Council officers suggested an alternative site for the entire project, a site that subsequently was not supported by Council. This action largely undermined the planning group's work.

Council has still not conducted a 'community info day' to gain this final community input to the development of this important Interpretive Display / Community Map, the centrepiece of the Bullarto Community Facilities project no 000483.

Over a year ago, on 16th February 2016 the Bullarto Community Planning Group voluntarily placed itself in recess, Council having totally ignored much of our work. The planning group committee stated at that time that they would like to have a community get-together when the Bullarto picnic shelter is completed. This would be the third community get-together organised at Bullarto by the planning group.

Council's ongoing lack of support for the planning group membership, most of whom live in Bullarto township, has led to the group now being dysfunctional.

Will Council organise a Community Info Day to finalise community input to Bullarto's Interpretive Display / Community Map and a community get-together once the picnic shelter with table and seating is fully completed, thus bringing the community together in an inclusive manner?

Answered by Mayor Sebastian Klein

We are not intending to hold a community information day and have previously received submissions about what should be included in the interpretive signage. Council will develop and install the signage.

Supplementary Question from Mr Gary McIntosh

Will Council organise a community get-together once the picnic shelter with table and seating is fully completed, thus bringing the community together in an inclusive manner?

Answered by Mayor Sebastian Klein

That is not currently an intended path of action.

MOTION

9.1. *That Council makes an exception to Council's Local Law Number 1, section 5.11.5, to hear two public questions from Mr David Moore which were submitted after the 12 noon deadline.*

Moved: Cr Kate Redwood AM

Seconded: Cr Don Henderson

Carried

Question 3 – Mr David Moore

The Rex Cinema Revival

Will the Burra Charter of ICOMS (International Council on Monuments and Sites) be adopted in addressing the Heritage Control in the Planning scheme, in the planning permit and as an essential part of the brief to the architects and builders to preserve all the existing heritage fabric of the REX building and to retrieve any fabric which maybe known elsewhere?

Answered by Mayor Sebastian Klein

No planning permit will apply to the Rex works due to them being less than the \$1 million threshold that requires a planning permit under 62.02-1 of the Hepburn Planning Scheme. In addition, no permit is required to use the Rex for an office/retail premises or cinema.

As no planning permit is required, the heritage overlay provisions, including adoption of the Burra Charter of ICOMS, will not be required to be met because there is no planning permit.

However, Council seeks to maintain and where possible enhance the heritage aspects of the building in this project, taking in account all of the heritage considerations.

Supplementary Question from Mr David Moore

How do we know that it hasn't exceeded \$1 million?

We have had briefings on the project thus far and been informed that it is below the \$1 million threshold. We will continue to receive briefings throughout the process and you are more than welcome to request a meeting with the CEO to view the figures behind the project.

Question 4 – Mr David Moore

Question regarding Meeting item: New Community Theatre in the Rex & Enter into a Licence with Daylesford Cinema

Does the licence for the cinema include a provision which prevents the council from terminating the licence, without the cinema being in default, during the 10-year term?

Answered by Mayor Sebastian Klein

The intention of the licence being considered at item 11.1 on tonight's agenda is that it will not include a provision which permits Council from terminating the licence during the term, without the Cinema as licensee being in default. There will only be a clause relating to termination on default, and therefore Council would not have the power to terminate for other reasons during the term. Pending Council's decision at item 11.1, the final terms to be included in any licence will be based on the resolution of Council and feedback from the licensor, in this case the Cinema Committee.

Supplementary Questions from Mr David Moore

**Will the Licence be tabled at the Council meeting on 21 March 2017?
And, will it be available for the community to review?**

These questions were taken on notice and will be responded to in writing.

9.3. REQUESTS TO ADDRESS COUNCIL

The following individuals addressed council:

Ms Sissy Austin

Addressed Council in regards to Changing the Date of Australia Day Celebrations.

Mr David Stagg

Addressed Council to confirm the Rotary Club of Daylesford's support to Council in relation to the proposal to develop the Rex and to allow the space to be used by the Daylesford Community Cinema and other community groups.

10. STATUTORY PLANNING REPORTS

10.1. CHANGE OF USE OF THE LAND TO INCLUDE ACCOMMODATION (FOUR FREE STANDING VILLAS), EXPANSION OF THE EXISTING SPA AND HEALTH RETREAT, USE OF THE EXISTING BUILDING FOR SHARED FACILITIES FOR GUESTS, RELOCATION OF THE DWELLING ON THE LAND AND ASSOCIATED BUILDINGS AND WORKS, TO BE UNDERTAKEN IN THREE STAGES AT 33 COLLINS ROAD, GLENLYON

CHIEF EXECUTIVE OFFICER

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

PURPOSE

The purpose of this report is for Council to make a determination on the application for a change of use of the land to include accommodation (four free standing villas) expansion of the existing spa and health retreat, use of the existing building for shared facilities for guests, relocation of the dwelling on the land and associated buildings and works to be undertaken in three stages at 33 Collins Road, Glenlyon

BACKGROUND

The land has a total area of 5989sq (formerly comprising three lots, now consolidated) and is developed with a dwelling and established gardens. The subject site is located within the Glenlyon township, on the North Eastern corner of Collins Road and Regans Lane. The dwelling and land has been used as the 'Samadhi' health and wellness retreat and spa for the past 15 years, which includes bed and breakfast accommodation. The current uses, massage, meditation, spa treatments and counselling (by the owner) have been operating from this site under the provisions of 'home occupation' Clause 52.11 of the Hepburn Planning Scheme. Adjoining land to the north, west and south of the subject site is undeveloped. There is an existing dwelling adjoining the subject site in Collins Road to the east. All adjoining land is located within the Township Zone.

The proposal seeks to expand on the current uses, to be undertaken in stages, as follows:

Stage One:

- relocation of the self contained dwelling from the main residence to the office storage area as shown on the plans.
- conversion of the main building to become two (2) accommodation units, labelled the Gold and Pearl retreats.
- No change to the existing spa/retreat area contained within the existing building.

- No external changes to the existing building.

Stage Two:

- Construction of two free standing villas - each containing a lounge, bedroom, study, bathroom and private deck.
- Additional eight (8) car spaces.
- Construction of three (3) staff car parking spaces and a loading bay off the Collins Road entrance
- Commencement of landscape works including timber screens and plantings.
- Gold retreat would be converted to shared facilities for guests including a communal lounge area and shared kitchen.

Stage Three:

- Construction of two additional free standing villas, one of these villas is larger than the other three as it has been designed for disabled clients.
- Removal of the self contained accommodation within the main building and conversion to shared communal facilities for the guests.
- Extension to the existing building to include a multi-purpose space (yoga), the addition of a salt room/spa room (massage) and existing residence. The extension to the main building include additional decks to the north, east and west.
- The retreat programs offered on site allow the guests to reside for 1 to 6 nights.
- Materials and finishes proposed for the villas include rendered brick walls in tones of warm grey and dark grey with a copper or similar panelling for the doors.
- The four villas are proposed to be located north of the existing building, being connected to the existing building via deck walkways. The villas would be set back 24M from the western boundary (Ragan Lane) and 14.4m from the eastern boundary. The villas have been orientated to ensure privacy between guests and all having deck areas with a northern aspect. Guest car parking would be provided via the existing access way from Regans Lane. Staff car parking and a loading area have been proposed from the existing access entrance on Collins Road, south of the existing building. Additional landscaping is proposed within the site.
- The completed proposal would result in a maximum of eight guests + two caretakers/owners. The proposal includes up to five fulltime staff members - (yoga, admin/support, cook, cleaner, naturopath and massage therapists. Part time sessional massage clients are proposed to be offered for external clients, when there are opportunities for backfilling appointments not filled by guests. A total of eight guest car parking spaces, three staff spaces and a loading bay have been provided.

- The land is zoned Township Zone (TZ) and is subject to an Environmental Significance Overlay -Schedule One (ESO1). The permit triggers include use of the land for accommodation and associated buildings and works under the TZ. Buildings and works are triggered under the ESO1 as the land is not connected to reticulated sewerage. A permit would be required for the buildings and works associated with the existing use of the land as a spa/massage retreat pursuant to Clause 63-existing uses.
- The application was referred to Goulburn Murray Water (GMW) and Council's Engineering Department and Environmental Health Officer who have provided conditional consent to the proposal.
- The application has been advertised by placing a notice on the site, sent to adjoining and adjacent owners and occupiers. Thirty-six (36) objections and forty-four (44) letters of support have been received.

ISSUE/DISCUSSION

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

Clause 11 refers to Settlement and seeks to respond to the needs of existing and future communities through provision of land for housing that amongst other things is to contribute towards a high standard of urban design and amenity

Clause 15.01-1 & 2 refers to Urban Design and Urban Design Principles seeks to promote good urban design that responds to the site and its context and to achieve architectural and urban design outcomes that contribute positively to local urban character while minimising detrimental impact on neighbouring properties.

Clause 17.03-1 refers to Facilitating tourism and includes in its objectives and strategies:

- economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.
- Encourage the development of a range of well designed and sited tourist facilities, including integrated resorts, motel accommodation and smaller scale operations such as host farm, bed and breakfast and retail opportunities.
- Seek to ensure that tourism facilities have access to suitable transport and be compatible with and build upon the assets and qualities of surrounding urban or rural activities and cultural and natural attractions.
- Clause 21.01-7 refers to economic development and states:

- Tourism is becoming an increasing component of the local economy, resulting in a growth of accommodation facilities including guesthouses, bed & breakfast establishments, niche retailing and development focussed towards lifestyle and pure indulgence pursuits.

The subject site is located within urban boundary on the Glenlyon Structure Plan where urban development is to be contained within this boundary (Clause 21.03)

Zoning and Overlay Provisions

The purpose of the Township Zone (TZ) is to

- To provide for residential development and a range of commercial, industrial and other uses in small towns.
- To encourage development that respects the neighbourhood character of the area.
- To allow educational, recreational, religious, community and a limited range of other non residential uses to serve local community needs in appropriate locations.

The proposed use and development at this location is considered to achieve the above objectives as

- the development has been sited with sufficient set backs from boundaries to allow additional landscaping around the new buildings,
- The design, colour and use of materials of the new buildings would sit comfortably in this setting, blending into the landscape and being of a low scale.
- The spa/massage retreat use has been operating on this site for over 15 years without any ongoing amenity issues known to Council.
- The existing and proposed expansion of the use on this site operates and relies on the need for peace and quiet.
- The expansion to the existing use will be developed and managed in a manner that limits impacts to adjoining properties.

The development achieves the objectives of Clause 55, would achieve a 22% site coverage, providing sufficient set backs from boundaries to allow complementary landscaping within the site and providing adequate car parking.

The proposal will meet the objectives of the Environmental Significance Overlay – Schedule 1 by being able to achieve compliance with the Code of Practice. All stormwater will be controlled by being directed to the legal point of discharge. If

approved, conditions will be placed on the permit to control runoff during construction.

Particular Provisions

Clause 52.06 refers to car parking and Clause 52.06-1 requires that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land. The number of spaces required to be provided is specified in the table at Clause 52.06-5. Where a use of land is not specified in Table at Clause 52.06-5, car parking spaces must be provided to the satisfaction of the responsible authority. Car parking requirements as follows:

- Accommodation Guests = 8 people = 4 spaces
- Dwelling (caretakers) one bedroom = 1 space
- staff of up to five fulltime associated with the retreat = 5 spaces

The proposal has a parking requirement of 11 spaces, 11 spaces have been provided, Access to the site is via two existing access ways, one from Regans Lane the other from Collins Road.

Clause 63 - Existing Use

Under the provisions of Clause 63.05, a permit is required for any buildings and works for a use in Section 2 for which an existing use right is established. Council must ensure that the amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right. The expansion to the building to accommodate the existing use is considered appropriate at this address as:

- The buildings and works being sought at this location would be limited to the existing uses already established on this site and would not introduce new uses.
- The total numbers of guests/staff present on the site will be limited through permit conditions.
- Car parking would be provided on the land in accordance with the requirements of Clause 52.06 car parking.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

N/A

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

N/A

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The application has been advertised by sending notification of the proposal to adjoining and adjacent owners and occupiers and a notice on the land. As a result, thirty six objections have been received (including forty four letters of support) which can be summarised below. Each point is addressed by Council Officer in italics:

- The proposal does not reflect or respect the neighbourhood character and amenity of the area.

The proposed expansion including the free standing villas is considered to be design responsive to the site and utilise materials and finishes consistent in this area. The use of the proposed buildings for accommodation is in line with the underlining objectives of the Township Zone. Car parking can be provided on the land in accordance with the Planning Scheme requirements.

- The noise from this site.

The noise levels anticipated from this development would be consistent with noise levels within a residential area. The existing business and expansion of this use relies on a peaceful and quiet environment.

- Increased traffic

As above, the number of vehicular movements in and out of this site would be consistent with other dwellings in the area and Council's Engineers have not raised any concerns with the existing road network and additional traffic in this area as a result of the proposal and have included conditions to address the increase in traffic on these roads.

- How is the development going to manage stormwater?

Council's Engineering department would require a detail stormwater management plan and report so the development achieves pre development flows and is able to control stormwater flows from this site to achieve best practice in relation to stormwater.

- There is insufficient car parking provided on the land.

The proposal would achieve compliance with Clause 52.06 in relation to car parking requirements.

- The reference to 'change of use is incorrect, the applicants have a permit for a B&B, not a health spa retreat.

This is not correct, the site has been operating a health/spa retreat under the 'home occupation' provisions of the planning scheme for the past 15 years. A B&B is able to operate as of right in the relevant Township Zone.

- The site has a number of water fittings on a one and half acre township zone in a non mains water and not sewered village - 8 wcs/8 basins, 6 bathrooms, 6 showers

There is no restriction in the planning scheme relating to the number of water fittings as such. The relevant Water Authority, GMW are satisfied that the site and the development can achieve compliance with the Code Of Practice.

- Where is the buffer zone around the perimeter boundary of this property for the protection of our bore and the spring feeding the Glenlyon Reservoir?

GMW, being the Water Catchment Authority have not raised any issues of ground water protection and water catchment protection by this proposal and have included conditional consent to the proposal.

- The location of the tanks is only five metres from our boundary and the location of the trees on the mound will overshadow the solar panels on our shed.

The sheds are located 5m from the eastern boundary, abutting a neighbour's shed and tanks, also approximately 5m from the boundary. The tanks alongside this boundary are considered to have a minimal amenity impact to the adjoining property, given they would adjoin an existing shed and tanks. Additional landscaping/screening plant would be included alongside this boundary. Any planting on the mounds which are located in excess of 10m from the boundary would not overshadow the existing solar panels on the adjoining shed.

CONCLUSION

The proposed development supports the objectives and outcomes of infill development as stated in the State and Local policies of the Hepburn Planning Scheme. The subject site is located within the defined urban boundary on the Glenlyon Structure Plan where development is to be contained within the defined urban boundary. The proposed buildings and works are considered to be design responsive to the site and utilise materials and finishes consistent in this area. The use of the proposed building for accommodation is in line with the underlining objectives of the Township Zone. Car parking can be provided on the land in accordance with the Planning Scheme requirements.

OFFICER'S RECOMMENDATION

That Council having caused notice of planning application PA 1519 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act decides to issue a **Notice of Decision to Grant a Permit** under the provisions of Clauses 32.05-, 42.01-2 and Clause 63 of the Hepburn Planning Scheme in respect of the land known and described as 33 Collins Road, Glenlyon for a change of use of the land to include accommodation (four free standing villas) expansion of the existing spa and health retreat, use of the existing building for shared facilities for guests, relocation of the dwelling on the land and associated buildings and works to be undertaken in three stages with the application dated 17/10/2016 subject to the following conditions:

10.1.1. LAYOUT NOT ALTERED

The development and use as shown on the endorsed plans must not be altered with the further consent from the Responsible Authority

10.1.2. ENGINEERING

Stormwater Drainage

a) It is the responsibility of the developer/owner, to prepare a Stormwater Strategy Plan to identify and record the manner by which the quantity and quality of stormwater shall be managed for the catchment considering the total development. The stormwater strategy plan must demonstrate how to avoid adverse impact on neighbouring properties due to the development. 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.

b) Prior to commencement of use, all underground and surface drainage works for each stage that are considered necessary by the Responsible Authority shall be

constructed in accordance with professionally prepared plans and computations to be provided by the developer and approved by the Responsible Authority. The drainage works shall include the provision of an onsite stormwater detention system designed to ensure that the post development runoff does not exceed pre development runoff from the development. The drainage works shall be installed to transport stormwater runoff from the subject land and surrounding land or adjoining road(s) to an approved point of discharge.

c) No stormwater shall drain or discharge from the land to adjoining properties. The drainage system for each stage must be completed prior to use.

d) Stormwater shall be directed to the legal point of discharge to the satisfaction of the Responsible Authority. No stormwater shall drain or discharge from the land to adjoining properties.

e) All drainage easements deemed necessary by the Responsible Authority shall be provided by the Developer regardless of whether they are through the subject land or through other titles. The minimum width of drainage easements shall be 2.0m.

Access/Road Upgrade Works

f) Prior to commencement of use of Stage 1, vehicle access/crossings to the development are to be located, constructed and maintained to the satisfaction of the Responsible Authority and complying with following.

g) Vehicle access/crossings to the development are to be a culvert constructed using minimum 375mm reinforced concrete pipe laid to match existing invert levels. Installation shall be undertaken in accordance with Infrastructure Design Manual Standard Drawing SD 255.

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

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

j) 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.

k) Prior to commencement of use of Stage 2

- Vehicle access/crossing to the development is to be a culvert constructed using minimum 375mm reinforced concrete pipe laid to match existing invert levels.

Installation shall be undertaken in accordance with Infrastructure Design Manual Standard Drawing SD 255.

l) Prior to commencement of use of Stage 3

- Prior to start of construction of Stage 3 works, Regains Lane (including Dysart Street intersection), shall be upgraded to a sealed road from Dysart Street to the primary entrance of the development to cater for increased traffic to the satisfaction of the Responsible Authority.

m) All Roads and drains Designs and construction shall be based on sound engineering practice following the general principles of The Planning Scheme, the Austroads Guidelines, the Co-ordination of Streetworks Code of Practice, Relevant Australian standards, VicRoads Road Design Guidelines and Infrastructure Design Manual [IDM].

o) Primary Vehicle access/crossing shall be fully sealed to prevent dust to the satisfaction of the Responsible Authority.

p) All disused or redundant vehicle crossings must be removed and nature strip reinstated to the satisfaction of the Responsible Authority

Parking

Before construction works start associated with the provision of car parking, 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. The plans must be drawn to scale with dimensions.

Before the use or occupation of the each stage of the development starts, the area(s) set aside for parking of vehicles and access lanes for each stage as shown on the endorsed plans must be:

- a) surfaced with an all-weather surface and treated to the satisfaction of the
- b) Responsible Authority to prevent dust;
- c) drained in accordance with an approved drainage plan;
- d) provision for vehicles to pass on driveways
- e) constructed and completed to the satisfaction of the Responsible Authority.

Parking shall be constructed and completed prior to commencement of the use of

Stage 2.

All works must be constructed and complete prior to commencement of the use of each stage.

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

10.1.3. ENVIRONMENTAL HEALTH OFFICER

- a) An application to Alter a septic tank system must be submitted prior to any works commencing.
- b) An EPA approved Aerobic Wastewater Treatment System capable of achieving the 20/30 standard must be installed in accordance with the Code of Practice : Onsite Wastewater Management 2016.
- c) The new wastewater management system must be installed in accordance with the Land Capability Assessment by Paul Williams & Associates.
- d) The bore on the property must be decommissioned, in accordance with Goulburn Murray Water permit conditions.
- e) The existing lots are to be consolidated prior to the septic permit being issued.
- f) The premises must be registered with Council under the Public Health and Wellbeing Act 2008, for the accommodation of guests.

10.1.4. GOULBURN MURRAY WATER

1. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
2. Prior to the building permit being issued, the owner shall enter into an agreement with the Responsible Authority and Goulburn Murray Water under Section 173 of the Planning and Environment Act requiring that:
 - a) If a community effluent disposal system or reticulated sewerage system becomes available, all wastewater from the dwelling must be disposed of via this system and the on-site treatment and disposal system must be decommissioned.

- b) The 4 proposed villas must not contain any spa baths.
 - c) The wastewater treatment and disposal facility be installed, operated and maintained in accordance with the Land Capability Assessment prepared by Paul Williams & Associates report A150906 dated September 2016.
 - d) An annual October inspection of the wastewater treatment and disposal facility be undertaken at the cost of the landholder by a competently trained person or servicing agent, and a report of the inspection must be forwarded to the Responsible Authority.
 - e) All repairs and maintenance undertaken to the wastewater treatment and disposal facility must be documented and reported to the Responsible Authority.
 - f) The owner shall meet the cost of the registration of the agreement on the title of the land and the costs of the annual inspection and reports.
 - g) This agreement is cancelled if (a) above is satisfied.
3. The owner must provide evidence of registration of the Agreement to Goulburn-Murray Water within three months of this occurring.
 4. All water fixtures and fittings must be full water reduction WELS (or the equivalent) rated fixtures or fittings.
 5. Stormwater run-off from buildings and other impervious surfaces must be directed to storage tanks or dissipated as normal un-concentrated overland flow prior to being discharged to a legal point as nominated by the Responsible Authority. Any stormwater discharge must be undertaken in a manner that does not cause erosion or the discharge of sediment.
 6. The wastewater disposal area must be appropriately sized and located in accordance with the Land Capability Assessment Report no. A150906 revision 3 prepared by Paul Williams & Associates, dated September 2016.
 7. The wastewater disposal areas must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away.
 8. Consolidation of lots: CA9, Sec40, CA8, Sec 40 and CA7, Sec 40 Parish of Glenlyon must be consolidated prior to the commencement of works.
 9. All laundry from the facility must be washed offsite and the plans altered to reflect the laundry area is a linen storage area.
 10. The existing onsite bore must be decommissioned
 - a) Any bore or hole that is to be permanently decommissioned shall be sealed and filled in such a manner to prevent vertical movement of water in the bore, including water in the annular space surrounding the casing.

The water should be permanently confined to the specific zone in which it originally occurred.

b) The sealing material shall consist of one or more of the following:

- grout
- bentonite grout
- bentonite pellets/chips
- concrete.

11 No further bores can be constructed on site.

10.1.5. CONTROL OF LIGHT SPILL

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

10.1.6. COMPLETION OF LANDSCAPING

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

10.1.7. LANDSCAPING MAINTENANCE

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

10.1.8. CONSTRUCTION MANAGEMENT PLAN

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

- (a) Control of off-site dust emissions during construction works;
- (b) Hours and days of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints.
- (c) Hard waste management;
- (d) The location of hoardings, hoists and workers amenities.

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

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

10.1.9. GENERAL AMENITY PROVISION

The use must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) transport of materials, goods or commodities to or from the land
- b) appearance of any building, works or materials
- c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
- d) presence of vermin
- e) others as appropriate.

10.1.10. LOUDSPEAKERS

No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

10.1.11. REGULATION OF DELIVERY TIMES

Deliveries to and from the site must only take place between:

7.00 a.m. and 6.00 p.m. Monday to Friday

8.00 a.m. and 2.00 p.m. Saturday

10.1.12. LIMIT ON NUMBER OF PERSONS

Not more than eight guests, two live in persons, up to four non guests and up to five staff members may be present on the premises at any one time without the written consent of the responsible authority.

10.1.13. SHARED FACILITIES

The use of the existing building for shared facilities as proposed by this permit must be restricted to guests being accommodated on the land without the written further consent of the Responsible Authority.

10.1.14. RESTRICTED USE

The uses, (other than accommodation) undertaken on the land are restricted to the existing uses including meditation, spa, massage and yoga without the further written consent of the Responsible Authority.

10.1.15. GARBAGE STORAGE

Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the responsible authority.

10.1.16. NUMBER OF CAR SPACES REQUIRED

No fewer than eleven (11) car space(s) must be provided on the land for the use and development, including one (1) space clearly marked for use by disabled persons.

Note:

This permit will expire if the permitted development is not started

- Stage One within two years of the date of this permit,
- Stage Two within three years of the date of this permit.
- Stage Three within four years of the date of this permit

or is not completed within four years of the dates above, or the permitted use is not started within two years of the completion of the development, or is discontinued for a period of two years.

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

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

Mr Justin Fiddes, Manager Planning, advised of two amendments to the Officer's Recommendation, including the Planning Application number correctly being 1519 (which has been amended above) and the conversion of the Notes above into an additional condition number 10.1.17.

The following people addressed Council in support of the application:

- Mr Scott Taylor, as applicant
- Mr Paul Williams, as hydro-geologist who prepared the Land Capability Assessment for the applicant

The following people addressed Council objecting to the application:

- Mr Peter Sago
- Mr Dave Johnson
- Ms Margaret Lockwood
- Mr Simon Hill
- Ms Sarah Micklewright
- Mr Tony Briscoombe
- Ms Kaye Powell
- Ms Elizabeth Swan

MOTION

That Council having caused notice of planning application PA 1519 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act decides to issue a **Notice of Decision to Grant a Permit** under the provisions of Clauses 32.05-, 42.01-2 and Clause 63 of the Hepburn Planning Scheme in respect of the land known and described as 33 Collins Road, Glenlyon for a change of use of the land to include accommodation (four free standing villas) expansion of the existing spa and health retreat, use of the existing building for shared facilities for guests, relocation of the dwelling on the land and associated buildings and works to be undertaken in three stages with the application dated 17/10/2016 subject to the following conditions:

10.1.1. LAYOUT NOT ALTERED

The development and use as shown on the endorsed plans must not be altered with the further consent from the Responsible Authority

10.1.2. ENGINEERING

Stormwater Drainage

- a) It is the responsibility of the developer/owner, to prepare a Stormwater Strategy Plan to identify and record the manner by which the quantity and quality of stormwater shall be managed for the catchment considering the total development. The stormwater strategy plan must demonstrate how to avoid adverse impact on neighbouring properties due to the development. 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.
- b) Prior to commencement of use, all underground and surface drainage works for each stage that are considered necessary by the Responsible Authority shall be constructed in accordance with professionally prepared plans and computations to be provided by the developer and approved by the Responsible Authority. The drainage works shall include the provision of an onsite stormwater detention system designed to ensure that the post development runoff does not exceed pre-development runoff from the development. The drainage works shall be installed to transport stormwater runoff from the subject land and surrounding land or adjoining road(s) to an approved point of discharge.
- c) No stormwater shall drain or discharge from the land to adjoining properties. The drainage system for each stage must be completed prior to use.
- d) Stormwater shall be directed to the legal point of discharge to the

satisfaction of the Responsible Authority. No stormwater shall drain or discharge from the land to adjoining properties.

e) All drainage easements deemed necessary by the Responsible Authority shall be provided by the Developer regardless of whether they are through the subject land or through other titles. The minimum width of drainage easements shall be 2.0m.

Access/Road Upgrade Works

f) Prior to commencement of use of Stage 1, vehicle access/crossings to the development are to be located, constructed and maintained to the satisfaction of the Responsible Authority and complying with following.

g) Vehicle access/crossings to the development are to be a culvert constructed using minimum 375mm reinforced concrete pipe laid to match existing invert levels. Installation shall be undertaken in accordance with Infrastructure Design Manual Standard Drawing SD 255.

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j) 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.

k) Prior to commencement of use of Stage 2

- Vehicle access/crossing to the development is to be a culvert constructed using minimum 375mm reinforced concrete pipe laid to match existing invert levels. Installation shall be undertaken in accordance with Infrastructure Design Manual Standard Drawing SD 255.

l) Primary Vehicle access/crossing shall be fully sealed to prevent dust to the satisfaction of the Responsible Authority.

m) All disused or redundant vehicle crossings must be removed and nature strip reinstated to the satisfaction of the Responsible Authority

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Before construction works start associated with the provision of car parking, 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. The plans must be drawn to scale with dimensions.

Before the use or occupation of each stage of the development starts, the area(s) set aside for parking of vehicles and access lanes for each stage as shown on the endorsed plans must be:

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- b) Responsible Authority to prevent dust;
- c) drained in accordance with an approved drainage plan;
- d) provision for vehicles to pass on driveways
- e) constructed and completed to the satisfaction of the Responsible Authority.

Parking shall be constructed and completed prior to commencement of the use of Stage 2.

All works must be constructed and complete prior to commencement of the use of each stage.

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

10.1.3. ENVIRONMENTAL HEALTH OFFICER

- a) An application to Alter a septic tank system must be submitted prior to any works commencing.
- b) An EPA approved Aerobic Wastewater Treatment System capable of achieving the 20/30 standard must be installed in accordance with the Code of Practice : Onsite Wastewater Management 2016.
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 - b) The 4 proposed villas must not contain any spa baths.
 - c) The wastewater treatment and disposal facility be installed, operated and maintained in accordance with the Land Capability Assessment prepared by Paul Williams & Associates report A150906 dated September 2016.
 - d) An annual October inspection of the wastewater treatment and disposal facility be undertaken at the cost of the landholder by a competently trained person or servicing agent, and a report of the inspection must be forwarded to the Responsible Authority.
 - e) All repairs and maintenance undertaken to the wastewater treatment and disposal facility must be documented and reported to the Responsible Authority.
 - f) The owner shall meet the cost of the registration of the agreement on the title of the land and the costs of the annual inspection and reports.
 - g) This agreement is cancelled if (a) above is satisfied.
3. The owner must provide evidence of registration of the Agreement to Goulburn-Murray Water within three months of this occurring.
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6. The wastewater disposal area must be appropriately sized and located in accordance with the Land Capability Assessment Report no. A150906 revision 3 prepared by Paul Williams & Associates, dated September 2016.
7. The wastewater disposal areas must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away.
8. Consolidation of lots: CA9, Sec40, CA8, Sec 40 and CA7, Sec 40 Parish of Glenlyon must be consolidated prior to the commencement of works.
9. All laundry from the facility must be washed offsite and the plans altered to reflect the laundry area is a linen storage area.
10. The existing onsite bore must be decommissioned

- a) Any bore or hole that is to be permanently decommissioned shall be sealed and filled in such a manner to prevent vertical movement of water in the bore, including water in the annular space surrounding the casing.
- b) The water should be permanently confined to the specific zone in which it originally occurred.
- c) The sealing material shall consist of one or more of the following:
 - grout
 - bentonite grout
 - bentonite pellets/chips
 - concrete.

11. No further bores can be constructed on site.

10.1.5. CONTROL OF LIGHT SPILL

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

10.1.6. COMPLETION OF LANDSCAPING

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

10.1.7. LANDSCAPING MAINTENANCE

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

10.1.8. CONSTRUCTION MANAGEMENT PLAN

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

- (a) Control of off-site dust emissions during construction works;
- (b) Hours and days of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints.
- (c) Hard waste management;
- (d) The location of hoardings, hoists and workers amenities.

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

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

10.1.9. GENERAL AMENITY PROVISION

The use must be managed so that the amenity of the area is not detrimentally affected, through the:

- (a) transport of materials, goods or commodities to or from the land
- (b) appearance of any building, works or materials
- (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
- (d) presence of vermin
- (e) others as appropriate.

10.1.10. LOUDSPEAKERS

No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

10.1.11. REGULATION OF DELIVERY TIMES

Deliveries to and from the site must only take place between:

- 7.00 a.m. and 6.00 p.m. Monday to Friday
- 8.00 a.m. and 2.00 p.m. Saturday

10.1.12. LIMIT ON NUMBER OF PERSONS

Not more than eight guests, two live in persons, up to four non-guests and up to five staff members may be present on the premises at any one time without the written consent of the responsible authority.

10.1.13. SHARED FACILITIES

The use of the existing building for shared facilities as proposed by this permit must be restricted to guests being accommodated on the land without the written further consent of the Responsible Authority.

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The uses, (other than accommodation) undertaken on the land are restricted to the existing uses including meditation, spa, massage and yoga without the

further written consent of the Responsible Authority.

10.1.15. GARBAGE STORAGE

Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the responsible authority.

10.1.16. NUMBER OF CAR SPACES REQUIRED

No fewer than eleven (11) car space(s) must be provided on the land for the use and development, including one (1) space clearly marked for use by disabled persons.

10.1.17. EXPIRY OF PERMIT

This permit will expire if the permitted development is not started:

- Stage One within two years of the date of this permit,
- Stage Two within three years of the date of this permit,
- Stage Three within four years of the date of this permit,
- or is not completed within four years of the dates above, or the permitted use is not started within two years of the completion of the development, or is discontinued for a period of two years.

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

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

Moved: Cr Don Henderson

Seconded: Cr John Cottrell

Carried

11. OFFICERS' REPORTS

11.1. PROPOSAL TO CONSTRUCT A NEW COMMUNITY THEATRE IN THE HEPBURN HUB AT THE REX AND TO ENTER INTO A LICENCE WITH THE DAYLESFORD COMMUNITY THEATRE

CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the Chief Executive Officer, I Aaron van Egmond have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider the construction and non-exclusive licencing of a space within The Rex (Hepburn Hub) to facilitate the continued operation of the Daylesford Community Theatre.

BACKGROUND

At the July 2016 Council meeting, consideration was given to the potential acquisition of the Rex Arcade in Daylesford for utilisation as part of the Hepburn Hub project to house Council staff, an expanded Daylesford Library and the potential of retail tenancies.

Council determined to purchase an option to acquire the building. It was clearly outlined to Council and the community that the Daylesford Community Theatre would be displaced and required to move due to the proposed layout of the building as part of the Hepburn Hub. This was also one of the key concerns raised by the community during the consultation process.

It should also be noted at this point in 2016, that the previous owner of the building was imminently going to provide the Daylesford Community Theatre with a Notice to Vacate. This was largely driven by a planning application that was seeking to develop a 52 unit development on the car park of the Rex and result in a redevelopment of the entire site. At Council officers request, this notice was not provided to the Cinema by the previous owner and the planning application was suspended to enable a considered discussion with Council and the Community about the proposed acquisition of The Rex.

At the ordinary meeting of Council on 16 August 2016, Council resolved to exercise the option for purchase of The Rex and commit to delivering the Hepburn Hub across the Rex and Town Hall sites. It was again reinforced at that time that the displacement of the Cinema would result. Council did however reinforce its commitment to work with the Daylesford Community Theatre Committee to explore a range of options to find a permanent home for the Cinema. Various sites were explored at that time. The Theatre Committee had indicated that two sites were

most suited for them, being the Rex in a different location and the current Daylesford Library.

During the design process, Council Officers have explored a range of options. One option being the construction of an additional level within the Rex mezzanine. Architectural concepts, and structural and acoustic engineering were explored to determine the appropriateness of this additional space to be used as a Cinema. Following this design process, quotes and estimates were received on the likely construction costs of this additional space. Unfortunately, due to the complexity of the construction, the detailed cost estimate significantly exceeded the initial estimates. Reasons for the increase in cost include the limited availability to have crane access, the need for sprinklers to be installed due to the addition of a third level and the need to significantly modify or replace the lift.

Separately and in addition, due to the mediated settlement agreement between the Daylesford Community Cinema and the previous landlord, each party is required to provide three months' notice in terminating the agreement. Council Officers raised this requirement with the Daylesford Community Theatre Committee following acquisition. However, a decision was made not to provide this notice to vacate immediately to allow potential options to be explored.

Many options were considered relating to potentially working around the Cinema during the construction process. From a safety, cost and amenity perspective, this was determined to be the non-preferred option. As a result, notice was given to the Daylesford Community Cinema in mid-January 2017 to vacate the site within three months. This timeframe, through agreement, has been slightly extended to allow the Cinema to conduct its school holiday program before vacating.

At the 21 February 2017 Ordinary Council meeting, a report was considered relating to the Construction of an additional level within the building to accommodate the Cinema. This option was not considered a viable solution and Council resolved:

That Council:

- 11.2.1 *Notes the officer's report.*
- 11.2.2 *Determines the construction of a third level within the Rex to not be financially viable.*
- 11.2.3 *Encourages further exploration with the Daylesford Community Cinema Committee in pursuit of finding a suitable permanent home.*

ISSUE/DISCUSSION

Since Council's decision at the 21 February 2017 Council Meeting, a range of options have been explored by Officers and the Daylesford Community Theatre Committee together and independently.

There are several core objectives for the Rex/Hepburn Hub project. The decision to purchase the Rex was based on a number of key aspirations:

1. To Consolidate Hepburn Shire Council's office accommodation into a single site in order to improve productivity and to reduce operating costs.
2. To increase the size of the Library to meet needs now and into the future.
3. To generate revenue from retail/commercial spaces to reduce the impact on the community of rate capping.
4. To provide improved community spaces.

The original indicative layout of the Rex building was based on the following:

1. Office space to be constructed under the Carpark area of the Rex – beyond the proscenium arch.
2. Library space to be constructed in the upstairs area of the Rex.
3. Retail Space to be retained from Vincent St to the proscenium arch.

In recent weeks, a variation to this arrangement has been explored. The concept that has been explored incorporates the same aspirations as originally set out however seeks to reconfigure the space.

The proposal being tabled before Council in this report is based on the following:

1. Office space to be constructed under the Carpark area of the Rex – beyond the proscenium arch.
2. Library space to be constructed at the Ground floor of the building and interconnecting with the Council offices.
3. Retail Space to be retained directly facing Vincent St including a Social Enterprise Training Café interconnecting with the Library.
4. Commercial Space including the Daylesford Community Theatre and additional spaces in the upstairs section of the Rex Building.

This option had been considered previously however not explored in detail. Given the recent analysis of this option, it has been determined that the overall financial return for the property will be improved. This is in addition to the strengthening of the Community Hub concept by the inclusion of two community enterprises in the Cinema and the Social Enterprise Training Café.

This concept of establishing a library on the ground floor of the Rex has been discussed with key Council Library Staff. These staff have confirmed that this will be a further improved outcome for the Library operations, which is a key driver for the overall project. Feedback was also received from members of the community at the time of acquiring the Rex, and reinforced in recent Council Plan consultations that the location of the Library on the Ground floor of the building is desirable.

It should be noted that the location of the Library will achieve the required outcomes of the project in all respects, including collection size, access to technology, children's and youth spaces and quiet spaces. There are several additional benefits regarding the location on the ground floor, these being the connection to the training café, the connection to Council offices and Vincent Street, and the access to outdoor courtyard space. The connection between the library and the proposed Theatre on the first floor is also considered a significant benefit of the proposal, with the library being able to program into the space.

In considering this concept, there are a number of assumptions that have been made in consultation with the Daylesford Community Theatre to meet the objectives of the project while simultaneously achieving a permanent home for this much-supported not-for-profit Community Organisation.

These assumptions include:

1. A Licence fee of \$36,000 (including GST) per annum (adjusted by CPI annually)
2. A 10 year Licence agreement with a 10 year option.
3. That the space be considered as a shared use space available for community use and commercialisation outside of agreed Cinema usage times.
4. The estimated seating capacity to be delivered in the proposed Cinema space is between 70 and 80 seats. The final number included will be subject to detailed design.

Consideration has been given to the financial viability of the Daylesford Community Theatre and its ability to maintain a rental of \$36,000 per annum. A review of the financial information provided by the Committee to Council demonstrates a continued improvement in its financial position. It is a reasonable assumption based on its current operating model that this position will continue to be maintained and potentially improved.

Consideration has also been given to the proposed activity schedule of the Daylesford Community Theatre Committee that sets out a continued, progressive expansion into the services it provides to its members and the community as a whole. These initiatives are expected to strengthen the utilisation of this enterprise, both improving its viability and its positive impact on different parts of our community.

The Committee has demonstrated its ability to meet its rental commitments over the past 3 years of operation. This is a credit to the organisation and its operating model.

The Daylesford Community Theatre has a pipeline of initiatives that it continues to implement. Many of these initiatives, current and future, have strong linkages to the actions set out in Council strategies such as the Hepburn Youth Engagement Strategy. Four of the five top ideas from the Youth Engagement Strategy can be supported and /or implemented by the Cinema Committee or in a Shared use space such as the space proposed. These include

1. Movie night

2. Theatre group
3. Music performance
4. Interactive Video Gaming

There has been a strong level of Community support for the continued operation of the Daylesford Community Theatre within the Rex. This proposal will achieve a solution to the benefit of Council and the Community as a whole.

This support is further reinforced through the financial commitment offered by the Daylesford District Community Bank of not less than \$30,000 over a five year period. In recognition of the social value of the Cinema and the support for the shared use of a space, as proposed. Other Community organisations such as Daylesford Rotary Club have also indicated strong support for this initiative, financially over a five year period. Final confirmation of Rotary's commitment has not yet been obtained due to the timing of meetings and further details on the proposal, however is a positive indication of broad community support.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2013:2017:

Strategic Objective – High Performing Organisation

Key Strategic Activity:

27. Review Council's future office accommodation needs with a view to improving service delivery, environmental efficiency and universal access while progressing the rationalisation of redundant Council assets.

Action: Implement the Hepburn Council Services and Community Hub Business Case and Design Project

FINANCIAL IMPLICATIONS

It is estimated that the construction of this space to enable the utilisation as a theatre/cinema will cost \$105,000.

The initial revenue assumptions of this project were to achieve an income of \$160,000 per annum from the retail/commercial spaces. Under the revised layout it is anticipated that revenue of \$170,000 to \$180,000 is expected. These estimates are based on existing leases, market appraisals and discussions with potential tenants including the Daylesford Community Theatre.

Benchmarking assessments have been conducted that support the assumptions of income in this reconfigured layout. This has also been reinforced by a Real Estate appraisal on key spaces in particular the approximate 135 square metres of upstairs level commercial space facing Vincent St (separate to the Cinema space).

Discussions have been undertaken with both Commercial and Not for Profit businesses in relation to leasing spaces. This has further reinforced the revenue

assumptions for the project are reasonable and achievable. For the purposes of this report, this feedback remains as anecdotal until an offering can be presented to the market.

RISK IMPLICATIONS

If a suitable home for the Daylesford Community Cinema is not located, there is a risk of continued negative publicity and community dissent against the project, that up until now had been well supported by the community.

In addition, there is a risk that a new home is not found for the Daylesford Cinema and it may not be able to continue operating, and its planned programs to improve social cohesion will not be delivered. This solution will help manage this risk.

There is a risk associated with the construction of the space however this has been minimised by a detailed construction assessment by Council's Major Project unit. The additional cinema space, as per the rest of the works in The Rex, will be designed to meet the current building codes.

A financial risk also exists relating to the financial stability of any tenant and this is no difference in relation to the Daylesford Community Theatre. In saying this, a demonstrated ability to meet financial commitments and an operating model that demonstrates and improving level of financial viability is a significant factor in mitigating this risk.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The Daylesford Community Cinema is a key piece of community infrastructure, encouraging the arts and a strong sense of social cohesion within the community.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Extensive consultation was conducted in the lead up to the acquisition of the Rex.

Detailed engagement has continued with the Daylesford Community Cinema Committee in trying to find a solution and ultimately a permanent home.

CONCLUSION

The proposal before Council balances the needs of Council's operation with the needs of the Community. It is anticipated that the proposal will improve the vitality of the space as a true community and council services hub while simultaneously supporting the ongoing operations of the Daylesford Community Theatre by establishing a permanent home. This is achieved while improving on the revenue from the site offering benefits to the whole of the municipality.

The functionality of the Library is also significantly enhanced under the proposal.

OFFICER'S RECOMMENDATION

That Council:

11.1.1. Supports the construction of a space in the upstairs area of The Rex to facilitate the continued operation of the Daylesford Cinema in a new Community Theatre that is also available for Council and other community uses.

11.1.2. Authorises the Chief Executive Officer to enter into a non-exclusive licence agreement with Daylesford Community Theatre Incorporated to use the new space and associated areas for its regular program of movie screenings and other related activities on the following basis:

- 10 year term with the option of an additional 10 year term to be exercised upon request of the Daylesford Community Theatre
- Commencing annual licence fee of \$36,000 (including GST) with annual increases to be based on a relevant Consumer Price Index (CPI).
- Non-exclusive use, enabling Council and community use around the schedule of the Daylesford Cinema.

11.1.3. Agrees to commence construction of the Community Theatre as part of the existing Hepburn Community & Council Services Hub project that is included in the 2016/17 Revised Budget.

11.1.4. Allocates an additional \$105,000 to the Hepburn Community & Council Services Hub project in the 2017/18 Budget to cover the additional cost of construction.

MOTION

That Council:

- 11.1.1. Supports in principle the construction of a space in the upstairs area of The Rex to facilitate the continued operation of the Daylesford Cinema in a new Community Theatre that is also available for Council and other community uses.*
- 11.1.2. Subject to the Chief Executive Officer preparing a non-exclusive licence agreement with Daylesford Community Theatre Incorporated, and bringing it to Council for decision, to use the new space and associated areas for its regular program of movie screenings and other related activities on the following basis:*
- 10 year term with the option of an additional 10 year term to be exercised upon request of the Daylesford Community Theatre*
 - Commencing annual licence fee of \$36,000 (including GST) with annual increases to be based on a relevant Consumer Price Index (CPI).*
 - Non-exclusive use, enabling Council and community use around the schedule of the Daylesford Cinema.*
- 11.1.3. Agrees to commence construction of the Community Theatre as part of the existing Hepburn Community & Council Services Hub project that is included in the 2016/17 Revised Budget.*
- 11.1.4. Allocates an additional \$105,000 to the Hepburn Community & Council Services Hub project in the 2017/18 Budget to cover the additional cost of construction.*

Moved: Cr Kate Redwood AM

Seconded: Cr Fiona Robson

Carried

11.2. ADOPTION OF THE WOMBAT HILL BOTANIC GARDENS MASTER PLAN GENERAL MANAGER INFRASTRUCTURE

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

PURPOSE

The purpose of this report is for Council to consider the final draft and recommendations of the Wombat Hill Botanic Gardens Master Plan – February 2017 for adoption.

BACKGROUND

Hepburn Shire Council in partnership with the Friends of Wombat Hill Botanic Gardens identified a need to prepare a Master Plan that guides the day to day activities for this valuable asset and identifies development and improvement opportunities for the Gardens. The development of a Master Plan also responds to the recommendation made in the 2007 Conservation Management Plan and Council engaged Laidlaw & Laidlaw Design to develop the Master Plan

ISSUE/DISCUSSION

The focus of the project was to develop a Master Plan that guided the day to day activities occurring in the Gardens, to compliment the Conservation Management Plan and assist with its interpretation at an operational level.

The Wombat Hill Botanic Gardens is an iconic 19th century Botanic Gardens and one of many developed across the state of Victoria. The recommendations made in the Master Plan look to take this historic framework and use this to create a dynamic and engaging tourist attraction that is responsive to both the history and stories of the place and meets 21st century expectations of a Botanic Garden.

Some of the more significant initiatives include:

- Improving Internal Pedestrian Access for circulation and connections
- Closure of Scenic Drive and addressing car parking
- Garden Bed Improvements
- Upgrading each of the five (5) Entrances to the gardens.
- Development of a Garden of Night & Day
- Enhancing the Fernery & Cascade area
- Create a Garden of Adventure using a log trail and swings

From an operational perspective the master plan also makes a number of recommendations around increasing maintenance standards with additional

resourcing, landscape succession planning, planting design guidelines, irrigation & water management, event management and the use of art in the gardens.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2013:2017:

Strategic Objective – Quality Community Infrastructure

Key Strategic Activity:

7. Improve the liveability and amenity of our Communities by delivering improved levels of service across all of Hepburn Shire Streetscapes, Parks and Gardens through the introduction of planned work schedules for areas such as town entrances, park furniture, sporting ovals and public reserves.

FINANCIAL IMPLICATIONS

There are no direct financial implications with adopting the Master Plan however there are works and initiatives identified within the master plan that will require significant investment to implement.

Indicative cost estimates for the recommended initiatives have been completed and consideration of Council investment will be referred for future budget deliberations.

It is also noted that the adoption of the Master Plan will guide Councils routine operations resulting in accomplishing a number of recommendations without designated specific funding allocations.

The adoption of the Master Plan will also strengthen Councils position to partner with other stakeholders such as the Friends of Wombat Hill Botanic Gardens and other stakeholders to secure grant funding when the opportunities arise.

RISK IMPLICATIONS

The Master Plan provides minimal risk for Council as all actions are identified and clearly supported by key stakeholders and the community. In addition, specific larger projects will be individually managed which will include funding arrangements, detailed design and procurement arrangements including risk and safety assessments.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The provision of active green spaces and a Botanic Garden that is inviting for visitors is important for the long term management of the gardens. The Gardens are greatly valued by our community and visitors alike and Councils needs to ensure that we recognise and value the historic significance of the site with the needs and expectations of a current Botanic Garden.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

A Project Reference Group was established to guide and manage the project consisting of Council Officers, representatives from the Friends of the Wombat Hill Botanic Gardens, Councils Heritage Advisor, Ward Councillors and an invitation extended to Heritage Victoria.

Community consultations sessions were held in the Botanic Gardens which were well attended. Wide community feedback was also invited and direct contact with various stakeholders was undertaken during the development of the Master Plan.

CONCLUSION

Following a thorough consultation and stakeholder engagement process and working with a project reference group, a draft Wombat Hill Botanic Gardens Master Plan has been developed that provides guidance for day to day operations, identifies improvement and development opportunities and compliments the Conservation Management Plan for the gardens.

There is strong support for the final draft of the Master Plan and it is presented to Council for formal adoption.

OFFICER'S RECOMMENDATION

That Council:

- 11.2.1. Adopts the Wombat Hill Botanic Gardens Master Plan – February 2017.
- 11.2.2. Places the Master Plan on Council's website for public access and advises all stakeholders and community members that submitted feedback of the outcome.
- 11.2.3. Writes to the members of the Project Reference Group and thanks them for their support and contribution.

MOTION

That Council:

- 11.2.1. Adopts the Wombat Hill Botanic Gardens Master Plan – February 2017.*
- 11.2.2. Places the Master Plan on Council's website for public access and advises all stakeholders and community members that submitted feedback of the outcome.*
- 11.2.3. Writes to the members of the Project Reference Group and thanks them for their support and contribution.*

Moved: Cr Kate Redwood AM

Seconded: Cr Fiona Robson

Carried

ATTACHMENT 1 - WOMBAT HILL MASTER PLAN REPORT
(ISSUED UNDER SEPARATE COVER)

ATTACHMENT 2 - WOMBAT HILL MASTER PLAN DRAWING

ATTACHMENT 3 - WOMBAT HILL MASTER PLAN DRAWING CENTRAL AREA

11.3. APPOINTMENT OF NEW MEMBERS AND ADOPTION OF UPDATED TERMS OF REFERENCE - PUBLIC ART PANEL.

GENERAL MANAGER COMMUNITY SERVICES

In providing this advice to Council as the Community and Cultural Development Officer, I Nate Perry have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to appoint new members and adopt the updated Terms of Reference for the Public Art Panel.

BACKGROUND

In December 2013, Council adopted the Public Art Policy to develop public art within Hepburn Shire. In May 2014, Council then resolved to establish the Public Art Panel to provide independent advice regarding public art projects and adopted the Public Art Panel Terms of Reference. The Terms of Reference specify ten members, in addition to a Councillor, comprise the Panel. The Terms of Reference are attached (Attachment 4).

Following the resignation of three members to the Panel in late 2016, Council officers advertised for community members to join the Public Art Panel. Officers promoted the opportunity on the Council website, in the Advocate and through media releases, ArtsHub.com, artsatlas.com, and community newsletters.

ISSUE/DISCUSSION

Ten nominations were received for the three vacant Panel positions. All nominations were reviewed against the selection criteria by General Manager of Community Services, Community and Cultural Development Officer and the current Chair for the Public Art Panel, Sue Walker. The following selection criteria were included in the nomination form:

- Experience and skills in community arts, public art, art curatorship, architecture or design.
- Experience in working in community groups, selection panels or advisory groups.

The quality of nominations for the Panel was high and from a broader geographic area than previously. Wide ranging, specialised, artistic expertise was also represented amongst the nominations.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2013:2017:

Strategic Objective – Active and Engaged Communities

Key Strategic Activity:

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

Action: Develop and implement Council's Public Art Policy.

FINANCIAL IMPLICATIONS

The Public Art Panel is supported and resourced by existing Council Officers.

RISK IMPLICATIONS

Nominees completed nomination forms to identify their prior experience and qualifications.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Council's Public Art Policy recognises that public art will further increase liveability for present and future residents, and enhance Hepburn Shire as an attractive visitor destination.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Officers promoted the opportunity on the Council website, in the Advocate and community newsletters, through media releases and local and regional arts websites or forums.

Nominations were review by the Community and Cultural Development Officer, General Manager Community Services and the elected Chair of the Public Art Panel.

CONCLUSION

The recommended members for the Public Art Panel increase the geographic representation across the Shire, enhance the diversity of art expertise and specialisation and maintain professional advisory panel experience amongst Panel members.

OFFICER'S RECOMMENDATION

That Council:

- 11.3.1. Adopts the updated Public Art Panel Terms of Reference for March 2017.

11.3.2. Appoints the following members to the Public Art Panel:

- Craig Barrett
- Jason Waterhouse
- Rebecca Russell

MOTION

That Council:

11.3.1. Adopts the updated Public Art Panel Terms of Reference for March 2017.

11.3.2. Appoints the following members to the Public Art Panel:

- *Craig Barrett*
- *Jason Waterhouse*
- *Rebecca Russell*

Moved: Cr Kate Redwood AM

Seconded: Cr Fiona Robson

Carried

ATTACHMENT 4 - PUBLIC ART PANEL TERMS OF REFERENCE

11.4. EXTENSION OF APPOINTMENT OF AUDIT AND RISK ADVISORY COMMITTEE MEMBERS

GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Governance and Information Coordinator, I Alex Dalgleish have no interests to disclose in this report.

PURPOSE

The purpose of this report is to recommend that Council extend the appointments of two of the Audit and Risk Advisory Committee for a term of 3 months

BACKGROUND

In April of 2015 Council appointed 4 independent members to the Audit and Risk Advisory Committee, two of these members were appointed for a period of two years and two members were appointed for a term of four years. This was to allow for continuity within the committee whilst nominations were open.

ISSUE/DISCUSSION

The terms of appointments for two members of the committee, Mr Robert Tommasini and Ms Rachelle Tippett expire 22 April 2017. To allow sufficient time to advertise, interview and assess all applicants thoroughly it is proposed that the term of appointment for these two members be extended to 22 July 2017. This extension ensures Ms Tippett and Mr Tommasini are available for the meeting of the Audit and Risk Advisory Committee meeting in May 2017, and will also allow for Council Officers to conduct a thorough advertisement, interview and assessment process, as current time constraints make this difficult to achieve by the Council Meeting 18 April 2017.

If insufficient time is given to the process of advertisement, interview and assessment of potential Audit and Risk Committee members it may result in members that do not meet the standards and expectations that Council has for the independent members of the Audit and Risk Advisory Committee

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Local Government Act 1989 – S139 – Audit Committee

Hepburn Shire Council's Audit and Risk Advisory Committee Charter

FINANCIAL IMPLICATIONS

The 2016/2017 and 2017/18 budgets include provisions for the meeting fees for four members of the committee.

RISK IMPLICATIONS

In the interests of good governance, it is important that sufficient time is given to find the best candidates for the Audit and Risk Advisory Committee

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Audit and Risk Committee were consulted

CONCLUSION

It is recommended to extend the term of two members of the Audit and Risk Advisory committee, Mr Robert Tommasini and Ms Rachelle to 22 July 2017 to enable sufficient time to advertise and appoint/reappoint members for a new term.

OFFICER'S RECOMMENDATION

That Council:

- 11.4.1. Extend the term of Mr Robert Tommasini to 22 July 2017
- 11.4.2. Extend the term of Ms Rachelle Tippett to 22 July 2017
- 11.4.3. Write to the above to inform them of the extension of their terms

MOTION

That Council:

- 11.4.1. Extend the term of Mr Robert Tommasini to 22 July 2017*
- 11.4.2. Extend the term of Ms Rachelle Tippett to 22 July 2017*
- 11.4.3. Write to the above to inform them of the extension of their terms*

Moved: Cr John Cottrell

Seconded: Cr Greg May

Carried

11.5. REQUEST FOR APPROVAL TO OPERATE HIGHER MASS LIMIT VEHICLES ON LOCAL COUNCIL ROADS

GENERAL MANAGER INFRASTRUCTURE

In providing this advice to Council as the Property & Assets Coordinator, I Mahmud Kaiser have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider new and renewal requests to use Higher Mass Limit (HML) vehicles on local roads.

BACKGROUND

The following requests for new and renewal of existing permits have been received from the National Heavy Vehicle Regulator (NHVR).

Ref	Permit Type	Organisation	Vehicles	Roads	Load Type	Time Frame as per Application	No of Trips (ap
a) 98289	Renew	Shannon Trial Pty Ltd	PBS - 3-axle truck and 5-axle dog trailer	East Street, Daylesford (No. 6)	Quarry Materials	27/03/2017-28/03/2020	260 Per Year
b) 98540	New	Nunn Bros Haulage Pty Ltd	Prime mover towing OS/OM/OSO M load	Daylesford - Clunes Road, Lawrence (between Creswick-Newstead Road and 1480 Daylesford - Clunes Road)	Indivisible-Pre-Fab Building	27/03/2017-28/03/2018	2 Per Year
c) 99032	New	Powercor Australia Ltd	Rigid Truck & Jinker Trailer	All Local Authority controlled roads	Power poles	27/03/2017-28/02/2018	When require to perform Maintenance emergency work power network

ISSUE/DISCUSSION

Council officers have assessed the applications considering the following:

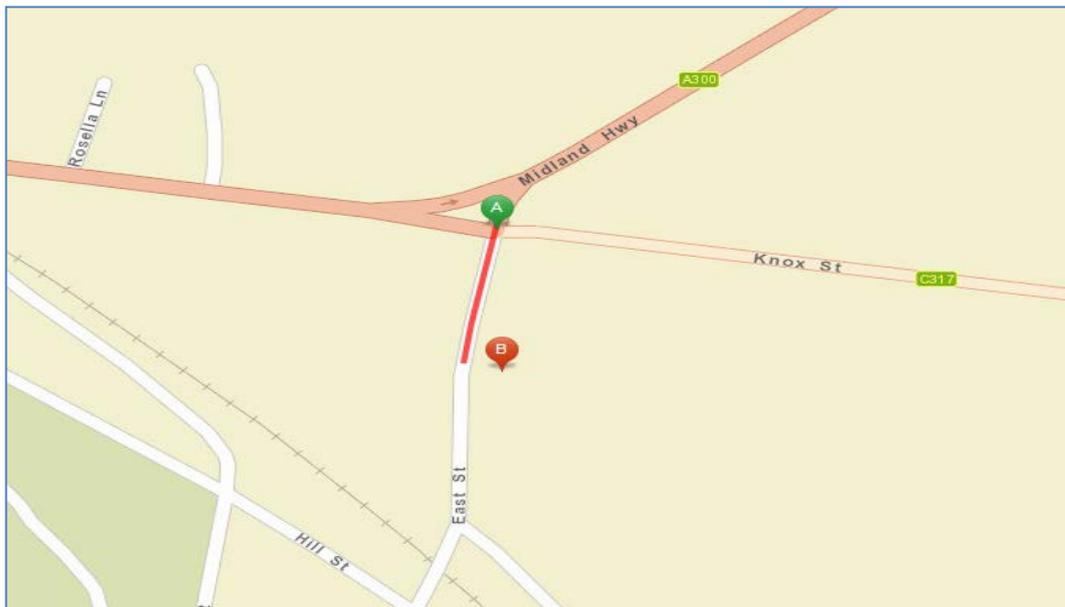
- Community safety
- Local amenity
- Physical limitations of the network
- Economic benefits
- Alternative access
- Cost implications to Council.

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

CONSENT REQUESTS

- a) Shannon Trial Pty Ltd(Road Manager Request Number 98289):

Shannon Trial Pty Ltd requests that Council grants consent for the following route which is shown in the following map:

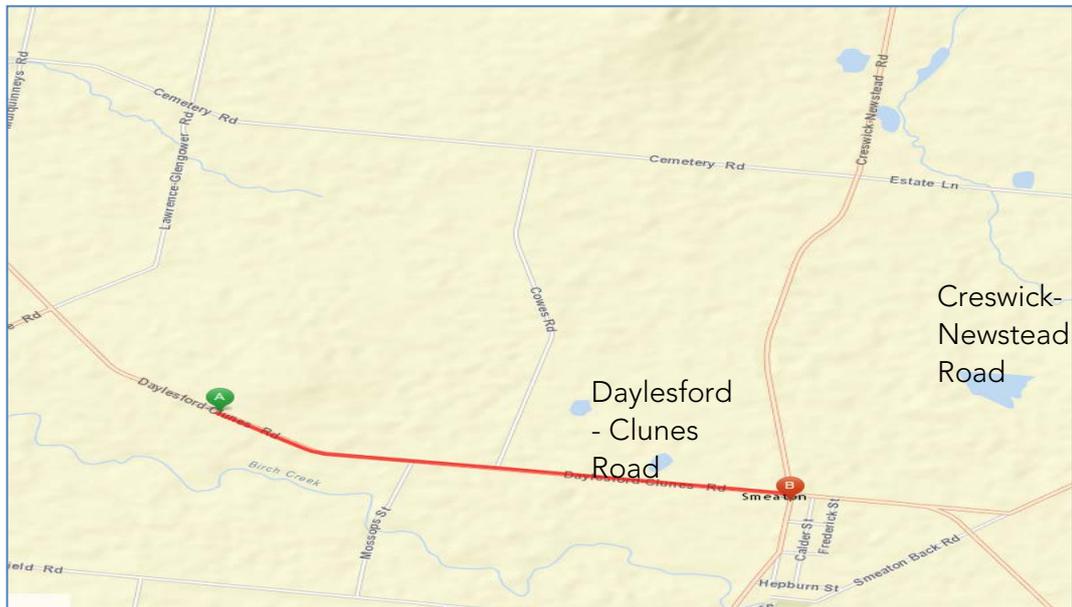


Map 1

The requested road has been assessed as being suitable for using Heavy Vehicles subject to the Standard Conditions.

- b) Nunn Bros Haulage Pty Ltd(Road Manager Request Number 98540):

Nunn Bros Haulage Pty Ltd requests that Council grants consent for the following route which is shown in the following map:



Map 2

The requested road has been assessed as being suitable for using Heavy Vehicles in accordance with the application subject to the Standard Conditions.

- c) Powercor Australia Ltd (Road Manager Request Number 99032):

Powercor Australia Ltd requests that Council grant consent for all Council controlled roads. Powercor requires access for the performance of maintenance/emergency works for the power network as required. Access to be subject to the Standard Conditions.

STANDARD CONDITIONS

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

- Overhead cables
- Overhanging trees
- Steep inclines/declines, tight corners and narrow roads
- Must not trim or remove any trees without all approvals being obtained
- The use of compression brakes is to be avoided in residential areas
- Hours of Operation shall be 7:00am to 6:00pm
- Obey the Load Limit Sign for Roads and Bridges when appropriate

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2013:2017:

Strategic Objective – Sustainable Environment and a Vibrant Economy

Key Strategic Activity:

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

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

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

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

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

COMMUNITY AND STAKEHOLDER ENGAGEMENT

No external engagement was undertaken in relation to these requests. Relevant internal maintenance staff has been involved in assessing these requests.

CONCLUSION

Council has received requests from the National Heavy Vehicle Regulator for consent to the issue of permits to operate HML vehicles on local roads. Following a review of the requests, conditional consent is recommended for the operators as detailed.

OFFICER'S RECOMMENDATION

That Council:

11.5.1. Approves Shannon Trial Pty Ltd to use PBS - 3-axle truck and 5-axle dog trailer for the period of 36 months commencing 27th of March, 2017 and expiring 28th of March, 2018 on East Street, Daylesford (No. 6), subject to the following conditions:

It is the responsibility of all the above permit holder to pay attention to:

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

11.5.2. Approves Nunn Bros Haulage Pty Ltd to use Prime mover towing OS/OM/OSOM loads for the period of 12 months commencing 27th of March,

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21 MARCH 2017

2017 and expiring 28th of March, 2020 on Daylesford Clunes Road, Lawrence (between Creswick-Newstead Road and 1480 Daylesford Clunes Road), subject to the following conditions:

It is the responsibility of all the above permit holder to pay attention to:

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

11.5.3. Approves Powercor Australia Ltd to use Rigid Trucks & Jinker Trailers for the period of 12 months commencing 27th of March, 2017 and expiring 28th of March, 2018 on all Local Authority Controlled Roads, subject to the following conditions:

It is the responsibility of all the above permit holder to pay attention to:

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

MOTION

That Council:

11.5.1. Approves Shannon Trial Pty Ltd to use PBS - 3-axle truck and 5-axle dog trailer for the period of 36 months commencing 27th of March, 2017 and expiring 28th of March, 2018 on East Street, Daylesford (No. 6), subject to the following conditions:

It is the responsibility of all the above permit holder to pay attention to:

- Overhead cables.
- Overhanging trees.
- Steep inclines/declines, tight corners and narrow roads.
- Must not trim or remove any trees without all approvals being obtained.

- The use of compression brakes is to be avoided in residential areas.
- Hours of Operation shall be 7:00am to 6:00pm.
- Obey the Load Limit Sign for Roads and Bridges when appropriate.

11.5.2. Approves Nunn Bros Haulage Pty Ltd to use Prime mover towing OS/OM/OSOM loads for the period of 12 months commencing 27th of March, 2017 and expiring 28th of March, 2020 on Daylesford Clunes Road, Lawrence (between Creswick-Newstead Road and 1480 Daylesford Clunes Road), subject to the following conditions:

It is the responsibility of all the above permit holder to pay attention to:

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

11.5.3. Approves Powercor Australia Ltd to use Rigid Trucks & Jinker Trailers for the period of 12 months commencing 27th of March, 2017 and expiring 28th of March, 2018 on all Local Authority Controlled Roads, subject to the following conditions:

It is the responsibility of all the above permit holder to pay attention to:

- Need to obey the Load Limit Sign for Roads and Bridges when appropriate.
- Overhead cables.
- Overhanging trees.
- Steep inclines/declines, tight corners and narrow roads.
- Must not trim or remove any trees without all approvals being obtained.
- The use of compression brakes is to be avoided in residential areas.
- Hours of Operation shall be 7:00am to 6:00pm.
- Obey the Load Limit Sign for Roads and Bridges when appropriate.

Moved: Cr Neil Newitt

Seconded: Cr Greg May

Carried

Councillor Kate Redwood called for a division.

Councillors that voted in favour of the motion: Councillor John Cottrell, Councillor Don Henderson, Councillor Neil Newitt, Councillor Sebastian Klein, Councillor Greg May, Councillor Fiona Robson

Councillors that voted against the motion: Councillor Kate Redwood AM

**11.6. RECORD OF ASSEMBLIES OF COUNCILLORS
GENERAL MANAGER CORPORATE SERVICE**

In providing this advice to Council as the Governance and Information Coordinator, I Alex Dalglish have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to receive and note Assemblies of Councillors.

BACKGROUND

The Local Government Act 1989 defines Assembly of Councillors as

...a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -

- (a) the subject of a decision of the Council; or
- (b) subject to the exercise of a function, duty of power of the Council that has been delegated to a person or committee –

but does not include a meeting of the Council, a special committee of the Council, an audit committee established under Section 139, a club, association, peak body, political party or other organisation.

ISSUE/DISCUSSION

The Local Government Act 1989 (as amended) requires the record of an Assembly of Councillors to be:

- 1. reported at an Ordinary Meeting of the Council; and
- 2. incorporated in the minutes of that Council Meeting.

For this purpose, the following records of Assemblies of Councillors are reported:

Assemblies of Councillors		
Date	Location	Description
07-02-2017	Council Chambers	Councillor Briefing
13-02-	Council	Mineral Springs Reserve Advisory

ORDINARY MEETING OF COUNCIL
21 MARCH 2017

2017	Chambers	Committee
Date	Location	Description
14-02-2017	Council Chambers	Councillor Briefing
16-02-2017	Duke Street Meeting Room	Heather Mutimer International Women's Day Organising Advisory Committee
21-02-2017	Doug Lindsay Recreation Reserve	Councillor CEO Meeting
21-02-2017	Doug Lindsay Recreation Reserve	Pre-Council Meeting

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Local Government Act 1989, Section 80A

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

THERE ARE IMPLICATIONS WITH REGARDS TO COUNCIL'S COMPLIANCE WITH THE LOCAL GOVERNMENT ACT 1989 (AS AMENDED) IF WRITTEN RECORDS OF COUNCILLOR ASSEMBLIES ARE NOT REPORTED TO COUNCIL.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The inclusion of the attached record of Councillor Assemblies in the Council Agenda and their availability to the public will increase awareness of the activities of Council and could increase community involvement in decision making at Council level.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Using Council's adopted Community Engagement Framework, International Public Participation Consultation, this report presents information via the Council Agenda.

CONCLUSION

INFORMATION PROVIDED FOR NOTING.

OFFICER'S RECOMMENDATION

That Council

11.6.1. Receives and notes the Records of Assemblies of Councillors for February 2017

MOTION

That Council

11.6.1. Receives and notes the Records of Assemblies of Councillors for February 2017

Moved: Cr Kate Redwood AM

Seconded: Cr Greg May

Carried

ATTACHMENT 5 - ASSEMBLIES OF COUNCILLORS
(ISSUED UNDER SEPARATE COVER)

12. COUNCIL SPECIAL COMMITTEES (SECTION 86)

12.1. MINUTES OF SPECIAL COMMITTEES (SECTION 86)

GENERAL MANAGER CORPORATE Services

In providing this advice to Council as the Governance and Information Coordinator, I Alex Dagleish have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to note the minutes and recommendations from Council's Special (Section 86) Committees.

BACKGROUND

Special committees are established by Council and their function and responsibilities outlined in an Instrument of Delegation. Under the Instrument of Delegation, special committees are required to maintain minutes of meetings held and provide a copy of the minutes to Council for review.

ISSUE/DISCUSSION

Please see listed below the minutes and other reports of Special and Advisory Committees, as provided by the Committees over the past month, for your information:

- Creswick Museum Special Committee – 06-02-2017
- The Lee Medlyn Home of Bottles Special Committee – 08-02-2017
- Drummond Hall Special Committee – 24-02-2017

These minutes have been previously provided to Councillors under a separate cover.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Nil

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Members of the community are represented on these committees.

CONCLUSION

Minutes and reports have been provided for noting.

OFFICER'S RECOMMENDATION

12.1.1. That Council receives and notes the minutes of the Special Committees (Section 86) which have been distributed under separate cover:

- Creswick Museum Special Committee - 06-02-2017
- The Lee Medlyn Home of Bottles Special Committee - 08-02-2017
- Drummond Hall Special Committee - 24-02-2017

MOTION

12.1.1. That Council receives and notes the minutes of the Special Committees (Section 86) which have been distributed under separate cover:

- *Creswick Museum Special Committee - 06-02-2017*
- *The Lee Medlyn Home of Bottles Special Committee - 08-02-2017*
- *Drummond Hall Special Committee - 24-02-2017*

Moved: Cr Kate Redwood AM

Seconded: Cr Greg May

Carried

13. COUNCIL ADVISORY COMMITTEES

13.1. MINUTES OF ADVISORY COMMITTEES

GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Governance and Information Coordinator, I Alex Dalglish have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to note the minutes received from Council's Advisory Committees.

BACKGROUND

Advisory committees are established by Council and their responsibilities outlined in Terms of Reference. Advisory Committees are required to maintain minutes of meetings held and provide a copy of the minutes to Council for review.

ISSUE/DISCUSSION

Please see listed below the minutes and other reports from Advisory Committees, as provided by the Committees over the past month, for your information:

- Mineral Springs Advisory Committee – 13-02-2017
- Heather Mutimer International Women's Day Organising Advisory Committee – 16-02-2017.

These minutes have been provided to Councillors under separate cover.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Nil

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Members of the community are represented on these committees.

CONCLUSION

Minutes have been provided for noting.

OFFICER'S RECOMMENDATION

13.1.1. That Council receives and notes the minutes of the following Advisory Committees which have been distributed under separate cover:

- Mineral Springs Advisory Committee - 13-02-2017
- Heather Mutimer International Women's Day Organising Advisory Committee - 16-02-2017.

MOTION

13.1.1. That Council receives and notes the minutes of the following Advisory Committees which have been distributed under separate cover:

- *Mineral Springs Advisory Committee - 13-02-2017*
- *Heather Mutimer International Women's Day Organising Advisory Committee - 16-02-2017.*

Moved: Cr Kate Redwood AM

Seconded: Cr Neil Newitt

Carried

14. CONFIDENTIAL ITEMS

No confidential items

15. RE-OPENING OF MEETING TO PUBLIC

No confidential items

16. CLOSE OF MEETING

Meeting closed at 8:59pm
