



## HEPBURN SHIRE COUNCIL ORDINARY MEETING OF COUNCIL PUBLIC MINUTES

Tuesday 17 December 2024

Council Chamber - 24 Vincent Street  
24 Vincent Street Daylesford

5:30PM

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

Confirmed at the Ordinary Meeting of Council held on 25 February 2025

A handwritten signature in black ink, appearing to read "Don Henderson".

Chair, Cr Don Henderson, Mayor

# MINUTES

Tuesday 17 December 2024

Council Chamber - 24 Vincent Street

24 Vincent Street Daylesford

Commencing at 5:30PM

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**BRADLEY THOMAS**

CHIEF EXECUTIVE OFFICER

Tuesday 17 December 2024

## CONDUCTING HYBRID COUNCIL MEETINGS

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

- Council's meeting will be conducted tonight in accordance with:
- The Local Government Act 2020
- The Minister's Good Practice Guideline MGP-1: Virtual Meetings
- Council's Governance Rules; and
- The Model Councillor Code of Conduct.

### 1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

### 2 SAFETY ORIENTATION

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

### 3 OPENING OF MEETING

**COUNCILLORS PRESENT:** Cr Shirley Cornish, Cr Tim Drylie, Cr Lesley Hewitt, Cr Don Henderson, Cr Pat Hockey, Cr Brian Hood

**OFFICERS PRESENT:** Mr Bradley Thomas - Chief Executive Officer, Mr Bruce Lucas - Director Infrastructure and Delivery, Ms Brooke Holmes - Director Performance and Transformation, Mr Ron Torres - Director Development and Community, Mr Chris Whyte - Manager Technology and Transformation, Ms Amy Boyd – Manager Planning and Building, Ms Rebecca Smith - Manager Governance and Risk

The meeting opened at 5:31pm.

#### STATEMENT OF COMMITMENT

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

#### 4 APOLOGIES

Cr Tony Clark

#### 5 DECLARATIONS OF CONFLICTS OF INTEREST

Cr Tim Drylie declared a material conflict of interest in relation to Agenda item 11.2 Report to Council on Temporary Extended Planning Delegations due to a financial interest in a property listed.

Cr Lesley Hewitt declared a general conflict of interest in relation to Confidential Agenda item 1.2 International Women's Day (IWD) Heather Mutimer Honour Roll inductee recommendations 2025 due to a family connection with a nominator.

#### 6 CONFIRMATION OF MINUTES

Go to 00:04:48 in the meeting recording to view this item.

##### RECOMMENDATION

*That the Minutes of the Ordinary Meeting of Council held on 16 September 2024 and the Statutory Meeting of Council held on 26 November 2024 (as previously circulated to Councillors) be confirmed.*

##### MOTION

*That the Minutes of the Ordinary Meeting of Council held on 16 September 2024 and the Statutory Meeting of Council held on 26 November 2024 (as previously circulated to Councillors) be confirmed.*

**Moved:** Cr Brian Hood

**Seconded:** Cr Lesley Hewitt

**Carried**

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

**Voted against:** Nil

**Abstained:** Nil

## 7 NOTICES OF MOTION

### 7.1 CONDOLENCE MOTION ON THE PASSING OF STAN FALLOON

Go to 00:05:56 in the meeting recording to view this item.

The Notice of Motion was put forward by Cr Brian Hood on 4 December 2024.

#### **MOTION AS PROPOSED**

*That Council acknowledges the sudden passing of Stan Falloon and extends its deepest sympathy to Robyn and family.*

*As the President of the Trentham Lions Club and a long-serving director on the Trentham and Districts Community Bank board Stan dedicated himself to countless hours of support for the community, with a particular emphasis on helping those community members most in need.*

*A very popular and universally respected member of the community, Stan's wise counsel and cheerful disposition will be sadly missed.*

#### **MOTION**

*That Council acknowledges the sudden passing of Stan Falloon and extends its deepest sympathy to Robyn and family.*

*As the President of the Trentham Lions Club and a long-serving director on the Trentham and Districts Community Bank board Stan dedicated himself to countless hours of support for the community, with a particular emphasis on helping those community members most in need.*

*A very popular and universally respected member of the community, Stan's wise counsel and cheerful disposition will be sadly missed.*

**Moved:** Cr Brian Hood

**Seconded:** Cr Pat Hockey

**Carried**

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

**Voted against:** Nil

**Abstained:** Nil

## **8 ITEMS OF URGENT BUSINESS**

Nil.

## 9 COUNCILLOR AND CEO REPORTS

### 9.1 MAYOR'S REPORT

Go to 00:10:38 in the meeting recording to view this item.

#### **Councillor Don Henderson**

New Councillors are now all inducted and ready to serve the community. The transition from wards will take some time but do reach out. It may be that your interests align with a particular Councillor and they may have a greater personal knowledge of a subject.

As we enter into our summer period we need to be mindful of weather conditions and be aware of the dangers of fire.

A fire in Creswick yesterday was a great example of the need for people to be aware of just how fast fire can travel and the difficulty containing outbreaks on a day such as experienced, it is never too late to do some work around the home to make things easier for the defence of houses and sheds. Also timely to note that fires do not listen to weather forecasts and radio alerts. Fires can start and run on any day not just extreme days declared. If you are in danger leave and do it early.

Summer is also a time to watch out for children near our beautiful lakes and pools as this is the time when tragedies can happen.

Councils around us are gearing up to cooperate and we recently met with the Greater Ballarat Alliance of Councils to discuss how we can work together to save duplication and plan for our region.

Recently we have opened the whole 60 kms mountain bike trails at Creswick and we are informed that they are among the world's best. These trails are not just for professionals and tourists but are a great place for families to picnic and just have fun.

Since becoming Mayor I have taken the time to be in the streets of our towns and just have a chat to locals and businesses. If you see me out and about do say hello and I am always available to hear what you have to say.

This can be a lonely time for some so please do look out for your neighbors and others who are going through tough times. This has been a dry Winter and Spring so a special thought for our farmers who will have to manage crops and livestock whilst most of us have a break.

This coming year Council will be looking to take steps to secure the future and that will mean running a leaner and more efficient outfit. We must be determined to concentrate on what we need and not what we want. Perhaps remember that we Councillors are ratepayers and residents and are very aware that any actions we take affect us all.

Finally from all of us at the Hepburn Shire we hope you have a safe and happy Christmas and New Year.

## **9.2 COUNCILLOR REPORTS**

### **Councillor Shirley Cornish**

Presented a verbal report.

### **Councillor Tim Drylie**

Firstly, I want to acknowledge the large bushfire near Creswick in the last 24 hours. To all those affected, my thoughts are with you during this incredibly stressful time. These events can cause significant trauma, and I extend my deepest thanks to our CFA volunteers, emergency management teams, and Hepburn Shire staff who worked tirelessly to set up relief centres and ensure clear communication and support. This fire is also a sobering reminder of the risks we face as we enter the fire season. I urge everyone to develop a fire plan and act on it. It's yet another call to continue our climate change mitigation and adaptation efforts – work we know is critical for our future resilience.

As we approach the festive season, I'd like to thank Hepburn Shire staff, the many dedicated local groups and service organisations for their incredible work throughout the year in supporting our community for what has been a difficult year for many. I hope it's a time of safety, connection, and joy for everyone. I also acknowledge that this can be a difficult time of year for some for various reasons. If you're feeling isolated or overwhelmed, please don't hesitate to reach out for support – or, where you can, think of inviting those in who might be more likely vulnerable at this time in your neighbourhood.

I'd like to reflect briefly on the honour of being re-elected to this Council. It is a privilege to serve you all, and I will do my utmost to represent every community across our shire equally, especially as we transition into an unsubdivided electorate. I encourage residents to reach out to me with any concerns, ideas, or suggestions. Over the past few weeks, the councillor induction process has been busy, but it's been rewarding to reconnect with returning colleagues and to get to know our new councillors. While some tough decisions lie ahead, I'm optimistic about the work we'll achieve together for the future resilience of our shire.

This month, we celebrated the opening of the Djuwang Baring Creswick Trails. Congratulations to all involved, including our project teams, the biking community, and our partners at Djaara. This world-class facility is a win for our local economy and businesses. I had the pleasure of chatting with both locals and visitors on the track when I ventured out recently – I even dared a blue run and came off second best, but I lived to tell the tale! I acknowledge there have been some teething issues around parking and amenities for some residents, and Council will continue to monitor and address this feedback.

Earlier this month, I attended the reflective and somewhat sombre World AIDS Day walk around Lake Daylesford. It was a humbling reminder of the importance of community support and recognition. I also had the opportunity to speak with members of the ChillOut Festival team about next year's wonderful celebration of LGBTIQ+ identity and community. I want to thank the Mayor and fellow councillors for joining me in condemning recent racist and homophobic acts within our community. We all share a responsibility to call out hate speech and intimidation sensitively but firmly. There is no place for such behaviour in Hepburn Shire.

I was honoured to attend at a talk given about the importance of Lalgambuk (Mt Franklin) by Prof Barry Golding and precursor to the release of his book Six Peaks: Unsettling Changes in Southern Dja Dja Wurrung Country.

Finally, I want to acknowledge that the cost-of-living crisis continues to impact many individuals and families across our shire. This year has been particularly tough for a broad range of people. If you are struggling, please know you are not alone. There are many wonderful organisations in our community ready to support you, and Council is here to help connect you to those services.

As we close out the year, I wish everyone a safe and peaceful festive season. May it be a time of rest, connection, and kindness. I look forward to working with you all in the new year.

#### **Councillor Lesley Hewitt**

I attended several of the events that my colleagues have mentioned and have provided a list of my activities below. Highlights included the Daylesford Agricultural Society 150<sup>th</sup> Show, the 73<sup>rd</sup> Highland Gathering, the Daylesford Historical Society 60<sup>th</sup> AGM and of course the 30<sup>th</sup> Anniversary Celebration of Daylesford Riding for Disabled. What was striking about all these organisations is that they involve community members who have stood up to address a need in their communities and that people have done this generation after generation to ensure that the organisations remain relevant to changing community needs. Without this commitment and capacity for renewal none of these organisations would have achieved the longevity that they have. Congratulations to all those currently involved and a shout out to those who have gone before.

Councillors and community are learning how our new unsubdivided Council structure is going to work and this week I and other Councillors have received emails and phone calls from across the Shire in relation to an agenda item tonight. It suggests that people are aware of the importance of informing all councillors of their views and not just those of us who would be perceived as local. I appreciate the contact and acknowledge the effort taken, rather than just making comments privately or on social media.

Finally, I was down at Lake Daylesford on Sunday afternoon, and it was a joy to watch families with young children enjoying the beach area with its recently acquired new

sand. Congratulations to the works team who organised this. One of the satisfactions of being a Councillor is seeing people use and enjoy the work that Council officers have done. Well done again to those officers who made this happen.

Finally I wish Councillors, officers and members of the community a safe, peaceful and Happy Christmas.

A list of my diary activities is below.

### **Councillor Diary Activities**

Councillor Induction Program – 14/11/2024; 19/11/2024; 25/11/2024; 26/11/2024; 2/12/2024; 3/12/2024

Statutory Council meeting to elect mayor – 26/11/2024

Councillor Briefing – 10/12/2024

150<sup>th</sup> Daylesford Show – 23/11/2024

Daylesford Historical Society AGM – 24/11/2024

Town Hall Crier – 27/11/2024

RDA Daylesford 30-year Anniversary – 29/11/2024

Official Opening Djuwang Baring – 30/11/2024

WRL/VNIWest monthly Community Catch up – 2/12/2024

Daylesford Highland Gathering – 7/12/2024

2024 Mayoral Training program – 12/12/2024

5000 Club Christmas Lunch – 13/12/2024

### **Councillor Pat Hockey**

Councillors from the moment the election result was known locally I started receiving invites to events and meetings. The first occasion was a meeting with local traders organized by Lana de Koort at the Neighbourhood Centre in Clunes. It was very clear that there is widespread concern about a downturn in retail spending among travellers and visitors reflecting a broader downturn in the community.

The next highlight, again in Clunes, was the annual show, which despite a very warm afternoon later was a brilliant event and a real highlight of springtime in the shire. I loved taking time to view the homecrafts and especially the cooking and baking, noting many of the early Clunes families were strongly represented in the entries.

I attended my first meeting of the Mineral Springs Reserve Advisory Committee and look forward to engaging deeply with these iconic sites and assets.

Like others I attended the opening of Djuwang Baring (Creswick Trails), and while I can take no credit for its development I was happy to see the engagement and positive report of users on the day.

During the month I also attended training night and the monthly meeting of the CFA brigade in Clunes as well as the funeral of long-standing member Spike Jones. Spike's funeral filled the CFA shed and included many tributes to his central role in keeping the community safe over many years.

Professor Barry Golding delivered a series of walks and talks across the shire themed around six peaks. I was lucky to attend the one focused on Mt Beckworth and learnt many things that I didn't know about this treasured location.

The following day I attended International Mountain Day at Mt Franklin with about 300 others. It was a very inspiring day with plenty of space to reflect on Mt Franklin's place not just in our landscape, but the place too of mountains in our consciousness.

Following the Clunes Market on the second Sunday we were lucky to spend the afternoon at the Christmas Concert, again organized by the Neighbourhood House, where we were entertained by the McNaMarr Project, the much-admired band led by local Clunes performer John McNamara.

### **Councillor Brian Hood**

As the year draws to a close the past few weeks have seen some important community events.

I was honoured to MC one of the public talks on International Mountain Day delivered by Prof Barry Golding and to MC the launch of his new book, Six Peaks Speak: Unsettling legacies in southern Dja Dja Wurrung Country. Barry's two-year research is meticulous. The book is incredibly informative and is best described as classic truth-telling. I can only hope it finds its way into Council's libraries and the Shire's schools.

I also had the privilege of opening the 73rd Daylesford Highland Gathering. This event is yet another important celebration of our diversity, heritage and culture. The organising committee led by Chris Sinclair are to be congratulated on expanding the event and staging a wonderful day.

Similarly I applaud Don and Mary Harvey and their team of volunteers for staging a fantastic 150th edition of the Daylesford Agricultural Show.

Other community events I participated in included an acknowledgment lunch for the VIC volunteers across the Shire who in 2024 contributed over 8000 hours great service and the annual presentation night for the Trentham CFA.

Now that induction is all but over I look forward to tackling Council's huge challenges along with my colleagues. Advancing the town structure plan work is critically important, as is the drafting of a focused, affordable Council Plan and budgeting for

short and long-term sustainability. The enormity of those challenges and responsibilities should not be under-estimated.

I wish all in Hepburn Shire a safe and enjoyable festive season.

#### **RECOMMENDATION**

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

#### **MOTION**

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

**Moved:** Cr Pat Hockey

**Seconded:** Cr Shirley Cornish

**Carried**

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

**Voted against:** Nil

**Abstained:** Nil

### 9.3 CHIEF EXECUTIVE OFFICER'S REPORT

Go to 00:27:56 in the meeting recording to view this item.

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

#### CHIEF EXECUTIVE OFFICER UPDATE

I would like to welcome our new term of Councillors to their first Ordinary Council meeting for this term of Council – Mayor Don Henderson, Deputy Mayor Lesley Hewitt, Cr Tony Clark, Cr Shirley Cornish, Cr Pat Hockey, Cr Tim Drylie and Cr Brian Hood.

Although we haven't had Council meetings in October or November due to the Election Period, a lot has been happening at Council since our last council meeting.

On 14 November members of our LGBTIQA+ community and allies came together to hear from three speakers for a special Trans Awareness Week event - Cerise Howard (Program Director of the Melbourne Queer Film Festival), Georgie George (performer and mental health advocate), and Grace Lee (Psychotherapist and Counsellor).





Starting in November, our team commenced the annual roadside slashing program which involves slashing over 550 kilometres of roadsides. This work continues throughout December and sometimes into the New Year depending on weather conditions, fire warnings, and whether it is necessary to complete any re-cuts due to rapid growth.

Our road resealing program has also started in Clunes this year and will be moving across the Shire from rural areas around Dean and Smeaton, to urban roads in Daylesford, Clunes, Creswick and Trentham. Road resealing is a maintenance activity to prolong the life of the existing sealed road network. This year's program will deliver around 19km (or 109,500 m<sup>2</sup>) of road this year. We prioritise roads based on official road inspections and their condition data. Traffic management will be in place and some minor delays are to be expected while crews are onsite. We would appreciate your patience while this important road maintenance takes place.

Our new term of Councillors has been sworn in, and since then, Councillors have been completing a comprehensive induction program.



(Left to right) - Cr Don Henderson, Cr Brian Hood, Cr Lesley Hewitt, Cr Tim Drylie, Cr Tony Clark with Timmy, Cr Shirley Cornish and Cr Pat Hockey

In addition to the induction program, the Mayor and Deputy Mayor must undertake mandatory training for their roles. On 12 and 13 December, they undertook this training through the Municipal Association of Victoria.

At the Statutory meeting, Council appointed Councillors to committees, boards and external bodies.

The Reconciliation Advisory Committee (RAC) have already met for the first time in this new Council term.



L-R: Noah Tyler, Nola Orr, Craig Barrett, Chair Mayor Henderson, Dale McDonald, Prof. Barry Golding, Kate Proctor (Coordinator Healthy Communities), Carolyn Sanders (Reconciliation officer)

The morning following the Statutory meeting, the official Town Crier for Hepburn Shire, Philip Greenbank, made a formal proclamation on the outcome of the Mayoral and Deputy Mayor election, in front of the Daylesford Town Hall. Thank you, Philip, for carrying on this age-old tradition!



L-R Deputy Mayor Lesley Hewitt, Mayor Don Henderson, Town Crier Philip Greenbank

On 28 November we unveiled a special plaque recognising the AIDS memorial tree at Chatfield Reserve by Lake Daylesford.



Thank you to the wonderful members of the ChillOut Festival Committee and Council's LGBTIQ+ Advisory Committee for joining Mayor Don Henderson in this meaningful moment. The tree is a reminder of an important chapter in our local and Australian history.

You may have seen that scaffolding and hoarding has been erected around the Daylesford Town Hall, and restoration works are now underway.

Since the building's closure in September, significant preparation work has been underway. Electrical systems were isolated to ensure safety, allowing specialist roof cleaners to remove years of accumulated debris and dust from the roof cavity. This essential clean-up has provided safe access for the builder and tradespeople.

Lead by the skilled team at Abode Restorations Pty Ltd, the restoration includes new roofing, façade, chimney, and parapet repairs, along with painting and insulation. These works are critical to preserving the heritage and structural integrity of our beloved town hall for generations to come. This stage of works is expected to be completed by July 2025.

On Saturday 30 November, Djuwang Baring (Creswick Trails) was officially opened by Martha Haylett MP. Despite the rainy weather, we had a great turnout, and the event was a huge success.



Back row standing L-R: Cr Tony Clark, Cr Lesley Hewitt, Cr Tim Drylie, VOGA Representative, Cr Shirley Cornish, Cr Pat Hockey. Front Row on mountain bikes L-R: Mayor, Cr Don Henderson, and Martha Haylett MP.

Our pool season is now open and Lifeguards were inducted on 5 December. We are pleased to continue offering free entry to pools this season.



Lifeguard Induction on 05 December

On Thursday 12 December we held our annual end of year to thank all our wonderful Visitor Information Centre (VIC) volunteers. The volunteers at the VIC do an outstanding job meeting, greeting and sharing information about our beautiful Shire with visitors daily. They welcome thousands of visitors through their doors every year. The VIC volunteers tell us it is a rewarding way of sharing local knowledge and meeting interesting travellers. We thank you for your service to the Hepburn Shire.

As I reflect on 2024, I am immensely proud of what we have achieved and delivered as a team. I would like to thank the staff and Councillors for their hard work, and dedication to the Shire.

Our new team of Councillors all committed to this term of Council knowing that we have some challenges and tough decisions ahead of us. Hepburn Shire Council is not

alone in this. This year I was invited to report to Parliament on the State Government inquiry into Local Government Funding and Services, both in my capacity as CEO, and as the President of FinPro – the peak body for Finance professionals. In total, 35 of the state's 79 local councils were represented at the hearings.

The findings of this report urge the State Government to act on rates, grants and cost shifting to help ease the financial crunch facing Victoria's 79 councils. The Upper House inquiry concluded rising infrastructure and service delivery costs are outpacing growth in grant funding for the lowest tier of government.

If you are interested in reading about some the challenges facing local government, and the findings and recommendations of the report, the [Final report Local government funding and services](#) by the Legislative Council Economy and Infrastructure Committee is linked.

Despite these challenges, I am optimistic Council can and will continue to deliver quality services to our community.

I would like to take this opportunity to wish everyone a wonderful holiday season. If you are taking time off, I hope it is a restful and enjoyable break. Council offices are closed from COB Monday 23 December and reopen on 2 January 2025, however, as always, our Emergency/After Hours number is available for emergencies.

## **RECOMMENDATION**

*That Council receives and notes the Chief Executive Officer's Report for December 2024.*

## **MOTION**

*That Council receives and notes the Chief Executive Officer's Report for December 2024.*

**Moved:** Cr Lesley Hewitt

**Seconded:** Cr Brian Hood

**Carried**

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

**Voted against:** Nil

**Abstained:** Nil

## **10 PUBLIC PARTICIPATION TIME**

Go to 00:30:00 in the meeting recording to view this item.

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

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

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

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

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

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

### **BEHAVIOUR AT COUNCIL MEETINGS**

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

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

Respectful behaviour includes:

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

Inappropriate behaviour includes:

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

#### **10.1 PETITIONS**

No petitions were tabled.

#### **10.2 REQUESTS TO ADDRESS COUNCIL**

No requests to address Council were received.

### 10.3 PUBLIC QUESTIONS

The CEO read questions received in accordance with Council's Governance Rules and the Mayor responded on behalf of Council.

#### **Question 1 – Dean Hurlston**

What is the approximate cost per public Council Meeting for Councillor and staff meals, refreshments and beverages? (if applicable).

#### **Response – Mayor Don Henderson**

Catering for Council Meetings costs approximately \$250-300 per meeting, for between 11-15 people.

#### **Question 2 – Meyer Eidelson**

I acknowledge the reasons provided by the Planning officers and Director of Planning and Development to change Hepburn Shire's planning instruments of delegation for an 18-month trial. However, these significantly change the capacity of Hepburn Shire residents to appeal planning permits at a local level. Many if not most local permits would be \$5m or less, especially where higher-density builds may be more common due to the future Hepburn Framework changes. And 15 objections instead of five is a significant increase in a local residential area.

The capacity of councillors and a public servant to call in a permit may increase but it would be at the expense of residents. Effectively the Council planning process would be less accountable to the community.

In my opinion, the residents of the shire would have a direct interest in this proposed change, yet the majority are almost certainly unaware. So, my question is what has the Council done to ensure that residents are aware of this significant change to planning and should this proposal be deferred to allow for community awareness and feedback?

#### **Response – Mayor Don Henderson**

In putting forward this recommendation, officers have reviewed the past planning matters referred to Council for a decision, VCAT decisions and benchmarked against surrounding and like Councils. No community feedback was sought on the changes to delegations which is consistent with how all delegations are managed.

#### **Question 3 – Debra Rauber**

In relation to *11.3 Revision of Instrument of Planning Delegation to Officers*.

In light of the fact that this is the first meeting of the new Council, and the community were only made aware of these proposed changes to the Planning process after the release of the Agenda for Tuesday 17 December 2024, could this

matter be held over or deferred until the Council's first meeting in 2025 or early in 2025?

**Response – Mayor Don Henderson**

It is for Councillors to determine if they have sufficient information to make a decision on this matter at tonight's meeting.

However, this matter is not new to Hepburn Shire Council. Item 11.2 in tonight's Council Meeting Agenda details the temporary extended planning delegation during election period. It was considered that any further extension or change to the planning delegation should be determined by the new, elected Council. This is the subject of Item 11.3 in tonight's Agenda for formal consideration by the new Council.

**Question 4 – Gerry Rauber**

With relation to Item *11.3 Revision of Instrument of Planning Delegation to Officers*, what is the rationale behind the chosen number of 15 objections?

**Response – Mayor Don Henderson**

Council officers have reviewed previous applications and objection numbers and benchmarked against surrounding and like Councils. This item will be considered by Council at tonight's meeting.

**Question 5 – Debora Semple**

The (former) Mayor claimed incorrectly that the 5-house development at 1 Raglan Street (now known as the Block) was contested at VCAT. This is in fact not the case.

Both the former Mayor and the CEO were made aware of this mistake, and I requested a correction be made to the mayoral release, yet on the 24 September the CEO stated in an email to me that he "didn't believe any clarification is required/necessary".

Given that Council has a duty of care and responsibility to be a reliable source of information to its constituents, why is the CEO not prepared to correct the public statement when it is verifiably factually incorrect?

**Response – Mayor Don Henderson**

The planning applications for the site consisted of subdivision, a road layout, vehicular access to the Midland Highway, and housing. Whilst these elements were broken down into separate applications, they all form part of the one development.

For clarity, the VCAT appeal related to one specific element of the development of the site. It was an appeal against a Notice of Decision to Grant a Permit for a staged, multi-lot subdivision.

**Question 6 – Debora Semple**

Why have the difficulties of the recording of the Special Council Meeting of 3 September 2024 not yet been resolved and the recording uploaded?

**Response – Mayor Don Henderson**

The recording has been removed by Facebook, not Council, and Facebook hold the only copy of the recording. Council has lodged multiple requests with Facebook to have the recording reinstated, but to date have not received a response.

Moving forward, Council Meetings will be streamed to YouTube to prevent this issue from recurring.

**Question 7 – Jenny Beacham**

Can Council Officers provide a list of projects worth \$2 million or more that were approved by Hepburn Council in the last 4 years and how many proceeded to completion?

**Response – Mayor Don Henderson**

Adopted budget 2024/2025: None

Adopted budget 2023/2024: Djuwang Baring (Creswick Trails), Wheelers Bridge

Adopted budget 2022/2023: Trentham Community Hub (2022/23 - 2023/24), Hammon Park Trail Head, Trentham Sportsground Pavilion

Adopted budget 2021/2022: None

The Wheelers Bridge renewal is a current project that is not yet completed. All other projects listed above are nearing completion or have been completed.

**Question 8 – Jenny Beacham**

When was the decision to sell the old Hepburn Depot (the old Hepburn Racecourse) made, and what process of notifying the Councillors and community of what other sales of Council assets was made in conjunction with this decision?

**Response – Mayor Don Henderson**

Council considered a report for 'Land Acquisition and Intention to Sell Land' (which included the Old Hepburn depot site) in a confidential item at the 19 July 2016 Ordinary Council meeting. This decision included the need for a community engagement process.

A further report to the Ordinary Council Meeting on 16 August 2016 detailed the community consultation process and approved the purchase of the Rex and also to invite expressions of Interest for the sale of 59 Main Road Hepburn (Old Hepburn depot). These minutes are available on Council's [website](#).

## **11 OFFICER REPORTS**

### **11.1 QUARTERLY FINANCE REPORTS – QUARTER 1 2024/2025**

Go to 00:37:44 in the meeting recording to view this item.

#### **DIRECTOR PERFORMANCE AND TRANSFORMATION**

*In providing this advice to the Council as the Manager Financial Services, I Natalie Martin have no interests to disclose in this report.*

#### **ATTACHMENTS**

1. Financial Report for the Period Ending 30 September 2024 [**11.1.1** - 25 pages]
2. Capital Projects Report - Year to Date - September 2024 [**11.1.2** - 5 pages]
3. Special Operating Projects Report - Year to Date - September 2024 [**11.1.3** - 5 pages]

#### **OFFICER'S RECOMMENDATION**

*That Council notes the financial position and performance for the three months ending 30 September 2024, including the special and capital projects.*

#### **MOTION**

*That Council notes the financial position and performance for the three months ending 30 September 2024, including the special and capital projects.*

**Moved:** Cr Brian Hood

**Seconded:** Cr Tim Drylie

**Carried**

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

**Voted against:** Nil

**Abstained:** Nil

#### **EXECUTIVE SUMMARY**

The September 2024 Quarterly Finance Report outlines the financial results for the three months ended 30 September 2024, along with a comparison to the amended budget adopted by Council (inclusive of carry forwards from 2023/2024 to complete projects).

It includes a summary of Council's financial performance and position for the 2024/2025 financial year up until 30 September 2024, and an update on each special and capital project as of 30 September 2024.

The current financial position needs to be read in the context of Council's financial plan contained within the 2024/2025 Budget, and the adopted Financial Vision (10 September 2024).

## **BACKGROUND**

This report provides information on Council's financial performance for the period 1 July 2024 to 30 September 2024 and compares the Income Statement to the amended budget, the Balance Sheet and Statement of Cash Flows to the prior year.

The results in the three months of the financial year are impacted by current cost inflations on operational costs that will be monitored throughout the 2024/2025 financial year with deviations from budget (if applicable) reflected in future reports.

The September 2024 Quarterly Finance Report along with the special and capital project reports have been prepared in comparison to the amended budget being the original adopted budget and carry-forward budget that was adopted at the Ordinary Meeting of Council on 16 September 2024.

## **KEY ISSUES**

The financial report and attachments provide a comprehensive overview of Council's financial performance and current financial state, for the three-month period of the 2024/2025 financial year up until 30 September 2024, and an update on the status and progress of each special and capital project.

The main items to note at the end of Quarter 1, with further details and explanation provided in the attached report, are:

- The operating surplus for the three months ended 30 September 2024 was \$25.5 million, which is \$1.6 million (or 7%) favourable to the amended year to date budgeted surplus of \$23.9 million. This is primarily driven by materials and services expenditure budget being favourable by \$1.0 million and capital grants income being favourable by \$0.5 million.
- Year-to-date Capital works expenditure for the three months ended 30 September 2024 was \$1.1 million which is 6% of the \$17.8 million amended budget.
- Cash holdings as at 30 September 2024 are \$2.7 million lower than the same time last year, this is due to increased expenditure on capital works, special projects and storm recovery in the previous year.
- Trade and other receivables as at 30 September 2024 are \$1.4 million higher than the same time last year. This is due to a combination of the annual rate cap together with increased offerings of support packages relating to payment extensions on rates instalments.

Council officers will remain flexible and agile in the management of their forecasts while responding in the best interests of the community, and fully update Councillors with any material items.

## **COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

### **Council Plan 2021-2025**

A dynamic and responsive Council

5.3 A sustainable and agile organisation with strong corporate governance that supports excellent operations

## **FINANCIAL IMPLICATIONS**

This report and associated attachments provide the opportunity for review of Council's financial position and forecasts.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

There are no community or stakeholder engagement implications associated with this report.

## **RISK AND GOVERNANCE IMPLICATIONS**

There is no risk implications associated with this report, and it has been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

## **ENVIRONMENTAL SUSTAINABILITY**

There is no sustainability implications associated with this report.

## **GENDER IMPACT ASSESSMENT**

There are no gender equity implications associated with this report.

## **11.2 REPORT TO COUNCIL ON TEMPORARY EXTENDED PLANNING DELEGATIONS**

Go to 00:48:09 in the meeting recording to view this item.

*Cr Tim Drylie left the meeting at 6:20pm due to a conflict of interest.*

### **DIRECTOR DEVELOPMENT AND COMMUNITY**

*In providing this advice to Council as the Director Development and Community, I Ron Torres have no interests to disclose in this report.*

### **ATTACHMENTS**

- Nil

### **OFFICER'S RECOMMENDATION**

*That Council notes this report and the decisions made by the Director Development and Community under the extended delegations that were in place for Statutory Planning over the Election period.*

### **MOTION**

*That Council notes this report and the decisions made by the Director Development and Community under the extended delegations that were in place for Statutory Planning over the Election period.*

**Moved:** Cr Lesley Hewitt

**Seconded:** Cr Shirley Cornish

**Carried**

**Voted for:** Cr Shirley Cornish, Cr Lesley Hewitt, Cr Don Henderson, Cr Pat Hockey and Cr Brian Hood

**Voted against:** Nil

**Abstained:** Nil

*Cr Drylie returned to the meeting at 6:23pm and was advised of the outcome.*

### **EXECUTIVE SUMMARY**

In exercising the extended planning delegations during the Election period, the majority of decisions made by the Director Development and Community were for Permits. Four Notices of Decision to Grant a Permit were issued, as these applications attracted objections.

One application was issued with a Notice of Refusal. This was for a proposal that did not satisfy heritage provisions in the planning scheme. Outside of the Election period, this matter would normally be presented to a Council meeting.

## **BACKGROUND**

In September 2024, officers proposed temporary delegations be put in place to allow for effective operation of the organisation to continue during the Election Period and through the induction of the new Council Term.

At the Council Meeting on 16 September 2024, Council resolved that:

*“from 17 September 2024 to 26 November 2024 the Executive Manager Development and Community Safety, pursuant to section 61(1) of the Planning and Environment Act 1987, is authorized to determine all permit applications, including those that ordinarily would be presented to Council for decision, either to decide to issue a notice of decision to grant a planning permit (with conditions) or to refuse to grant a planning permit.”*

A report was to be prepared outlining all decisions made under the temporary delegation.

## **KEY ISSUES**

The temporary delegations were particularly necessary for decisions on planning permit applications. Victoria’s planning system requires councils to make a decision on an application within 60 statutory days.

The counting of statutory days is not affected by weekends, public holidays, the summer holiday period, or council elections. The temporary delegations awarded to the then Executive Manager Development and Community Safety (now known as the Director Development and Community), expired on 26 November 2024.

### **The Temporary Delegation Period**

From 17 September 2024 to 26 November 2024, the Director Development and Community issued a range of decisions. The list below provides the details of each planning permit application, and the decision made.

Furthermore, in accordance with the council resolution, the register of Planning Permit Applications was promoted on the Council website.

In the absence of the temporary delegations, one application would normally have been referred to Council for a decision during this period. This involved a proposal to demolish an existing 1.2 metre high, metal and timber front fence for a dwelling, and replace it with a 1.8 metre high corrugated metal fence and gate.

The application was refused on the following grounds:

1. The proposal is inconsistent with the purpose of Clause 43.01 (Heritage Overlay) of the Hepburn Planning Scheme as:

- a. It will not enhance the heritage place.
  - b. It will adversely affect the significance of the heritage place.
2. The proposal is inconsistent with the strategies of Clause 15.03-1L (Heritage) of the Hepburn Planning Scheme.
3. The proposal is inappropriate having regard to the relevant decision guidelines of Clause 59.07-2 of the Hepburn Planning Scheme.

Decisions made by the Director Development and Community during the temporary delegation period:

#### **Permits Issued**

- 145 Slaughteryard Road, Clunes  
Two lot subdivision (Re- subdivision) and development and use of a dwelling
- 153 Charlies Road, Elevated Plains  
Dwelling
- 240 Mcdonalds Road, Clunes  
Three Lot Subdivision
- 845 Green Gully Road, Glenlyon  
Dwelling
- 1 Park Avenue, Daylesford  
Two dwellings, vegetation removal and associated sub-division of land.
- 123 Sharpes Lane, Glenlyon  
Sawmill (drying of timber), dwelling and studio within the Farming Zone, Environmental Significant Overlay and Bushfire Management Overlay
- Burke Square, Daylesford  
Installation and display of business identification sign within the Heritage Overlay and Commercial 1 Zone
- 20 Prince Street, Creswick  
Two additional dwellings and a three-lot subdivision
- 724 Springhill Road, Spring Hill  
Construction of a dwelling in the Farming Zone and Environmental Significance Overlay
- 789 Porcupine Ridge Road, Porcupine Ridge  
Alterations and additions to existing dwelling
- 1010 Telegraph Road, Sailors Falls  
Buildings and works within the ESO
- 69 Cambridge Street, Creswick  
Approval of new colour scheme for 69 Cambridge Street Creswick.
- 2 First Street, Hepburn Springs  
Development of a non-habitable outbuilding within the Design and Development Overlay
- Unit 6/68 High Street, Trentham  
Development of land for construction of a verandah within Heritage Overlay

- 7 Camp Street, Daylesford  
Removal of Carriageway Easement E-1
- 135 Napier Street, Creswick  
Use and Development of a childcare centre and the associated signage and reduction of car parking requirements
- 30 Consols Court, Clunes  
Construction of buildings and works for the purpose of a dwelling within the Environmental Significance Overlay
- 80 Albert Street, Creswick  
Amendment to PA1389 to delete condition 7, amend condition 8 and amend the endorsed plans.
- 176 Pudding Bag Road, Drummond  
Construction of buildings and works within 100 metres of a dwelling and within 100 metres of a water way within the Farming Zone
- 1 Phillip Street, Creswick  
Demolition of a fence, construction of a fence, partial demolition, alterations and extension to a dwelling, construction of a carport and pergola within the Heritage Overlay
- 23 Camp Street Daylesford  
Buildings and works for the alterations and extension to an existing dwelling within the Environmental Significance Overlay and Heritage Overlay
- 35 Alisons Road, Drummond North  
Buildings and works (Shed) within the Environmental Significance Overlay
- Viewpoint Lane, Daylesford  
2 Lot subdivision of the land (boundary re-alignment)
- 2851 Midland Highway, Newlyn North  
Alterations to an existing dwelling and demolition within the Heritage Overlay and Environmental Significance Overlay

#### **Notices of Decision to Grant a Permit (one objection)**

- 8 Oriental Street, Clunes  
Single dwelling and an outbuilding within Rural Living Zone and Environmental Significance Overlay
- 8 Swiss Mount Avenue, Hepburn Springs  
Development of a dwelling and removal of vegetation within the Bushfire Management Overlay and Environmental Significance Overlay.
- 280 Ascot Road, Creswick  
dwelling within the Rural Living Zone, Environmental Significant Overlay and Bushfire Management.

#### **Notice of Decision to Grant a Permit (two objections)**

- 111B Raglan Street, Daylesford  
Construction of a two bedroom, single-story dwelling.

**Notice of Refusal**

- 106 Clunes Road, Creswick  
Demolition of a fence and construction of a fence (including gates) in a Heritage Overlay.

**COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS****Council Plan 2021-2025**

Embracing our past and planning for the future

3.2 Embrace and enhance the existing character of our towns and rural settings through community inclusive strategic planning to strengthen planning controls on growth and development

A dynamic and responsive Council

5.3 A sustainable and agile organisation with strong corporate governance that supports excellent operations

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

**COMMUNITY AND STAKEHOLDER ENGAGEMENT**

There are no community or stakeholder engagement implications associated with this report.

**RISK AND GOVERNANCE IMPLICATIONS**

Victoria's planning system requires councils to make a decision on an application within 60 statutory days. Failure to do so exposes a Council to the potential risk of 'failure to decide' VCAT appeals, and subsequent costs awarded against a Council.

**ENVIRONMENTAL SUSTAINABILITY**

There are no sustainability implications associated with this report.

**GENDER IMPACT ASSESSMENT**

There are no gender equity implications associated with this report.

### **11.3 REVISION OF INSTRUMENT OF PLANNING DELEGATION TO OFFICERS**

Go to 00:52:40 in the meeting recording to view this item.

#### **DIRECTOR DEVELOPMENT AND COMMUNITY**

*In providing this advice to Council as the Director Development and Community, I Ron Torres have no interests to disclose in this report.*

#### **ATTACHMENTS**

- Nil

#### **OFFICER'S RECOMMENDATION**

*That Council:*

- 1. Resolves that from 18 December 2024 to 30 June 2026, pursuant to Section 61(1) of the Planning and Environment Act 1987, delegated planning staff are authorised to determine all permit applications, subject to the following conditions and limitations:*
- 2. The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006 or a conservation management plan under the Flora and Fauna Guarantee Act 1988;*
  - a. Where more than 15 objections are received, the application must be referred to Council;*
  - b. Where the development applications in excess of \$5m, the application must be referred to Council;*
  - c. All planning applications involving Council owned or managed land must be referred to Council.*
- 3. Notes that Council's Instruments of Delegation will be updated to reflect the above changes and published on Council's website.*

#### **MOTION**

*That Council:*

- 1. Resolves that from 18 December 2024 to 30 June 2026, pursuant to Section 61(1) of the Planning and Environment Act 1987, delegated planning staff are authorised to determine all permit applications, subject to the following conditions and limitations:*
  - a. The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006 or a*

*conservation management plan under the Flora and Fauna Guarantee Act 1988;*

- b. Where more than 10 objections are received, the application must be referred to Council;*
  - c. Where more than 5 objections are received for applications in a Farming Zone, the application must be referred to Council;*
  - d. An application must be referred to Council where it meets one or more of the following criteria:*
    - i. Raises issues of genuine municipality wide significance that would have a substantial impact on the achievement of Local Planning Policy.*
    - ii. The planning permit application will have a significant impact beyond the immediate locality, including an impact across municipal boundaries.*
    - iii. The planning permit application raises an issue that is not adequately provided for under existing Local Planning Policy.*
    - iv. The planning permit application raises significant issues of public interest.*
    - v. The planning permit application will result in a use or development which is contrary to the adopted Future Hepburn Strategies or a proposed planning scheme amendment which is supported by Council.*
  - e. All planning applications involving Council owned or managed land must be referred to Council.*
- 2. That the Chief Executive Officer implements a process that Councillors can ‘call in’ to a Councillor briefing any planning permit if a minimum of three Councillors seek such a ‘call-in’.*
  - 3. Notes that Council’s Instruments of Delegation will be updated to reflect the above changes, published on Council’s website, and the amended delegations are in place as an 18-month trial with a report to be provided to a future Council Meeting reviewing the effectiveness of the trial.*

**Moved:** Cr Lesley Hewitt

**Seconded:** Cr Brian Hood

**Carried**

**Voted for:** Cr Shirley Cornish, Cr Lesley Hewitt, Cr Don Henderson, Cr Pat Hockey and Cr Brian Hood

**Voted against:** Cr Tim Drylie

**Abstained:** Nil

## **EXECUTIVE SUMMARY**

The proposed updates to the planning Instrument of Delegation provide a contemporary decision-making framework for Hepburn Shire Council, achieving a reasonable balance between matters that can be decided by planning officers, and those that require a Council resolution.

The key update proposes increasing the objector threshold from five to fifteen and enabling greater scope for refusing an application under officer delegation, particularly for non-policy compliant matters. Supporting this change will be arrangements such as enabling Councillors to 'call-in' any application, or enabling the Director to escalate an application to Council, regardless of the objector threshold. It is recommended that these changes are for a fixed 18-month period, after which officers will present a report to Council to consider the continuation of changes to delegation. Eighteen months is proposed so the delegation changes do not lapse during the summer holiday break; a period when no council meetings are scheduled.

This report details the proposed updates to the Instrument of Delegation for adoption.

## **BACKGROUND**

### **Victoria's Planning Framework**

The *Planning and Environment Act 1987* and Council Planning Schemes regulate the use and development of land. One way they do this is by requiring that certain types of use or development can only be carried out if a planning permit is granted.

The authority in charge of administering the planning scheme, including granting permits, is the *responsible authority*. In most cases the council is the responsible authority, such as Hepburn Shire Council.

The procedure a council must follow in deciding whether or not to issue a permit is dictated by the *Planning and Environment Act 1987*, planning regulations, the council's planning scheme, and other supporting acts of Parliament. A council must consider and decide on all applications lodged and do so within 60 statutory days. Participants in the planning application process can appeal a decision of council at

the Victorian Civil and Administrative Tribunal. Furthermore, an applicant can lodge an appeal if a Council does not decide on an application within 60 statutory days.

The elected council can delegate planning duties, functions and powers to council staff. This is a common practice across all councils. However, the extent and limitations of delegation varies across councils, and reflects their own unique context and circumstances.

### **Hepburn Shire Planning Delegations**

Council's Instrument of Delegation covers the full extent of duties, functions and powers under the *Planning and Environment Act 1987*.

One of the most important parts of the Instrument of Delegation provides the CEO and senior planning officers the power to determine permit applications; either to decide to grant a permit with conditions, or to refuse a permit application. At Hepburn Shire Council this power is currently limited with the following conditions:

- The permit must not be inconsistent with a cultural heritage management plan under the *Aboriginal Heritage Act 2006* or a conservation management plan under the *Flora and Fauna Guarantee Act 1988*.
- More than five objections must be referred to Council.
- Development applications in excess of \$2m must be referred to Council.
- Refusals must be referred to Council unless a Council officer determines that insufficient information has been provided with the application, or the application is prohibited under the Hepburn Planning Scheme.

In September 2024, officers proposed temporary delegations be put in place to allow for effective operation of the organisation to continue during the Election Period and through the induction of the new Council Term.

At the Council Meeting on 16 September 2024, Council resolved that:

*“from 17 September 2024 to 26 November 2024 the Executive Manager Development and Community Safety, pursuant to section 61(1) of the Planning and Environment Act 1987, is authorized to determine all permit applications, including those that ordinarily would be presented to Council for decision, either to decide to issue a notice of decision to grant a planning permit (with conditions) or to refuse to grant a planning permit.”*

During this period, the decisions made by the Executive Manager ranged from Permits, Notices of Decision to Grant a Permit, and a Notice of Refusal. Outside of the temporary delegation period, the Notice of Refusal was a matter that would normally be referred to Council. A separate agenda item details the decisions made during this period.

### **Future Hepburn**

Council recently adopted a suite of five township structure plans and a shire-wide rural strategy. This was Hepburn Shire's first comprehensive review of its planning framework in several years, setting a program to implement contemporary and community responsive planning provisions. Future Hepburn responds to population growth, and calls from our community to protect our valuable agricultural land, provide for appropriate housing needs, protect our natural environment and cultural heritage, and support jobs growth into the future.

Future Hepburn provides much needed policy clarity which will benefit planning application decisions through greater consistency, and better outcomes for our community.

### KEY ISSUES

This report focuses on the delegated powers relating to planning permit application decisions, namely Section 61(1) of the Act.

It is proposed to amend the current conditions in the Instrument of Delegation for a 18-month period. After which, officers will present a report to Council on the performance of the amended delegated powers and provide further recommendations on the continuation of the arrangement.

The proposed temporary changes to the existing conditions are:

- **(Retain)** The permit must not be inconsistent with a cultural heritage management plan under the *Aboriginal Heritage Act 2006* or a conservation management plan under the *Flora and Fauna Guarantee Act 1988*.
- **(Increase threshold from 5 to 15)** More than 5 objections must be referred to Council .
- **(Increase threshold from \$2m to \$5m)** Development applications in excess of \$2m must be referred to Council.
- **(Delete)** Refusals must be referred to Council unless a Council officer determines that insufficient information has been provided with the application, or the application is prohibited under the Hepburn Planning Scheme.
- **(Add)** All planning applications involving Council owned or managed land must be referred to Council.

### Basis for Proposal

Effectively Administering the Planning and Environment Act - The proposed update to planning delegations will create a more efficient and streamlined decision-making process. This will result in a more effective use of Hepburn Council's limited planning office resources, which will ultimately benefit all participants in the planning process. It will ensure that planning applications referred to Council benefit that level of decision making. Applications referred to Council will typically consist of large-scale complex

proposals, planning applications that generate significant community interest or impacts, or matters that have policy implications.

Future Hepburn - In adopting our Rural Strategy and structure plans, Councillors established shared community strategic, long term policy outcomes for our Shire. The adopted policy setting now provides greater clarity and consistency for planning officers when making planning application decisions, and when defending matters at VCAT. This is a large step forward compared to the decision-making policy environment prior to the adoption of Future Hepburn.

Non-Compliant Proposals - With greater policy clarity and decision-making consistency achieved through the adoption of Future Hepburn, officers are now in a better position to refuse applications that clearly contradict policy. There are also instances where applications significantly depart from zone objectives and standards, or persistently do not provide the needed information, warranting refusal. The current limitations on delegation require these applications to be presented at a Council Meeting. It is proposed to remove this limitation to enable officers to refuse 'non-compliant' proposals.

Planning officers always seek to negotiate with an applicant to improve their proposal to satisfy planning provisions or minimise the impact on the surrounding area. However, should a proposal remain non-compliant with planning provisions, or continue to have an unreasonable impact on the area, a streamlined refusal process is appropriate in these circumstances.

Risk Management – Without contemporary planning delegations and an efficient planning office operating environment, this can potentially extend the planning application process beyond the 60 statutory day limit. An applicant can lodge an appeal with VCAT for failure to make a decision within the time limit, and costs can be awarded against Council. Together with other initiatives, the proposed change to the delegation will support the effective operation of Council's planning service, reducing the risk of 'failure' appeals, and subsequent costs against council.

Separation of Functions - The proposed addition of requiring a Council resolution for applications involving Council owned or managed land creates a formal separation and transparency around the different roles of Council as an applicant/landowner, and Council as a responsible authority/decision maker.

#### **Supporting Procedural Arrangements (during the 18-month trial period)**

- Officers will continue to regularly inform Councillors of new applications received, and decisions made by officers.
- Officers will continue to publish Hepburn's Planning Register on Council's website, which details all applications received and the decision made.
- Councillors can 'call-in' any application and have it decided at a Council Meeting. A request for a 'call-in' should be made to the CEO by a majority of Councillors, and the reasons for calling it in are documented.

- The Director Development and Community can refer any application to Council, regardless of objection numbers, based on matters such as sensitivity, policy implications, disagreement with a referral authority position, and conflict of interest.
- With applications that receive objections, officers will seek to identify instances where there is the possibility of reaching a mediated outcome. Any mediation process will be conducted by the Planning office.

## **COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

### **Council Plan 2021-2025**

Embracing our past and planning for the future

3.3 Build and maintain quality infrastructure that supports and promotes liveability and active living in the community.

Embracing our past and planning for the future

3.2 Embrace and enhance the existing character of our towns and rural settings through community inclusive strategic planning to strengthen planning controls on growth and development

A dynamic and responsive Council

5.3 A sustainable and agile organisation with strong corporate governance that supports excellent operations

## **FINANCIAL IMPLICATIONS**

The proposed update to planning delegations will create a more efficient and streamlined decision-making process. This will result in a more effective use of Hepburn Council's limited planning office resources, which will ultimately benefit all participants in the planning process. This efficiency gain has the potential to achieve future financial savings, and a more effective planning service.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

There are no community or stakeholder engagement implications associated with this report. The Act and planning provisions provide a framework for notifying affected parties and public agencies of an application.

## **RISK AND GOVERNANCE IMPLICATIONS**

A Responsible Authority must process and decide on all planning applications within a statutory timeframe. The recommended updates to the Instrument of Delegation can support the effective operation of Council's planning service, whilst still achieving transparency and sound decision making. The recommended updates are

considered to be a reasonable balance between decisions made by officers and Council.

There are potential implications for local government in Victoria, in light of the planning recommendations by the Independent Broad Based Anti-Corruption Commission's Operation Sandon:

Recommendation 11 states that IBAC recommends that the Minister for Planning develops and introduces to Parliament amendments to the *Planning and Environment Act 1987 (Vic)* to:

- (a) remove statutory planning responsibilities from councillors
- (b) introduce determinative planning panels for statutory planning matters, where a local council is currently the responsible authority

Recommendation 12 states that IBAC recommends that the Premier ensures that the Taskforce engages subject matter experts and consults with key stakeholders to assess the operation of Part 4AA of the *Planning and Environment Act 1987 (Vic)* and recommends whether further amendments are required to give full effect to independent panels as the decision-makers for all statutory planning matters, including those where the Minister for Planning is the responsible authority.

#### **ENVIRONMENTAL SUSTAINABILITY**

There are no sustainability implications associated with this report.

#### **GENDER IMPACT ASSESSMENT**

There are no gender equity implications associated with this report.

#### **11.4 AWARD OF TENDER HEPBU.RFT2024.02 - SUPPLY & DELIVERY OF ONE MOTOR GRADER**

Go to 01:44:00 in the meeting recording to view this item.

##### **DIRECTOR INFRASTRUCTURE AND DELIVERY**

*In providing this advice to Council as the Interim Manager Operations and Delivery, I  
Lace Daniel have no interests to disclose in this report.*

##### **ATTACHMENTS**

1. CONFIDENTIAL REDACTED - Tender Evaluation Report HEPBU RFT2024 02  
[11.4.1 - 4 pages]

##### **OFFICER'S RECOMMENDATION**

*That Council:*

1. *Awards Contract HEPBU.RFT2024.02 to William Adams CAT, for the supply and delivery of a motor grader, for the fixed lump sum price of \$364,500 (excl. GST) after trade;*
2. *Delegates the Chief Executive Officer authority to sign the contract document on behalf of Council; and,*
3. *Resolves that the attached tender evaluation report remain confidential and that the Minutes record the successful tenderer and accepted tender price.*

##### **MOTION**

*That Council:*

1. *Awards Contract HEPBU.RFT2024.02 to William Adams CAT, for the supply and delivery of a motor grader, for the fixed lump sum price of \$364,500 (excl. GST) after trade;*
2. *Delegates the Chief Executive Officer authority to sign the contract document on behalf of Council; and,*
3. *Resolves that the attached tender evaluation report remain confidential and that the Minutes record the successful tenderer and accepted tender price.*

**Moved:** Cr Lesley Hewitt

**Seconded:** Cr Pat Hockey

**Carried**

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

**Voted against:** Nil  
**Abstained:** Nil

## **EXECUTIVE SUMMARY**

The 2024/2025 Plant Replacement Program includes the purchase of a motor grader, to replace an existing unit within Council's fleet.

A public tender process was undertaken in October 2024, with three compliant submissions received, all within the budget allocation.

Following a detailed evaluation process, it is recommended that this tender be awarded to Williams Adams (CAT) for supply and delivery of the unit.

## **BACKGROUND**

Council's Operations and Delivery team is responsible for the management and maintenance of over 840km unsealed roads across the Hepburn's local road network, in addition to delivering gravel road reconstruction projects funded via Council's annual Capital Works Program.

The 2024/2025 Plant Replacement Program includes the purchase of a motor grader, to replace an existing unit due for renewal, utilised by the teams for the above activities.

A public tender was released to the market in October 2024 and three compliant submissions were received.

A detailed evaluation process was undertaken, including testing by Council operators and assessment against the below criteria using a weighted attribute model.

1. Price: nett purchase price and overall value for money (35%)
2. Capability: compliance with specification and suitability for intended works (25%)
3. Capacity: supply lead time, after sales service and parts availability (12.5%)
4. OHS: compliance with relevant standards and safety features (10%)
5. Local content: proximity to services centre and parts suppliers (7.5%)
6. Sustainability: manufacturer's approach to sustainability, fuel consumption/emissions (10%)

The attached confidential Tender Evaluation Report outlines the process and findings in detail.

## **KEY ISSUES**

The tender evaluation panel scored each submission separately in line with the framework and the weighted scores were added in aggregate. The results of the evaluation are outlined below.

Ranking	Supplier	Total Score
---------	----------	-------------

1	William Adams (CAT)	82.34%
2	Komatsu Australia	79.83%
3	RDO Equipment (John Deere)	73.84%

Whilst Komatsu provided the best up-front price, CAT was evaluated as offering superior whole of life costs considering purchase price, parts, maintenance, fuel use and resale value. CAT also scores higher operationally across a number of areas and further detail on this is provided in the attachment.

Method of disposal was also considered as part of the evaluation process however due to the strong trade price offering, an alternative such as auction is not recommended. The evaluation also considered purchase vs long-term leasing options, and considering lease costs and ongoing use, in this instance up front purchase is the most appropriate option.

## **COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

### **Council Plan 2021-2025**

Embracing our past and planning for the future

3.3 Build and maintain quality infrastructure that supports and promotes liveability and active living in the community.

Quality Community Infrastructure

1. Responsibly manage our assets portfolio including roads and transport infrastructure, buildings, recreation and sporting facilities and public toilets by inspecting and monitoring maintenance and renewal needs. This is achieved through planning for and implementing asset renewal and upgrade programs or new facilities that meet community expectations such as hubs, streetscapes, roads and building assets.

## **FINANCIAL IMPLICATIONS**

The 2024/2025 Plant Replacement Program includes \$415,000 (excl. GST) for the nett purchase of a replacement grader. As such, the recommended purchase is within budget and there are no further financial implications associated with the recommendation within this report.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

There are no community or stakeholder engagement implications associated with the recommendation within this report. Following resolution, officers will advise all tenderers of the outcome of this tender process.

## **RISK AND GOVERNANCE IMPLICATIONS**

Through the development of a clear specification and undertaking a thorough tender process, it is considered that any financial risks or risks associated with Occupational

Health and Safety or supply have been mitigated. Officers will work with the successful tenderer to ensure a smooth transition of the fleet to Council, including delivery, disposal of existing, training, inductions etc.

#### **ENVIRONMENTAL SUSTAINABILITY**

There are no sustainability implications associated with the recommendation within this report.

#### **GENDER IMPACT ASSESSMENT**

There are no gender equity implications associated with the recommendation within this report.

## **11.5 AWARD OF TENDER HEPBU.RFT2024.01 - SUPPLY OF BULK EMULSION**

Go to 01:49:28 in the meeting recording to view this item.

### **DIRECTOR INFRASTRUCTURE AND DELIVERY**

*In providing this advice to Council as the Interim Manager Operations and Delivery, I  
Lace Daniel have no interests to disclose in this report.*

### **ATTACHMENTS**

1. CONFIDENTIAL REDACTED - Tender Evaluation Report HEPBU RFT2024 01  
[11.5.1 - 3 pages]

### **OFFICER'S RECOMMENDATION**

*That Council:*

1. *Awards Contract HEPBU.RFT2024.01 to Fulton Hogan Industries Pty Ltd, for the bulk supply of emulsion;*
2. *Delegates the Chief Executive Officer authority to sign the contact document on behalf of Council;*
3. *Resolves that the confidential tender evaluation report remain confidential and that the Minutes record the successful tenderer; and,*
4. *Authorises the Director Infrastructure and Delivery to exercise the contract extension option, pending satisfactory performance under the contract.*

### **MOTION**

*That Council:*

1. *Awards Contract HEPBU.RFT2024.01 to Fulton Hogan Industries Pty Ltd, for the bulk supply of emulsion;*
2. *Delegates the Chief Executive Officer authority to sign the contact document on behalf of Council;*
3. *Resolves that the confidential tender evaluation report remain confidential and that the Minutes record the successful tenderer; and,*
4. *Authorises the Director Infrastructure and Delivery to exercise the contract extension option, pending satisfactory performance under the contract.*

**Moved:** Cr Pat Hockey

**Seconded:** Cr Shirley Cornish

**Carried**

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

**Voted against:** Nil

**Abstained:** Nil

## **EXECUTIVE SUMMARY**

Council is responsible for the maintenance of a vast network of sealed local roads and undertakes activities including pothole patching and edge repairs.

To support these activities, Council purchases in the vicinity of 100,000L of emulsion, a bitumen-based product, each year.

A public tender process was undertaken in late July 2024, with two compliant submissions received.

Following a detailed evaluation process, it is recommended that this tender be awarded to Fulton Hogan Industries Pty Ltd for the bulk supply of emulsion.

## **BACKGROUND**

Council's Operations and Delivery team is responsible for the management and maintenance of over 600km of sealed local roads and carparks across the municipality.

As part of maintaining the vast road network, common practices include a significant volume of pothole patching and edge sealing as well as minor reconstruction projects. On an annual basis, Council uses in the vicinity of 100,000L of emulsion, a bitumen-based product widely used by local government and road authorities in sealed road maintenance.

Due to the volume of product used, establishing a contract for the supply of emulsion provides certainty in relation to cost, availability and ongoing supply. It is recommended that Council enter into a three year contract, with the option of a two year extension at Council's sole discretion.

A public tender was released to market at the end of July 2024 and two compliant submissions were received. A detailed evaluation process was undertaken and assessment made against the below criteria using a weighed attribute model.

1. Price; tendered price (25%)
2. Capability; compliance with specification (15%)
3. Capacity; supply lead time and support/service (15%)
4. Local content; proximity to the Shire, goods and labour sourced locally (20%)
5. OHS; satisfactory OHS policy and procedures (15%)
6. Sustainability; suppliers approach to sustainability (10%)

The attached confidential Tender Evaluation Report outlines the process and findings in detail.

## **KEY ISSUES**

The tender evaluation panel scored each submission separately in line with the framework and the weighted scores were added in aggregate. The results of the evaluation are outlined below.

Ranking	Supplier	Total Score
1	Fulton Hogan Industries Pty Ltd	83.75%
2	Sami Bitumen Technologies Pty Ltd	63.06%

In accordance with specification and following the evaluation process, it is recommended that Council enter into a contract for the supply of emulsion with Fulton Hogan Industries Pty Ltd for a three-year term, with the provision of an additional two years at Council's sole discretion.

This contract supersedes the previous contract HEPBU.RFT2020.144, under which Fulton Hogan was also Council's appointed supplier.

## **COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

### **Council Plan 2021-2025**

Embracing our past and planning for the future

3.3 Build and maintain quality infrastructure that supports and promotes liveability and active living in the community.

Quality Community Infrastructure

1. Responsibly manage our assets portfolio including roads and transport infrastructure, buildings, recreation and sporting facilities and public toilets by inspecting and monitoring maintenance and renewal needs. This is achieved through planning for and implementing asset renewal and upgrade programs or new facilities that meet community expectations such as hubs, streetscapes, roads and building assets.

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with the recommendation within this report. The purchase of emulsion forms part of the delivery of ongoing sealed road maintenance and expenditure required under this contract will be managed within the existing operational budget for this activity.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

There are no community or stakeholder engagement implications associated with the recommendation within this report.

### **RISK AND GOVERNANCE IMPLICATIONS**

Through the development of a clear specification and undertaking a thorough tender process, it is considered that any financial risks or risks associated with Occupational Health and Safety or supply of product have been mitigated. Contractor management will ensure that any risks are identified and resolved ongoing.

### **ENVIRONMENTAL SUSTAINABILITY**

There are no sustainability implications associated with the recommendation this report.

### **GENDER IMPACT ASSESSMENT**

There are no gender equity implications associated with the recommendation within this report.

## **11.6 RECOMMENDATIONS FROM THE AUDIT AND RISK COMMITTEE MEETING HELD ON 9 SEPTEMBER 2024**

Go to 01:51:48 in the meeting recording to view this item.

### **DIRECTOR PERFORMANCE AND TRANSFORMATION**

*In providing this advice to Council as the Manager Governance and Risk, I Rebecca Smith have no interests to disclose in this report.*

### **ATTACHMENTS**

1. CONFIDENTIAL REDACTED - Confidential Minutes - Audit and Risk Committee - 9 September 2024 [**11.6.1** - 31 pages]

### **OFFICER'S RECOMMENDATION**

*That Council:*

1. *Receives the draft minutes of the Audit and Risk Committee Meeting that was held on the 9 September 2024; and*
2. *Notes the recommendations of the Audit and Risk Committee that were moved at the meeting on 9 September 2024.*

### **MOTION**

*That Council:*

1. *Receives the draft minutes of the Audit and Risk Committee Meeting that was held on the 9 September 2024; and*
2. *Notes the recommendations of the Audit and Risk Committee that were moved at the meeting on 9 September 2024.*

**Moved:** Cr Brian Hood

**Seconded:** Cr Lesley Hewitt

**Carried**

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

**Voted against:** Nil

**Abstained:** Nil

### **EXECUTIVE SUMMARY**

The purpose of this report is for Council to consider advice from the Audit and Risk Committee (ARC) meeting that was held on 9 September 2024. There was not a quorum at the meeting, however some items were able to be resolved via email. Others have been carried forward to the December meeting as indicated.

There has been a delay in presenting these minutes to Council due to the election period.

## **BACKGROUND**

The purpose of the Audit and Risk Committee is to oversee and monitor the effectiveness of Council in carrying out its responsibilities for accountable financial management and risk, good corporate governance, provide experience in public sector management, and the maintenance of systems of internal control, and the fostering of an ethical environment.

The Audit and Risk Committee is not a delegated committee and cannot exercise statutory functions and powers of the Council under delegation, and essentially acts as an advisory body on behalf of Council.

The Audit and Risk Committee meetings are closed to the public.

## **KEY ISSUES**

The Audit and Risk Committee held its quarterly meeting on 9 September 2024. The Confidential Minutes of the meeting are attached for Council's consideration.

## **COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

### *Council Plan 2021-2025*

A dynamic and responsive Council

5.3 A sustainable and agile organisation with strong corporate governance that supports excellent operations

### *Local Government Act 2020*

The Audit and Risk Committee is governed by section 53 of the *Local Government Act 2020*, and operates in line with the Audit and Risk Committee Charter. A Workplan is developed to align with their obligations.

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report. The secretariat of the Committee is managed within Council's operational budget.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

There are no community or stakeholder engagement implications associated with this report. The Audit and Risk Committee, and representatives from Council's external and internal auditors respectively, have been engaged and consulted on reports that relate to their function and duty to Council.

## **RISK AND GOVERNANCE IMPLICATIONS**

The Audit and Risk Committee was established by Council resolution on 28 August 2020 in line with section 53 of the *Local Government Act 2020*. The Committee is made up of four independent committee members – Mr Shane Marr (Chair), Mr Jason Young, Ms Philippa Murphy, and Mr Kelvin Tori.

The Councillor delegate appointed to the Committee at the time of the September meeting was Cr Brian Hood. A vacancy was created on the Committee with the resignation of Cr Simpson in July 2024.

At the Statutory Meeting on 26 November 2024, Council resolved to appoint Cr Don Henderson (Mayor) and Cr Tony Clark to the Audit and Risk Committee for 2024/2025.

Those Committee members in attendance were duly briefed on all reports and a robust discussion was had. Should Council disagree with any recommendations that the Audit and Risk Committee present for its consideration, then Council will need to, via a resolution of Council and in line with Council's good governance framework, state which motions Council does not accept.

If officers do not present this report to Council at the next practicable Council meeting for consideration, then there will be a breach of the Audit and Risk Committee Charter.

## **ENVIRONMENTAL SUSTAINABILITY**

There are no sustainability implications associated with this report.

## **GENDER IMPACT ASSESSMENT**

There are no gender equity implications associated with this report.

## **11.7 COUNCIL MEETING DATES FOR 2025**

Go to 01:55:13 in the meeting recording to view this item.

### **DIRECTOR PERFORMANCE AND TRANSFORMATION**

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

### **ATTACHMENTS**

- Nil

### **OFFICER'S RECOMMENDATION**

*That Council:*

1. *Adopts the following dates as the schedule for Ordinary Meetings of Council in 2025, commencing at 6:00pm;*
  - *Tuesday 25 February 2025*
  - *Tuesday 25 March 2025*
  - *Tuesday 22 April 2025*
  - *Tuesday 27 May 2025*
  - *Tuesday 24 June 2025*
  - *Tuesday 22 July 2025*
  - *Tuesday 26 August 2025*
  - *Tuesday 23 September 2025*
  - *Tuesday 28 October 2025*
  - *Tuesday 25 November 2025*
  - *Tuesday 16 December 2025*
2. *Resolves to hold the Statutory Meeting of Council on Tuesday 18 November 2025 at 6:00pm;*
3. *Notes that all Ordinary Meetings will be held in the Council Chamber at 24 Vincent Street Daylesford, with proceedings live streamed to the public, and meetings will be advertised and placed on Council's website.*

### **MOTION**

*That Council:*

1. *Adopts the following dates as the schedule for Ordinary Meetings of Council in 2025, commencing at 6:00pm;*
  - *Tuesday 25 February 2025*
  - *Tuesday 25 March 2025*
  - *Tuesday 22 April 2025*

- Tuesday 27 May 2025
  - Tuesday 24 June 2025
  - Tuesday 22 July 2025
  - Tuesday 26 August 2025
  - Tuesday 23 September 2025
  - Tuesday 28 October 2025
  - Tuesday 25 November 2025
  - Tuesday 16 December 2025
2. *Resolves to hold the Statutory Meeting of Council on Tuesday 18 November 2025 at 6:00pm;*
  3. *Notes that all Ordinary Meetings will be held in the Council Chamber at 24 Vincent Street Daylesford, with proceedings live streamed to the public, and meetings will be advertised and placed on Council's website.*

**Moved:** Cr Shirley Cornish

**Seconded:** Cr Brian Hood

**Carried**

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

**Voted against:** Nil

**Abstained:** Nil

## **EXECUTIVE SUMMARY**

Each year officers propose the Council Meeting Schedule for the following year, taking into account public holidays and Councillor availabilities.

## **BACKGROUND**

Under rule 18 of Council's Governance Rules and Election Period Policy, Council must provide reasonable notice of each Council Meeting to the public via advertising on its website, customer service centres and/or local newspapers.

## **KEY ISSUES**

Officers are proposing the following schedule:

### **Council Meetings**

It is proposed that Council adopts the following dates as the schedule for Ordinary Meetings of Council in 2025, with a commencing time of 6:00pm:

- Tuesday 25 February 2025
- Tuesday 25 March 2025

- Tuesday 22 April 2025
- Tuesday 27 May 2025
- Tuesday 24 June 2025
- Tuesday 22 July 2025
- Tuesday 26 August 2025
- Tuesday 23 September 2025
- Tuesday 28 October 2025
- Tuesday 25 November 2025
- Tuesday 16 December 2025

The schedule omits an Ordinary Meeting in January 2024, as business operations are traditionally slower following the Christmas and New Year period.

It is proposed that Council scheduled the Statutory Meeting to swear in Councillors and elect the Mayor and Deputy Mayor on Tuesday 18 November 2025.

Meetings will be held in the Council Chamber at 24 Vincent Street Daylesford.

It is important to note that in line with Council's Governance Rules and Election Period Policy, Council may call a Special Council Meeting when required. A Special Council Meeting would ordinarily only be called to deal with Council business that is urgent or cannot wait until the next scheduled Council Meeting.

## **COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

### **Council Plan 2021-2025**

A dynamic and responsive Council

5.3 A sustainable and agile organisation with strong corporate governance that supports excellent operations

Annually setting Council meeting dates for the next calendar year provides consistency for the community and facilitates engagement. It also ensures transparency and notice of meeting requirements of the *Local Government Act 2020* and Council's Governance Rules and Election Period Policy are met.

## **FINANCIAL IMPLICATIONS**

The cost of facilitating Council meetings is accounted for in Council's annual budget.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The timetable will be published on Council's website. Individual meetings will be promoted through Council's Facebook page as they occur.

The live streaming of meetings will continue to promote transparency and public engagement.

**RISK AND GOVERNANCE IMPLICATIONS**

The Governance Rules and Election Period Policy was adopted by Council in August 2022. These meetings are called in compliance with the Rules.

**ENVIRONMENTAL SUSTAINABILITY**

There are no sustainability implications associated with this report.

**GENDER IMPACT ASSESSMENT**

There are no gender equity implications associated with this report.

## **12 CONFIDENTIAL ITEMS**

### **12.1 CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC**

Go to 02:00:09 in the meeting recording to view this item.

Pursuant to section 66(1) of the *Local Government Act 2020* (the Act) Council or delegated committee must keep a meeting open to the public unless the Council or delegated committee considers it necessary to close the meeting to the public because a circumstance specified in subsection (2) applies.

The circumstances detailed in section 66(2) of the Act are:

- a) the meeting is to consider confidential information; or
- b) security reasons; or
- c) it is necessary to do so to enable the meeting to proceed in an orderly manner.

### **RECOMMENDATION**

*That in accordance with sections 66(1) and 66(2)(a) of the Local Government Act 2020, the meeting to be closed to members of the public for the consideration of the following confidential items:*

#### **1.1 PROPOSED BUILDING SHARED SERVICE ARRANGEMENT WITH MOUNT ALEXANDER SHIRE COUNCIL**

- *Because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.*
- *The ground applies because the item involves ongoing contractual negotiations and, if prematurely released, would affect staff in both organisations that still need to undergo a formal consultation process.*

#### **1.2 INTERNATIONAL WOMEN'S DAY (IWD) HEATHER MUTIMER HONOUR ROLL INDUCTEE RECOMMENDATIONS 2025**

- *Because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;*
- *The ground applies because the successful nominations to the Heather Mutimer Honour Roll details the proposed nominees for Council approval, and if released would unfairly expose the names of nominees to the community which are intended to be announced at the International Women's Day Event in March 2025.*

#### **1.3 NOMINATIONS FOR THE COMMUNITY AWARDS 2025**

- *Because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;*

- *The ground applies because if released in open council meeting the nominees for the Community Awards will unfairly be released prior to Council making a decision and it is proposed that award nominees and recipients be announced at the Community Awards and Civic Ceremony on 24 January 2025.*

#### **1.4 CEO LEAVE ARRANGEMENTS AND APPOINTMENT OF AN ACTING CEO**

- *Because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;*
- *The ground applies as it is in consideration of the Chief Executive Officer's leave.*

#### **MOTION**

*That in accordance with sections 66(1) and 66(2)(a) of the Local Government Act 2020, the meeting to be closed to members of the public for the consideration of the following confidential items:*

#### **1.1 PROPOSED BUILDING SHARED SERVICE ARRANGEMENT WITH MOUNT ALEXANDER SHIRE COUNCIL**

- *Because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.*
- *The ground applies because the item involves ongoing contractual negotiations and, if prematurely released, would affect staff in both organisations that still need to undergo a formal consultation process.*

#### **1.2 INTERNATIONAL WOMEN'S DAY (IWD) HEATHER MUTIMER HONOUR ROLL INDUCTEE RECOMMENDATIONS 2025**

- *Because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;*
- *The ground applies because the successful nominations to the Heather Mutimer Honour Roll details the proposed nominees for Council approval, and if released would unfairly expose the names of nominees to the community which are intended to be announced at the International Women's Day Event in March 2025.*

#### **1.3 NOMINATIONS FOR THE COMMUNITY AWARDS 2025**

- *Because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;*

- *The ground applies because if released in open council meeting the nominees for the Community Awards will unfairly be released prior to Council making a decision and it is proposed that award nominees and recipients be announced at the Community Awards and Civic Ceremony on 24 January 2025.*

#### **1.4 CEO LEAVE ARRANGEMENTS AND APPOINTMENT OF AN ACTING CEO**

- *Because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;*
- *The ground applies as it is in consideration of the Chief Executive Officer's leave.*

**Moved:** Cr Lesley Hewitt

**Seconded:** Cr Brian Hood

**Carried**

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

**Voted against:** Nil

**Abstained:** Nil

The Meeting closed at 7:32pm for the hearing of confidential items and did not reopen to the public.

The Confidential Meeting opened at 7:34pm.

The Council determined to release the following information to the public on the items as detailed below.

#### **1.1 PROPOSED BUILDING SHARED SERVICE ARRANGEMENT WITH MOUNT ALEXANDER SHIRE COUNCIL**

Council resolved that this resolution will remain confidential while arrangements are finalised.

#### **1.2 INTERNATIONAL WOMEN'S DAY (IWD) HEATHER MUTIMER HONOUR ROLL INDUCTEE RECOMMENDATIONS 2025**

Council resolved that this resolution will remain confidential until the Heather Mutimer International Women's Day Honour Roll Civic Reception in March 2025.

#### **1.3 NOMINATIONS FOR THE COMMUNITY AWARDS 2025**

Council resolved that this resolution will remain confidential until the Community

Awards and Civic Ceremony event on 24 January 2025.

#### **1.4 CEO LEAVE ARRANGEMENTS AND APPOINTMENT OF AN ACTING CEO**

Council resolved that Mr Bruce Lucas will serve as Acting CEO while Bradley Thomas is on leave between 6 and 31 January 2025. The Mayor will be advised if these dates change.

### 13 CLOSE OF MEETING

The Meeting closed at 7:53pm.