HEPBURN SHIRE COUNCIL
ORDINARY MEETING OF COUNCIL
PUBLIC MINUTES

Tuesday 24 November 2026

Council Chamber

24 Vincent Street Daylesford

6:00PM

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

Hepburn SHIRE COUNCIL

MINUTES

Tuesday 24 November 2026

Council Chamber

24 Vincent Street Daylesford

Commencing at 6:00PM

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JANET DORE

INTERIM CHIEF EXECUTIVE OFFICER

Tuesday 24 November 2026

1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

2 OPENING OF MEETING

COUNCILLORS PRESENT: Cr Shirley Cornish (Mayor), Cr Pat Hockey (Deputy Mayor); Cr Tony Clark, Cr Brian Hood, Cr Lesley Hewitt, Cr Don Henderson

OFFICERS PRESENT: Ms Janet Dore - Interim Chief Executive Officer, Mr Bruce Lucas - Director Infrastructure and Delivery, Mr Ron Torres - Director Development and Community, Mr Justin Finlayson - Acting Director Performance and Transformation, Ms Allison Watt - Coordinator Governance.

The meeting opened at 6.02pm.

MOTION

That Council closes the meeting to the public under section 66 (2) b) of the Local Government Act 2020, but that the meeting remains available to view by members of the public via Council's You Tube channel.

Moved: Cr Pat Hockey

Seconded: Cr Lesley Hewitt

Carried

Voted for: Cr Tony Clark, Cr Lesley Hewitt, Cr Don Henderson, Cr Pat Hockey, Cr Shirley Cornish

Voted against: Nil

Abstained: Cr Brian Hood

STATEMENT OF COMMITMENT

"WE THE COUNCILLORS OF HEPBURN SHIRE

DECLARE THAT WE WILL UNDERTAKE ON EVERY OCCASION

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

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

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

3 APOLOGIES

Cr Tim Drylie

4 DECLARATIONS OF CONFLICTS OF INTEREST

Nil

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 27 October 2026 and the Minutes of the Statutory Meeting of Council held on 10 November 2026 (as previously circulated to Councillors) be confirmed.

MOTION

That the Minutes of the Ordinary Meeting of Council held on 27 October 2026 and the Minutes of the Statutory Meeting of Council held on 10 November 2026 (as previously circulated to Councillors) be confirmed.

Moved: Cr Don Henderson

Seconded: Cr Lesley Hewitt
Carried

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

6 PUBLIC PARTICIPATION TIME

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

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

Community members are invited to be involved in public participation time in accordance with Council's Governance Rules. Individuals may submit written questions or requests to address Council to the Chief Executive Officer by 10:00am the day before the Council Meeting.

BEHAVIOUR AT COUNCIL MEETINGS

Council supports a welcoming, respectful and safe environment for members of the community to participate at Council Meetings regarding issues that are important to them. Council's Governance Rules sets out guidelines for the Mayor, Councillors, and community members on public participation in meetings. It reinforces the value of diversity in thinking, while being respectful of differing views, and the rights and reputation of others. Under the Governance Rules, members of the public present at a Council Meeting must not be disruptive during the meeting.

Respectful behaviour includes:

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

Inappropriate behaviour includes:

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

- Threats of violence

6.1 PETITIONS

No petitions were tabled.

6.2 REQUESTS TO ADDRESS COUNCIL

No requests to address Council were received.

6.3 PUBLIC QUESTIONS

Question 1: Richard O'Bryan

This question concerns only Council's general understanding of the *Building Act 1993*. It does not relate to any legal proceeding or dispute. Does Council agree that, under sections 121 and 123 of the *Building Act 1993*, where an owner fails to carry out work required by an emergency order or building order, including because the owner cannot afford it, the municipal building surveyor may cause that work to be carried out, and Council may then recover the cost from the owner as a debt?

Response: Interim CEO Janet Dore

Whilst the question is put on the basis that it does not concern any legal proceeding or dispute, Council reasonably believes that this question, does relate to a specific dispute which is currently being litigated. In any event, the question is disallowed on the basis that, in effect, it is a request for a legal view and/or relates to legal advice.

Question 2: Richard O'Bryan

This question concerns only Council's financial capacity. It does not relate to any legal proceeding, dispute or liability. If Council were required to fund emergency works at short notice, does Council have access to $500,000 for that purpose?

Response: Interim CEO Janet Dore

Whilst that question, like the one before it, states that it does not relate to any proceeding, dispute or liability, Council reasonably believes that this question (even though hypothetical), and the one preceding it, does relate to a specific dispute which is currently being litigated. As a result, this question is disallowed on that basis, and the preceding question is also disallowed on that basis. Council does, however, remind members of the public that Council is operating under the 2026/27 budget and the budget is available on Council's website.

Question 3: David Penman

The Mayor and CEO's message states that Council "reduced its operational expenditure by 25% over the last 12 months". The financial summary in the same report shows operating expenses rose from $45.5 million to $46.4 million. The 27 October draft accounts show total expenses of $46.417 million against a budget of $41.967 million. Which statement is correct? Will the message be corrected before the report is adopted?

Response: Interim CEO Janet Dore

With a strong focus on financial sustainability, Council has made difficult decisions and reduced its operational expenditure. This has required significant restructuring of the organisation and a reduction in services. The statement included in the draft

Annual Report that Council has reduced its operational expenditure by 25 per cent over the last 12 months will be clarified before the Annual Report is finalised. This will acknowledge that Council's full-time equivalent staffing has reduced by more than 25 per cent over the past three financial years.

Question 4: David Penman

Note 8.1 of the draft accounts refers to the Royal Hotel proceedings and the Hepburn Bathhouse matter. It does not refer to the Supreme Court and VCAT proceedings against Council, including claims for damages (for example H145/2026, H572/2026, H581/2026, C2976/2024 and S ECI 2025 05809). Why have these proceedings been left out? Has Council's auditor been informed of them?

Response: Interim CEO Janet Dore

Yes, the Victorian Auditor-General's Office is advised of legal proceedings as part of the audit of Council's financial statements. While the draft financial statements have been presented to a meeting of Council, the audit process is not yet complete, which may result in changes to the final version if agreeable or recommended by the auditor.

7 OFFICER REPORTS

7.1 2025/26 ANNUAL REPORT

CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the Communications Officer, I Maria Abate have no interests to disclose in this report.

ATTACHMENTS

1. HEPB Annual Report 2025-26 V 1.12 [**7.1.1** - 82 pages]

OFFICER'S RECOMMENDATION

That Council:

1. *Receives, notes and adopts the Annual Report 2025/26;*
2. *Requests the Chief Executive Officer to ensure that the adoption of the Annual Report is adequately communicated to community and other stakeholders; and,*
3. *Authorises the Chief Executive Officer to make minor administrative changes as required.*

MOTION

That Council defers the consideration and adoption of the Annual Report 2025/26 to the 15 December 2026 meeting of Council to enable the incorporation of final audited financial reports from the Victorian Auditor-General's Office (VAGO).

Moved: Cr Tony Clark
Seconded: Cr Don Henderson
Carried

Voted for: Cr Tony Clark, Cr Don Henderson, Cr Lesley Hewitt and Cr Pat Hockey
Voted against: Nil
Abstained: Nil

EXECUTIVE SUMMARY

The Annual Report serves as a critical accountability and transparency tool for local government. It provides a comprehensive overview of Council's performance over the financial year, measuring achievements against the goals and objectives outlined in the Council Plan, Annual Plans, Budget and Local Government Performance

Reporting Framework. Through detailed reporting on financial performance, service delivery, and community outcomes, the annual report ensures that Councillors, residents and stakeholders are informed about progress being made toward strategic priorities.

BACKGROUND

The preparation and publication of an annual report is a requirement under the *Local Government Act 2020,* which mandates that councils must prepare and adopt an annual report each year. This promotes local democracy by enabling communities to assess the effectiveness of their council's decisions and activities. It also supports continuous improvement by highlighting areas of success and identifying opportunities for better performance. The information contained in this report complies with the legislative requirement and the Integrated Strategic Planning and Reporting Framework (*Local Government Act 2020*). The report updates our community and stakeholders on the progress of actions. The Annual Report is supplemented by the audited performance statement, audited financial statements and relevant auditor reports that will be presented to the December meeting of Council.

KEY ISSUES

Officers have ensured that the statutory requirements for the annual report content are met.

The Annual Report of Operations is comprised of six sections:

1. Introduction
   Details the Community Vision, Council Plan 2025–29 and introductions from the Mayor and CEO.
2. Year in review
   Provides a summary of highlights and key events from each month.
3. Our Shire
   Demographic details of our Shire and information regarding Councillors.
4. Our people
   Details about the organisation and workforce.
5. Performance
   Detail of how we are progressing against the Council Plan 2025–29, Local Government Performance Reporting Framework.
6. Governance
   Governance, financial and statutory information (noting that the financial and performance statements will be placed on our website following their adoption and sign off by VAGO).
7. Financial summary

The Financial summary provides a high-level overview of the Council's financial performance and position for the 2025/26 financial year. This section is designed to give readers a clear and accessible summary of the Council's financial position. The full audited financial statements will be available on Council's website.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2025-2029

Hepburn Working Together

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

FINANCIAL IMPLICATIONS

Budget is available for the design, layout and printing of the 2025/26 Annual Report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Once adopted, the 2025/26 Annual Report will be uploaded to Council's website and shared with the community via social media and a media release. Articles announcing its adoption will also be included in other communications channels, including community newsletters and Hepburn Life, and a copy will be provided to local members of Parliament and the Minister for Local Government.

RISK AND GOVERNANCE IMPLICATIONS

Council has a statutory obligation under the *Local Government Act 2020* to include prescribed content in the Annual Report. The Annual Report presented by officers exceeds the minimum requirement of disclosures.

ENVIRONMENTAL SUSTAINABILITY

There are no sustainability implications associated with this report.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report. However, it is noted that programs and services that are presented in this report will be subject to Gender Impact Assessments at the business unit level.

7.2 319 DAYLESFORD-TRENTHAM RD, DAYLESFORD

DIRECTOR DEVELOPMENT AND COMMUNITY

In providing this advice to Council as the Manager Planning, I Matt Rogers have no interests to disclose in this report.

ATTACHMENTS

1. P 630-2026 Amended Plans [**7.2.1** - 5 pages]

EXECUTIVE SUMMARY

An applicant has appealed Council's failure to decide a planning application within the statutory timeframe. Received in 2022, the application stalled when the applicants did not respond to further information requests from referral authorities.

The application will be decided by VCAT unless an agreed outcome is settled between the applicant, VCAT-participating objectors and Council.

The application was originally for expansion of accommodation and addition of a function building at the 'Bodhi' commercial accommodation business at 319 Daylesford-Trentham Road, Daylesford.

The site in in the Farming Zone, is substantially vegetated and has been used for visitor accommodation for some time. No planning permit is evident on Council records indicating the current use subsists on limited existing use rights.

Council held a planning conference in October 2026 based on the originally lodged application. At the Planning Conference, the applicant noted the circulation of 'without prejudice' amended plans. The without prejudice plans had little legal weight and were, at most, for *discussion purposes* only. Council correctly continued its assessment of the originally lodged application.

Recently however, the applicant formally amended its application to VCAT. The amended plans have been substituted through an established VCAT process, placing obligations on the applicant and providing objector parties rights in the VCAT process. The applicant is now seeking to construct and use a 'manager's residence' and 'shed' buildings with associated works.

Council officers recommend Council's position at VCAT be that the application be refused as:

- There is insufficient information to properly determine the application.
- The design of the proposed buildings appears incongruent with their use as a manager's residence and shed and the use should be accurately identified.

OFFICER'S RECOMMENDATION

That Council, as the responsible authority party to application P620/2026 to VCAT to allow use and development of a dwelling and shed at 319 Daylesford-Trentham Road Daylesford, refuse to support the application on the following grounds:

1. There is insufficient information to properly determine the application including on:

a. bushfire risk management.

b. native vegetation clearance.

c. water catchment impacts.

d. Earthworks not impacting water flow across a boundary.

e. Absent determining referral authority consents; and,

2. The design of the proposed buildings appears incongruent with their use as a manager's residence and shed including describing how the following aspects of the proposal are consistent with a manager's residence and shed in the context of an existing small visitor accommodation facility:

a. The 'residence' includes four bedrooms off a lockable passageway providing ready multi-occupant access

b. a separate 'music/study' room

c. five bathrooms

d. an indoor gym with full change facilities connected to an outdoor gym on a large deck with a sauna and two plunge pools

e. a second large deck with direct multiple openable-door access to a commercial style kitchen and dining area

f. the shed includes full height openable doors to once side, a mezzanine level and bathroom facilities.

MOTION

That Council, as the responsible authority party to application P620/2026 to VCAT to allow use and development of a dwelling and shed at 319 Daylesford-Trentham Road Daylesford, refuse to support the application on the following grounds:

1. *There is insufficient information to properly determine the application including on:*

a. *bushfire risk management.*

b. *native vegetation clearance.*

c. *water catchment impacts.*

d. *Earthworks not impacting water flow across a boundary.*

e. *Absent determining referral authority consents; and,*

2. *The design of the proposed buildings appears incongruent with their use as a manager's residence and shed including describing how the following aspects of the proposal are consistent with a manager's residence and shed in the context of an existing small visitor accommodation facility:*

a. *The 'residence' includes four bedrooms off a lockable passageway providing ready multi-occupant access*

b. *a separate 'music/study' room*

c. *five bathrooms*

d. *an indoor gym with full change facilities connected to an outdoor gym on a large deck with a sauna and two plunge pools*

e. *a second large deck with direct multiple openable-door access to a commercial style kitchen and dining area*

f. *the shed includes full height openable doors to once side, a mezzanine level and bathroom facilities.*

Moved: Cr Lesley Hewitt
Seconded: Cr Don Henderson
Carried

Voted for: Cr Lesley Hewitt, Cr Don Henderson, Cr Tony Clark, Cr Pat Hockey, Cr Shirley Cornish, Cr Brian Hood

Voted against: Nil

Abstained: Nil

BACKGROUND

Site and Surrounds

319 Daylesford-Trentham Road Daylesford is an irregular shaped 9.98 hectare lot fronting Daylesford-Trentham Road to the west and Ilsley Lane to the east.

It is roughly half-way between the Daylesford township and Musk.

The site is used for visitor accommodation with seven short term accommodation cabins, associated office, a tennis court and swimming pool. A building formerly used as a dwelling is also present at the Daylesford-Trentham Road frontage. A gully leading to Wallaby Creek crosses the site in a north/south direction. Two dams are present abutting this gully. The site is heavily vegetated.

The neighbourhood is relatively flat, gently drains to the north towards via Wallaby Creek, has large areas of forest and is generally developed with rural residential uses and some short-term accommodation.



Figure 1: Site aerial showing proposed building areas in yellow (*Enterprise Maps*)

Proposal – as submitted to VCAT by applicant on 30 October 2026

The dwelling is proposed as a 382 square metre, single-storey dwelling (excluding decks), gable-roofed building clad in James Hardie Axon Smooth wall cladding with custom-orb roof sheeting.

There are four bedrooms, two full bathrooms, two half bathrooms, a powder room, kitchen, living, study, and dining areas.

The dwelling would have two un-dimensioned external decks measured off plans. One is measured as a 70 square metre deck with a gym with two plunge pools, outdoor shower and accessible within the dwelling building an indoor gym, a change and shower room. The other is measured as a 50 square metre deck opening off the kitchen dining area with multiple openable glazed windows.

Vehicle access details were requested but have not been supplied – an existing unformed driveway is present that could service both buildings.

An existing building that was formerly used as a dwelling is in the northwestern corner of the site is proposed to be demolished as part of the application.

The applicant advised it considers the proposed dwelling a replacement dwelling, so the use of the land for a dwelling is established. However, the applicant now applies for 'use of a dwelling' associated with the new buildings.



Figure 2: Photos showing the deteriorated condition of the former (Council officer from outside property front gate site visit 5 Nov 2026)

The proposed 201 square metre shed clad in Colorbond Monument (dark gray) is 4.918 metres high, with two banks of windows at each end, and extensive sliding glass doors down two sides.

A ceiling height is shown between the banks of windows, suggesting a potential mezzanine floor, but this is not shown on the floor plan. The applicant opted not to answer a question on this in their amended application.

Proper and clear documentation of native vegetation removal has not been provided to determine applicable planning requirements.

Relevant Planning Ordinance applying to the site and proposal

Zoning:	Farming Zone - Schedule 2 (FZ2)	
Overlays:	Environmental Significance Overlay - Schedule 1 (ESO1) Environmental Significance Overlay - Schedule 2 (ESO2) Bushfire Management Overlay (BMO)	
Particular Provisions	52.17 Native vegetation 53.02 Bushfire planning 53.03 Residential reticulated gas service connection	
Relevant Provisions of the PPF	11.01-1R Settlement – Central Highlands 11.01-1L Township and settlements 12.01-1S Protection of biodiversity 12.01-1L Native vegetation and habitat protection 12.01-2S Native vegetation management 12.03-1S River and riparian corridors, waterways, lakes, wetlands, and billabongs 12.05-2S Landscapes 12.05-2L Landscape management 13.02-1S Bushfire planning 13.07-1S Land use compatibility 14.01-1S Protection of agricultural land 14.01-1L Protection of agricultural land 14.02-1S Catchment planning and management 14.02-1L Catchment and land protection 14.02-2S Water quality 15.01-6S Design for rural areas	
Under what clause(s) is a permit required?	35.07-1	Use of the land for a dwelling
	35.07-4	A building within 100m of a road in a Transport Zone 2
	35.07-4	A building within 100m of a dwelling not in the same ownership

	42.01-2	Construct a building or construct or carryout works for a dwelling that is not connected to reticulated sewerage
	42.01-2	Construct a building or construct or carry out works.
	52.17-1	Remove, destroy, or lop native Vegetation
Objections?	23	

KEY ISSUES

Assessment against Hepburn Planning Scheme

The current incomplete and unclear nature of the application means this section of the report focuses as much on missing or unclear information as on assessment.

Biodiversity protection

- The proposal requires the removal of some native vegetation according to an updated arborist report, but the extent of this has not been confirmed.
- The applicant advised that they had submitted an updated biodiversity report in their amendment cover letter but did not supply the document. Council planners requested the document and have been advised that it is not yet available.
- Similarly, Council planners requested an updated Land Capability Assessment (LCA) with a partial aim of determining if any native vegetation was required to be removed for the effluent field. The applicant also advised that this report had been submitted initially but then did not supply it as it is not yet available.
- Council planners also requested an updated vegetation management plan to show the extent of native vegetation that would be removed under the amendment in totality considering:
    - Effluent field
    - Driveway extensions
    - Defendable space area

  This request was not responded to.
- Without a clear indication of what native vegetation is to be removed, it is not possible for the applicant to address Clause 52.17 Native Vegetation of the Scheme, nor provide the native vegetation removal pathway/offset details.

- Should Council support the application, Council officers would seek long term protection for remaining vegetation on the site through a land management plan, covenant etc.

Bushfire planning

The proposal must respond to the purpose of the BMO which includes prioritising the protection of human life and community resilience to bushfire.

The applicant's bushfire management documents have been referred to the CFA through the VCAT process. CFA has preliminarily indicated support.

The applicant provided a cover letter from a bushfire management consultant which advised that the downscaling of the application *should* satisfy the CFA, in line with a draft bushfire management plan presented. It further advised that a bushfire management statement would be prepared and submitted to Council once the final bushfire management plan had been prepared.

Council requested the completed bushfire management statement and finalised plan. This has not been provided. Council planners will continue to request the finalised documents, to inform native vegetation removal in defendable space.

Agricultural land protection

The site has limited traditional, broadscale agricultural use due to dense vegetation and waterways.

It appears to have a long-established visitor accommodation use. This attracts existing use rights limited to the established physical extent and activity levels of the facility. No planning permit for the use is evident on Council records and no planning permit is sought for the use.

Less traditional agricultural uses are supported and encouraged in the adopted Rural Strategy and the site could be used in that way.

If the application is supported, agricultural potential is unlikely to be further impacted than it already is for the site, considering one building is proposed to be removed and another built close by.

For the same reason, if the application is supported, it is not expected that there would be further impacts on surrounding properties and current/future agricultural use.

Ther are no recorded complaints about the existing group accommodation on site.

Catchment and land protection/water quality

The application has not yet received support from the water authority, noting that the referral to the water authority occurred during the VCAT process (rather than by Council officers).

An updated LCA was requested by Council planners. As noted earlier, it is not yet available. The updated LCA will be required by the water authority and is also needed to assess potential native vegetation removal.

Farming Zone

Council officers believe the former dwelling on the site no longer enjoys existing use rights. The applicant now has amended its application to VCAT to include 'use of a dwelling'.

The site is highly constrained in relation to a sustainable agricultural use on the site because of waterways and dense vegetation.

The neighbourhood is predominantly rural residential.

The building marked dwelling on the plans is beyond what officers would ordinarily view as a 'manager's residence' being laid out and equipped similarly to a visitor accommodation building. The applicant was requested to confirm that no part of the proposed dwelling would be used as a visitor facility and opted to not answer that question.

The proposed shed is large and has a second storey bank of windows, as well as sliding doors and bathroom facilities. These elements suggest that a mezzanine floor could be installed and that the building could be used as a conference or function area.

Further clarity around the proposed dwelling use will be requested, but it is noted that permit conditions could be applied to control uses should a permit be issued.

The applicant was requested to confirm the intended use of the shed. The applicant advised the shed will be for storage and associated uses without clarity of 'associated uses'. Council officers note it is unusual to label a specific 'store' area on a plan drawing of a shed given storage is the ordinary purpose of shed.

Council enforcement would be needed should the buildings be put to another use with a planning permit.

Environmental Significance Overlay 1 (drinking water catchment)

The ESO1 relates to the management of wastewater, groundwater, and waterways within the special water supply catchment area.

An application under the ESO1 requires a statutory referral to Goulburn-Murray Water (GMW), which was sent after the appeal to VCAT by the applicant.

To date GMW have not responded. It is not clear if they support the proposal. Should they object, the application must be refused.

Landscape setting

Consideration would need to be made of the application in terms of landscape impacts.

The applicant's plan set has not provided any context about the visual impact of the proposed dwelling from the Daylesford-Trentham Road.

The applicant was requested to provide setbacks to nearby dwellings on the plan set. The applicant opted not to do this. Officer measurements of plans show two neighbouring dwellings within 100 metres of the proposed dwelling. One of these property owners is a party to the VCAT matter. The other property owner did not object to the original application, so will not receive notice of the amended application through the VCAT process.

Environmental and Sustainability Issues

Council requested an updated vegetation management plan that clearly showed both native and non-native vegetation that would be removed (or consequentially lost). Some information was provided back via an updated arborist report, but this did not cover all requirements.

Further to the vegetation clearance, Council planners have concerns related to long term protection of the remaining vegetation on the site.

Should a permit be issued, Council would request an updated vegetation management plan as an amended plans condition.

Council planners would also request VCAT to include conditions relating to management of the remaining native vegetation and waterways on site. This would be through a land management plan, a covenant or other similar measure.

Future Hepburn Strategies

Under the adopted rural strategy, the site falls into Policy Area 1. This is considered the 'agricultural engine area'.

The critical Future Hepburn policy driver is to reduce the proportion of housing in non-town locations and ensure non-town housing demonstrates that agricultural land use remains protected.

If the existing structure on this site is not considered to have existing use rights, then the proposed dwelling will be a proposed new use of land in the farming zone.

Without existing use rights, this application is considered to contradict the Future Hepburn Strategies. Albeit consideration of the existing use would be warranted.

POLICY AND STATUTORY IMPLICATIONS

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

An assessment against the relevant policy and statutory requirements is contained above in this report. But it is noted that this assessment is limited by the current application status, which is not considered complete.

The applicant has an approved Cultural Heritage Management Plan (CHMP). There has been no feedback provided by the applicant about whether the amended application impacts the approved CHMP. This will be discussed through the VCAT process.

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

It is not yet clear to Council officers that the proposed use and development of the site creates a net sustainable benefit.

The application involves removing vegetation and a potential non-agricultural use in an agricultural area if existing use rights for the existing structure formerly used as a dwelling can't be established.

It potentially increases people presence in a high fire risk area.

FINANCIAL IMPLICATIONS

This application has been appealed to VCAT.

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

RISK IMPLICATIONS

No risks to Council other than those already identified.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The original application has been advertised by sending notification of the proposal to adjoining and adjacent owners and a notice on the land. As a result, 23 objections have been received.

If the proposed dwelling is accepted as a replacement dwelling for the existing structure, some issues raised against the original application no longer apply. The remaining issues that are considered to still apply are listed below:

- Impacts on waterways and the environment.
- Inappropriate development in a Farming Zone.
- Permanent removal of agricultural use.
- Impact on existing agricultural uses.

- Impact on biodiversity with the removal of native vegetation.
- Bushfire risk.
- Impacts on amenity of existing landowners within 100 m.
- Habitat impact.
- Wastewater management.
- Inconsistent with the Hepburn Rural Strategy, adopted 2024.

It is noted that the amended application submitted to VCAT has only notified objectors to the original application, rather than everyone who was originally notified.

It is also noted that the original objectors have a reduced time to submit a statement of grounds to VCAT, should they wish to become a party to the VCAT process.

8 ITEMS OF URGENT BUSINESS

MOTION

That Council, under section 26 of the Governance Rules, accepts tonight's confidential report 'Employment Matter' as an item of urgent business as the report was not provided to Councillors within the 48-hour timeframe set in the Governance Rules.

Moved: Cr Tony Clark
Seconded: Cr Don Henderson
Carried

Voted for: Cr Tony Clark, Cr Don Henderson, Cr Shirley Cornish, Cr Pat Hockey, Cr Lesley Hewitt, Cr Brian Hood

Voted against: Nil

Abstained: Nil

9 COUNCILLOR AND CEO REPORTS

9.1 MAYOR'S REPORT

Councillor Shirley Cornish

As I begin my term as Mayor of Hepburn Shire, I feel both privileged and excited about the opportunity to serve our community over the next 12 months.

Having been involved in local government for several years, I understand how much our residents value a Council that listens, is approachable and most importantly, gets things done. I am committed and passionate about our Shire, its unique townships, rural communities and the people who make it such a special place to live.

My focus this year will be on building a positive and constructive relationship between Councillors and our new CEO, with a shared commitment to good governance, transparency, financial responsibility, and better service delivery. It is important to look forward and encourage a focus on stability and a positive outlook.

I want residents to feel more connected to what the Council does and have a clearer understanding of the decisions we make. Two initiatives I am particularly keen to introduce are a monthly community update from the Mayor and CEO and a quarterly report summarizing community complaints and concerns, outlining the issues residents are raising and how Council is responding.

I believe people deserve to know that their voices are being heard and that their concerns are not simply disappearing into the system.

I also want to see stronger community engagement, continued investment in our townships, progress on important infrastructure projects and a Council that works collaboratively in the interests of the whole Shire.

On a personal note, I want to be a Mayor who is accessible and listens with the aim of proactively actioning issues of concern and is prepared to have honest and respectful conversations, even when there are differing opinions.

I don't expect everything to be achieved overnight, but I do want us to make measurable progress and rebuild confidence through our actions.

My commitment is simple: to listen, to lead with integrity and to work hard for the community we are all proud to call home.

Over the last 4 weeks, I have been busy getting out and about in the community and attending many meetings ,some of my commitments are listed below.

- Various meetings with councillors and external members regarding the appointment of a permanent CEO

- Council briefings and the Statutory meeting of Council to elect the Mayor and Deputy Mayor.
- Attended the Creswick Garden lovers weekend, as a volunteer, at the beautiful quirky garden known as OPHIR.
- Attended the remembrance service and laid a wreath in Kingston along with school children and community members.
- Attended the Trentham Community Action Inc. AGM and was invited to say a few words.
- Attended the Audit and Risk Committee meeting
- Spoke live on ABC Radio regarding my aims for the next 12 months as Mayor.
- Various meetings with Interim CEO Janet Dore
- Attended the Daylesford museum Historical Society AGM at the Daylesford Museum.
- Various other internal and external council meetings and liaison with council staff and Interim CEO.

9.2 COUNCILLOR REPORTS

Councillor Tony Clark

Councillor Don Henderson

Councillor Lesley Hewitt

Councillor Pat Hockey

Councillor Brian Hood

RECOMMENDATION

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

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

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

9.3 CHIEF EXECUTIVE OFFICER'S REPORT

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

CHIEF EXECUTIVE OFFICER UPDATE

- I visited the Wombat Hill Botanic Gardens and was fortunate to meet members of the Friends of Wombat Hill and have a tour of the gardens and nursery.
- Interview with Donna Kelly from The Local
- The 2026 Emergency Services Expo was held on 7 November at Victoria Park. This was a free community event bringing together emergency services, response agencies, community organisations and local groups for a day focused on preparedness, resilience and connection. It was designed for people of all ages to explore emergency vehicles and equipment, meet the people behind the uniforms, discover practical safety information and learn simple steps to help prepare for emergencies. There were live demonstrations, interactive displays, family-friendly activities, local exhibitors and opportunities to connect with services that support our region year-round, the event highlights the important role every person plays in creating safer, stronger communities.
- Everyone's favourite Heelers, Bluey and Bingo were also in attendance for real life in the Bluey Live Interactive Experience.
- Meetings attended:
    - Rural Councils Victoria AGM
    - GBAC Committee Meeting – the meeting covered items such as Victorian Goldfields World Heritage Bid, Small Town Sewerage Funding, Bird Flu and a presentation on the draft BRTA report
    - Rotary Daylesford Art Show Opening
    - TMV Board – out of session meeting - Investment Attraction Strategy shortlisting of options
    - DEECA Regional Director Grampians – Alice Holeywell-Jones

RECOMMENDATION

That Council receives and notes the Chief Executive Officer's Report for November 2026.

MOTION

That Council receives and notes the Chief Executive Officer's Report for November 2026.

Moved: Cr Lesley Hewitt
Seconded: Cr Don Henderson

Carried

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

10 CONFIDENTIAL ITEMS

10.1 CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

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. *EMPLOYMENT MATTER*

   f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs

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. *EMPLOYMENT MATTER*

   f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs

Moved: Cr Lesley Hewitt
Seconded: Cr Brian Hood
Carried

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

11 CLOSE OF MEETING

The Meeting closed at 6.46pm.