



HEPBURN SHIRE COUNCIL
ORDINARY MEETING OF COUNCIL
PUBLIC AGENDA

Tuesday 29 April 2025

Council Chamber
24 Vincent Street Daylesford

6:00PM

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

AGENDA

Tuesday 29 April 2025

Council Chamber

24 Vincent Street Daylesford

Commencing at 6:00PM

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BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

Tuesday 29 April 2025

CONDUCTING HYBRID COUNCIL MEETINGS

In the spirit of open, transparent and accountable governance, this meeting will be live-streamed on Council's YouTube 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 MGPG-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:

OFFICERS PRESENT:

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

5 DECLARATIONS OF CONFLICTS OF INTEREST

6 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 25 March 2025 and the Minutes of the Special Meeting of Council on 3 April 2025 (as previously circulated to Councillors) be confirmed.

7 PUBLIC PARTICIPATION TIME

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

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

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

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

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

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

BEHAVIOUR AT COUNCIL MEETINGS

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

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

Respectful behaviour includes:

- Being courteous when addressing Council during public participation time and directing all comments through the Chair

- Being quiet during proceedings
- Being respectful towards others present and respecting their right to their own views

Inappropriate behaviour includes:

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

7.1 PETITIONS

7.2 REQUESTS TO ADDRESS COUNCIL

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

7.3 PUBLIC QUESTIONS

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

8 OFFICER REPORTS

8.1 ONSITE WASTEWATER MANAGEMENT PLAN 2025-2029

DIRECTOR DEVELOPMENT AND COMMUNITY

In providing this advice to Council as the Manager Community Safety, I Khalid Wright have no interests to disclose in this report.

ATTACHMENTS

1. 2025 2029 Hepburn Shire Council Onsite Wastewater Management Plan V1 [8.1.1 - 78 pages]

OFFICER'S RECOMMENDATION

That Council:

1. *Notes that Council has statutory responsibilities to manage the use and installation of onsite wastewater management systems, and that Council plays a key role in addressing potential risks to public health and the environment that result from treatment and disposal of wastewater;*
2. *Notes the expiry of Local Law No. 3: Operation and Maintenance of Onsite Wastewater Treatment Systems (April 2015), and that the state regulatory framework around onsite wastewater management has significantly changed with the introduction of updates to the EPA Act 2017 and the new provision known as the General Environmental Duty (GED). This new regulatory framework removes the need for the continuation of a separate local law; and,*
3. *Adopts the Onsite Wastewater Management Plan 2025-2029 (Attachment 1).*

EXECUTIVE SUMMARY

Council has statutory responsibilities to administer the use and installation of onsite wastewater management systems within the municipality. Council's 2014 Domestic Wastewater Management Plan (DWMP) has been in effect since 2014. Local Law No. 3 – Operation and Maintenance of Onsite Wastewater was adopted in 2015 to support the 2014 DWMP. It expires in April 2025, after ten years of operation.

Over the last ten years, there have been significant updates in legislation and guidelines which make the 2014 Plan and Local Law No 3 unsuitable for Council's current responsibilities under the *Environment Protection Act 2017 (EPA Act 2017)* which came into effect in July 2021, and the new provision known as the GED. This provides the legislative basis for the 2025-2029 Onsite Wastewater Management Plan (OWMP), removing the need for a separate local law.

Council's 2025-2029 OWMP supersedes the 2014 DWMP. The new plan covers Council's obligations introduced under new obligations introduced under the *EPA Act 2017* and the GED. The new OWMP is Council's second plan to manage wastewater and strengthens Council's ability to protect the natural environment, community health, social wellbeing and economic stability against the risks posed by wastewater.

The attached OWMP is finalised following stakeholder feedback and engagement and is ready for adoption to guide and support the management of onsite wastewater management in Hepburn Shire.

BACKGROUND

Council's last DWMP was developed in 2014, over ten years ago. Local Law No. 3 is expiring in April 2025 and is no longer required to manage wastewater in the Shire.

Under the previous provisions of the State Environment Protection Policy (SEPP), councils were required to develop and implement a DWMP and had a responsibility to assess and report on the progress of the plan every three years.

The most recent changes to the *EPA Act 2017* have included removal of the SEPP, which has been replaced in 2024 by the Obligations for Managers of Land or Infrastructure (OMLI). These obligations include a requirement for councils to develop and publish an OWMP that identifies, assesses and addresses the risks of harm to human health and environment from wastewater systems. This provides the legislative basis for the 2025-2029 OWMP, removing the need for a separate local law.

KEY ISSUES

- The Draft 2025-2029 OWMP meets current legislative obligations and establishes a framework for consistent, risk-based decision making.
- A Council adopted OWMP will enable water authorities to relax the default 1:40 hectare dwelling density rule. If an OWMP is not adopted by Council, this conservatively low dwelling density significantly limits any future development in existing unsewered townships and rural living areas.
- The OWMP will build community awareness of the risks associated with onsite wastewater and understanding of their obligations under the GED.
- There is a requirement set out in the Planning permit applications in special water supply catchment areas guidelines for Councils to protect via an OWMP.

Hepburn Shire Council is one of the few Local Government Areas that has the entire municipality within declared special water supply catchments. This means all Council decisions regarding permits, or compliance of existing Onsite Wastewater

Management Systems (OWMS) must be thoroughly assessed, as the risk to the health of the community and environment are elevated.

Council has a key role in addressing potential risks to public health and the environment that result from treatment and disposal of wastewater. Hepburn's OWMP highlights prevention and mitigation activities to reduce the likelihood or to minimise the consequences of negative environmental and health outcomes that may occur in the area.

The 2025-2029 OWMP bridges the gap between the old DWMP and Council's wastewater management obligations under new legislation and risk assessment framework. The OWMP, in combination with the *EPA Act 2017* and GED, replace Local Law No. 3.

The *EPA Act 2017* came into effect on 1 July 2021 and introduced the GED, which changed how EPA will regulate pollution, waste, and contamination in Victoria. These new environment protection laws, and supporting regulations, focus on preventing waste and pollution impacts, rather than managing impacts after they have occurred.

The GED focuses on preventing harm from waste and pollution rather than managing impacts after harm has already occurred. To ensure legislative compliance and that its content is current, the OWMP must be reviewed and updated at least every five years. The 2024-2029 plan therefore has a review date of 2029.

Council has a statutory responsibility to administer the use and installation of onsite wastewater management systems within the Shire. It must also assess the risks and identify strategies to manage these systems, via an OWMP.

Council's enforcement and continued review of existing policies and legislation as well as engaging a partnership approach with various agencies responsible for wastewater activities throughout the community combine to ensure that all measures possible are addressed to reduce the likelihood of contamination caused by poor wastewater practices.

While focus will remain on educating the community on best practice management on OWMS enforcement (where necessary) will support risk reduction to the wider community and ensure compliance.

Whilst Council has the key statutory responsibility for overseeing the management of OWMS, the following stakeholders were also important in the preparation and implementation of the OWMP:

- Goulburn Murray Water (GMW)
- Central Highlands Water (CHW)
- Coliban Water
- Victorian Environmental Protection Authority (EPA)
- Department of Environment, Land, Water and Planning (DELWP)

- Department of Health (DH)
- Owners and operators of OWMS
- Plumbers and installers of OWMS
- Developers and land capability assessors
- Neighbouring Councils.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

A resilient, sustainable and protected environment

1.2 Prioritise environmental management, protection and regeneration.

1.4 Development meaningful policies and strategic partnerships that link sustainability and public health

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

Council's OWMP applies to OWMS that process less than 5,000 litres of wastewater on any given day. The OWMP considers and applies the following acts, regulations and Council Plans and Strategies:

Legislation

- Building Act 1993 and Regulations 2018
- Catchment and Land Protection Act 1994
- Environment Protection Act 2017 and Regulations 2021
- Infringements Act 2006 and Regulations 2015
- Local Government Act 2020
- Planning and Environment Act 1987
- Public Health and Wellbeing Act 2008 and Regulations 2019
- Safe Drinking Water Act 2003 and Regulations 2015
- Subdivisions Act 1988
- Water Act 2020

Council Plans and Strategies

- Hepburn Shire Council Planning Scheme
- Hepburn Shire Council, Council Plan 2021 – 2025
- Future Hepburn: Structure Plans and Rural Strategy

FINANCIAL IMPLICATIONS

Council applied for and received a \$20,000 grant to fund the development and implementation of the OWMP.

The maintenance and implementation of actions included in the OWMP will be delivered by Environmental Health Officers (EHOs) in their normal course of work.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no community or stakeholder engagement implications associated with this report. This operational plan provides the strategic document for Council Authorised Officers to apply the relevant legislation when making decisions relating to wastewater treatment and management.

The OWMP was drafted in collaboration with all responsible regulatory authorities, including DEECA, Environment Protection Authority (EPA), Central Highlands Rural Water, and Coliban Water. The Water Authorities are aware of the revocation of Local Law No. 3 and adoption of the OWMP.

Local Law No. 3 expires in April 2025. Local Laws automatically 'sunset' and are revoked ten years after their making. The OWMP incorporates the regulation of the operation and management of Onsite Wastewater Treatment Systems and reflects updated changes in legislation and regulations governing onsite wastewater, removing the need for Local Law No. 3.

RISK AND GOVERNANCE IMPLICATIONS

The Onsite Wastewater Management Plan (OWMP) provides the strategic framework for Council's Authorised Officers (AOs) when considering and applying decisions related to onsite wastewater management systems.

The OWMP aims to clarify Council's responsibilities for overseeing the management and installation of OWMS and set out an approach to meet these responsibilities. The OWMP applies a risk-based approach and considers the management of:

- Existing OWMS in unsewered areas
- Future OWMS in unsewered areas
- OWMS in sewerage areas
- Risk by township and locality
- OWMS in potable supply catchments

There are several risks associated with onsite wastewater management systems that impact public health and environmental health.

This includes permits for new developments, subdivisions and building alterations under the *Planning and Environment Act 1987*. The OWMP has been identified as essential through the *obligations of managers of land or infrastructure* which was gazetted in May 2024 and through this, water authorities can choose to not relax the dwelling density of 1 dwelling per 40 hectares if they determine Council does not have an adequate onsite wastewater management plan.

For a Water Authority to not relax the dwelling density there would be detrimental implications for growth and development within Hepburn Shire.

ENVIRONMENTAL SUSTAINABILITY

There are sustainability implications associated with this report. The core of the OWMP is built around the GED and the responsibilities of Council and community.

Hepburn Shire Council is one of the few Local Government Areas that has the entire municipality within declared special water supply catchments. This means all Council decisions regarding permits, or compliance of existing OWMS must be thoroughly assessed, as the risk to the health of the community and environment are elevated.

The Environmental Significant Overlay (ESO) aims to protect water catchments and therefore drinking water for all in Hepburn.

Due to the entire municipality being within a declared water supply catchment an ESO 1 has been applied to all land. The objective of the ESO1 is to ensure all development is undertaken in a manner that protects, restores and enhances natural resources and seeks to eliminate detrimental impacts on the quality and quantity of water in the catchment, to ensure the long-term plentiful supply of quality water.

The ESO1 results in all Planning Permits being referred to the relevant water authorities to provide comments and conditions.

ESO2 is applied in areas of the Shire that have mineral springs. The aim of the ESO2 is to protect the mineral springs, their aquifers and their environs, private domestic bores and water bores that provide town water supply from the impacts of effluent and drainage.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.

8.2 QUARTERLY FINANCE REPORT - QUARTER 3

DIRECTOR PERFORMANCE AND TRANSFORMATION

In providing this advice to 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 31 March 2025 [**8.2.1** - 27 pages]
2. Capital Projects - YTD to 31 March 2025 [**8.2.2** - 5 pages]
3. Special Operating Projects - YTD to 31 March 2025 [**8.2.3** - 5 pages]

OFFICER'S RECOMMENDATION

That Council:

1. *Notes the financial position and performance for the nine months ending 31 March 2025, including the special and capital projects; and,*
2. *Approves the forecast adjustments to the 2024/2025 amended Budget, noting the favourable cash position as detailed in the report.*

EXECUTIVE SUMMARY

The March 2025 Quarterly Finance Report outlines the financial results for the nine months ending 31 March 2025, 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 31 March 2025, and an update on each special and capital project as at 31 March 2025.

The financial position overall is materially on track to the amended budget with no major items for concern in the current financial year.

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).

A further section in the report details forecast adjustments to the 2024/2025 amended budget with commentary for noting that has a positive impact on the cash position for Council.

BACKGROUND

This report provides information on Council's financial performance for the period 1 July 2024 to 31 March 2025 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 nine 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 March 2025 Quarterly Finance Report along with the special operating 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 nine-month period of the 2024/2025 financial year up until 31 March 2025, and an update on the status and progress of each special and capital project. The financial position overall is materially on track to the amended budget with no major items for concern in the current financial year.

The main items to note at the end of Quarter 3, with further details and explanation provided in the attached report are:

- The operating surplus for the nine months ending 31 March 2025 was \$10.36 million. This is \$4.52 million (or 43%) favourable to the amended budgeted surplus of \$5.84 million. This is primarily driven by two areas:
- Materials and Services expenditure budget being favourable by \$2.8 million. This reflects deliberate efforts by departments to yield savings with \$2 million of this being attributable to savings on contractor and consultant payments, and \$0.7 million in general materials and consumables.
- Operating grants are favourable by \$0.9 million primarily due to the provision of 3 grants received that were not budgeted for.
- Year-to-date Capital works expenditure for the nine months ending 31 March 2025 was \$5.3 million, which is 30% of the \$17.79 million amended budget. Based on the year-to-date and anticipated 2024/25 expenditure, indicatively 68% of the capital program expenditure will be realised this financial year and 32% of funds will be proposed as carried forward into 2025/2026.
- Cash holdings as at 31 March 2025 are \$9.5 million, which is \$1.2 million higher than the same time last year, primarily due to the higher costs in the previous financial year associated with expenditure on capital works, special projects and storm recovery.

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

Proposed 2024/2025 Forecast Adjustments

As part of the continual review of the current income and expenditures for the 2024/2025 financial year, the following items have been identified that are impacting positively on Council's cash position:

- Recovery of income from the October 2022 storms that was unbudgeted in 2024/2025 resulting in a positive impact of \$370k to cash.
- Increase in the return on interest income from investments resulting in a positive impact of \$100k to cash.
- Forecast reduction of \$50k to corporate training and development expenditure in 2024/2025.
- Favourable movement in income budget adjustments of \$11k as per Quarter 2 Finance Report.

The adopted 2024/2025 budget noted an unrestricted cash position of \$295k that was subsequently adjusted downwards by \$49k to \$246k based on the finishing position of 2023/2024, carry forwards and adjustments.

With the above forecast adjustments, the revised unrestricted cash position for 2024/2025 is forecast as a favourable \$777k by 30 June 2025.

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 are 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 are no sustainability implications associated with this report.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.

8.3 DRAFT COUNCILLOR INTEGRITY POLICY AND INTERNAL RESOLUTION PROCEDURES 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

1. Policy 97(C) - Councillor Integrity Policy and Internal Resolution Procedures
[8.3.1 - 22 pages]

OFFICER'S RECOMMENDATION

That Council:

1. *Adopts the Draft 97 (C) Councillor Integrity Policy;*
2. *Authorises officers to make administrative amendments to the policy in line with legislative changes; and,*
3. *Revokes Policy 47 (C) Internal Resolution Procedures, in which has been superseded by the Model Councillor Code of Conduct.*

EXECUTIVE SUMMARY

The Model Councillor Code of Conduct came into force on 26 October 2024, superseding the former Hepburn Shire Council Councillor Code of Conduct.

While the Model Code cannot be changed or amended, Council is permitted to develop policies and procedures to complement the Model Code. This Policy seeks to provide additional guidance to Councillors and recommend additional conduct requirements over and above those required under the Model Code.

The Policy also includes the Internal Resolution Procedures, which Council is required by the *Local Government Act 2020* (the Act) to adopt no later than 1 July 2025.

BACKGROUND

On 25 June 2024, the *Local Government Amendment (Governance and Integrity) Act 2024* (the Amendment Act) was given Royal Assent. Included in the Amendment Act was the Model Councillor Code of Conduct, and the requirement for Councils to adopt an internal resolution procedure that may be followed by Councillors to manage alleged breaches of the Model Councillor Code of Conduct and other disputes.

Local Government Victoria has also published a guidance document in relation to the Model Councillor Code of Conduct, which is available on their [website](#).

Previously, Councils were able to develop their own Councillor Code of Conduct and the Standards of Conduct. The Model Code captures the overarching legislation requirements, but has limited details regarding internal resolution processes, and any other standards or protocols Councillors may wish to adhere to as elected representatives.

Council has developed the Councillor Integrity Policy, including the internal resolution procedure, to provide additional guidance to Councillors regarding their roles and responsibilities, and carry forward additional standards which were included in the superseded Code of Conduct.

The Policy is aimed to 'bridge the gap' between the Model Code and our former code, incorporating Councillors' vision of what standards they would like to uphold whilst representing the community.

KEY ISSUES

The former Councillor Code of Conduct has been used as a foundation for this Policy. Sections of the former Code of Conduct have been removed where they have been superseded by the Model Code or are already reflected in the *Guidance on the Model Councillor Code of Conduct* published by Local Government Victoria, or the Act or Regulations.

Councillor Integrity Policy

Only the Internal Resolution Procedures section (Part 7) of this Policy are required under legislation. The remaining sections have been included to provide guidance to Councillors, and provide a central, overarching document which clarifies those policies and procedures which apply to Councillors in the performance of their roles.

The sections in relation to *Confidential Information* and *Social Media* are not mandated, but there is a standing recommendation from Local Government Victoria that Council provide guidance to Councillors in these areas.

The Policy also includes a section in relation to land use planning interactions with applicants, objectors and other parties. This section was adopted by Council in October 2023 following a [report from the Local Government Inspectorate](#) regarding Councillor interactions with developers. The report included five recommendations:

1. Councillors should avoid comment before a decision;
2. Councillors should avoid meeting developers one-on-one;
3. Councillors should avoid accepting gifts and hospitality from developers;
4. Councils should create a policy to guide Councillor interactions with developers; and
5. Councils should keep a register of Councillor interactions with developers.

These recommendations have not yet been incorporated into the Act or Regulations.

Internal Resolution Procedures (Prescribed Procedures under s140 of the Act)

Under s140 of the Act, Council is required to adopt Internal Resolution Procedures (or Prescribed Procedures) by 1 July 2025. [Schedule 1A of the Local Government \(Governance and Integrity\) Regulations](#) steps out what must be included in the Procedures.

The Procedures in this Policy (Part 7) have been developed based on legal advice and advice from Local Government Victoria.

Officers have also included the following sections:

- The external mediation process from the former code at item 7.5, with amendments for the revised Act and Regulations:
Note: Legal advice cautioned that mediation can be lengthy and expensive, is voluntary, and the outcomes of this kind of meditation are not binding.
- A reference to the Internal Arbitration section at 7.7 to include the process enshrined in the Act:
Note: Legal advice noted that this section is subject to the requirements of the Act and the Principal Councillor Conduct Registrar, so if it is to be included, it will need to be amended as these requirements change. This has also been noted in the Officer Recommendation.

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

Local Government (Governance and Integrity) Regulations 2020

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. Costs associated with resolving disputes and alleged breaches of the Model Code are considered in Council's annual budget process.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

RISK AND GOVERNANCE IMPLICATIONS

In accordance with s140 of the *Local Government Act 2020* and schedule 12A of the *Local Government (Governance and Integrity) Regulations 2020*, Council is required to adopt an internal resolution procedure by the 1 July 2025. Failure to do so would result in Council being non-compliant with legislative requirements.

The remaining sections of the Policy are not legislated, and are included for clarity and to support Councillors in their roles.

ENVIRONMENTAL SUSTAINABILITY

There are no sustainability implications associated with this report.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.

8.4 CEO ANNUAL REPORT TO COUNCIL ON THE ACTIVITIES AND PERFORMANCE OF COMMUNITY ASSET COMMITTEES 2024/2025
CHIEF EXECUTIVE OFFICER

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

ATTACHMENTS

1. CONFIDENTIAL - Creswick Museum Community Asset Committee Annual Report to Council [8.4.1 - 6 pages]
2. CONFIDENTIAL - Dean Recreation Reserve Community Asset Committee Annual Report to Council [8.4.2 - 6 pages]
3. CONFIDENTIAL - Lee Medlyn Home of Bottles Community Asset Committee Annual Report to Council [8.4.3 - 8 pages]
4. CONFIDENTIAL - Glenlyon Recreation Reserve Community Asset Committee Annual Report to Council [8.4.4 - 7 pages]
5. CONFIDENTIAL - Lyonville Hall Community Asset Committee Annual Report to Council [8.4.5 - 7 pages]
6. CONFIDENTIAL - Drummond Hall Community Asset Committee Annual Report to Council [8.4.6 - 7 pages]

OFFICER'S RECOMMENDATION

That Council:

1. *Receives and notes the report on the operations of Council's Community Asset Committees (CACs) as required in line with obligations set out in Local Government Act 2020; and*
2. *Thanks Committee members for their efforts and achievements throughout the year.*

EXECUTIVE SUMMARY

Under the *Local Government Act 2020*, the CEO is required to submit a report to Council each year on the activities and performance of Council's six Community Asset Committees.

The report has been prepared in conjunction with the Committees, and reflects their achievements over the last 12 months, and the challenges they are facing.

BACKGROUND

A community asset committee is a committee established by Council, with members appointed by the CEO, for the purposes of managing a community asset in a municipal district (s65(2)).

Council has six Community Asset Committees:

- Creswick Museum Community Asset Committee
- Dean Recreation Reserve and Tennis Courts Community Asset Committee
- Drummond Hall and Tennis Courts Community Asset Committee
- Glenlyon Recreation Reserve Community Asset Committee
- Lee Medlyn Home of Bottles Community Asset Committee
- Lyonville Recreation Reserve Community Asset Committee

KEY ISSUES

This report covers the February 2024 – January 2025 period.

Creswick Museum Community Asset Committee

Purpose of the Committee

The Committee has operational oversight of the Creswick Museum, the former Infant Welfare Centre, Cambridge Street, Creswick and the Museum Collection including, but not limited to, the following:

- Dr. E.J. Semmens Collection;
- Lindsay Family Collection;
- T.G. Moyle Collection;
- W. Tibbits Collection;
- Victor Litherland Collection;
- Creswick Council Chamber Collection;
- H.H. Pearce Collection;
- Sir Alexander and Lady Peacock Collection;
- H. Burkitt Collection;
- The New Australasian No. 2 Mine Disaster Collection;
- Alexander T Evans Collection;
- Jean Baker Collection; and
- Heather Lay Collection
- (being collections held in trust for Creswick and District residents)

The Committee also manages opening the museum to the public, undertakes research on request, manages inventory of the collection and acquisition of the new items for the collection, and arranging loan of items from other collections to make them available to the community. The Committee also manages a group of volunteers who staff the Museum and support the work of the Committee.

Governance

The Committee was first established in 1997 as a Special Committee of Council under the *Local Government Act 1989*. The current Instrument of Delegation was authorised by the CEO on 24 August 2024. The Committee was established under the *Local Government Act 2020*.

The Committee is required to have at least 7 voting members under their Instrument of Delegation, with a current membership of 6. Overall, the Committee is diligent in operating in line with the terms of their Instrument and regularly files minutes and financial returns as required.

The Committee has approximately \$60,000 in cash reserves, including term deposits.

Relevant Plans and Strategies

Arts and Culture Strategy 2024.

Maintenance and Improvements

Officers have assisted the Museum group, and outlined works which are in progress to assist the Museum Committee. These works pertain to safe egress and storage areas.

Renewal of the security system control panel and minor maintenance items were conducted on request of the Committee.

Community Engagement

Officers continue to support the Community Asset Committee on the management of the Creswick Hall Collection.

Dean Recreation Reserve and Tennis Courts Community Asset Committee

Purpose of Committee

The Committee has operational oversight of the Dean Recreation Reserve and Tennis Courts including the soccer pitches, pavilion, toilet block and storage shed, tennis courts, shelter and fencing.

Governance

The Committee was first established in 1997 as a Special Committee of Council under the *Local Government Act 1989*. The current Instrument of Delegation was authorised by the CEO on 24 August 2024. The Committee was established under the *Local Government Act 2020*.

The Committee is required to have at least five voting members under their Instrument of Delegation, with a current membership of eight.

The Committee is currently meeting quarterly and have filed minutes for their meetings over the last 12 months. It is noted that at least one office holder of the Committee has dedicated significant personal time supporting the response to bushfires in the region in the latter part of the reporting period, which has naturally impacted the time available to them to address Committee matters in the usual timeframe.

The Committee's annual financial audit for the 2023/2024 financial year has not yet been provided to Council, and the Committee have been reminded of their obligation to obtain this audit at the conclusion of each financial year.

The Committee has approximately \$28,000 in cash reserves, as reported in the Minutes of the Committee's meeting of 17 November 2024; officers note that this amount has not been audited.

Relevant Plans and Strategies

Nil.

Maintenance and Improvements

Officers commissioned a condition audit of the Dean Recreation Reserve tennis courts to assist the Dean Recreation Reserve Community Asset Committee's advocacy for future external funding opportunities for the renewal of the courts. The Committee have been made aware that any works to the courts are currently unfunded and would be required to be considered with other Council priorities and long-term financial planning.

Committee members attended a workshop in December 2024 on grant seeking and grant writing, and have received assistance from officers in locating grants to apply for to fund tennis court upgrades.

Community Engagement

Officers continue to liaise with the Dean Recreation Reserve Community Asset Committee to facilitate the exploration of future funding opportunities for the Reserve's existing sport and recreation infrastructure.

Drummond Hall and Tennis Courts Community Asset Committee

Purpose of Committee

The Committee has operational oversight of the Drummond Hall consisting of Drummond Hall, including timber building, brick toilet block and tennis courts.

Governance

The Committee was first established in 1997 as a Special Committee of Council when it was established under the *Local Government Act 1989*. The current Instrument of Delegation was authorised by the CEO on 24 August 2024. The Committee was established under the *Local Government Act 2020*.

The Committee is required to have at least five voting members under their Instrument of Delegation, with a current membership of six. After struggling in the past to attract and retain members, the Committee now has relatively stable membership.

The Committee is diligent in operating in line with the terms of their Instrument and regularly files minutes and financial returns as required.

The Committee has approximately \$3,000 in cash reserves.

Relevant Plans and Strategies

Nil.

Maintenance and Improvements

2023/2024 funded renewal works to the tennis court were completed by 30 June 2024.

Lighting fixtures replaced and plumbing fixture renewal undertaken within the Public Toilet amenities program.

Officers provided grant writing assistance to the Committee in February 2024. The Committee were successful in obtaining a \$5,000 Council community grant for the purchase of AV equipment in April 2024. Officers provided advice on the installation of the AV equipment purchased, and these works were undertaken by a contractor advised to the Committee.

Community Engagement

Officers continue to liaise with the Drummond Hall Community Asset Committee in relation to the Hall's free public access tennis court facility.

Glenlyon Recreation Reserve Community Asset Committee

Purpose of Committee

The Committee has operational oversight of the Glenlyon Recreation Reserve.

Governance

The Committee was first established in 1997 as a Special Committee of Council when established under the *Local Government Act 1989*. The current Instrument of

Delegation was authorised by the CEO on 2 August 2024. The Committee was established under the *Local Government Act 2020*.

The Committee is required to have at least five voting members under their Instrument of Delegation, with a current membership of eleven, and due to the Committee's high membership, new appointments to the Committee have been paused until a vacancy arises.

The Committee regularly files minutes and financial returns as required.

The Committee holds approximately \$27,000 in cash reserves.

Relevant Plans and Strategies

- Glenlyon Recreation Reserve Masterplan (2024)

Maintenance and Improvements

Fencing repair and replacement of the horse yards has been completed. Pump renewal occurred to support the Reserve public toilets in February 2025.

Control of blackberry, thistles and gorse conducted.

Council provided assistance with cleaning and making sure the septic system was ready for the Glenlyon Sports Day, 1 January 2025.

Community Engagement

Throughout the reporting period, Sport and Recreation officers have liaised with the Glenlyon Recreation Reserve Community Asset Committee on the adoption the Glenlyon Recreation Reserve Masterplan, potential external funding opportunities for reserve enhancement works, club reserve tenancy agreements and progressing the Glenlyon Pavilion development project.

In November 2024, officers commenced the establishment of the Glenlyon Pavilion Development Project Advisory Group (PAG) through an expression of interest process. Proposed membership of the PAG will be considered at the March 2025 Ordinary Council Meeting.

Officers also provide support to the committee regarding major events, such as the NYD Sport Day event, Antiques Swap Meet and Regional Equestrian event annually.

Lee Medlyn Home of Bottles Community Asset Committee

Purpose of Committee

The Committee has operational oversight of the Lee Medlyn Home of Bottles consisting of the Former School Building, Factory and Public Toilet Block at 70 Bailey Street, Clunes and the Lee Medlyn Home of Bottles Collection including, but not limited to, the following:

- Lee Medlyn Bottle Collection
- Eberhard Factory (soft drink display), and
- other collectables and displays currently at the Home of Bottles, and as the committee obtains.

The Committee also manages opening the museum to the public, acquisition of the new items for the collection, and arranging loan of items from other collections to make them available to the Hepburn Shire community.

Governance

The Committee was first established in 1997 as a Special Committee of Council when established under the *Local Government Act 1989*. The current Instrument of Delegation was authorised by the CEO on 24 August 2024. The Committee was established under the *Local Government Act 2020*.

The Committee is required to have at least seven voting members under their Instrument of Delegation, with a current membership of seven.

The Committee meets monthly and is diligent in operating in line with the terms of their Instrument and regularly files minutes and financial returns as required.

The Committee has approximately \$11,000 in cash reserves.

Relevant Plans and Strategies

- *Arts and Culture Strategy 2024.*

Maintenance and Improvements

Council Officers are continuing to focus on building critical safety works in relation to the Lee Medlyn Complex.

Following concerns raised by the Committee regarding electrical safety, Council has assessed and is working towards repairs within its building maintenance program; noting the works are non-critical but are being prioritised.

Working with the Committee, officers have identified and are pursuing opportunities for plant purchase in relation to grounds and garden maintenance.

In March 2024, the Committee were successful in obtaining a Council Quick Response grant of \$673 for the purchase of a computer for the workroom.

Community Engagement

Officers are working with the Committee to support management of the collection. This includes assisting the Community Asset Committee on updating their business plan and engaging a graphic artist to help updating their print and online promotional material.

Lyonville Hall Community Asset Committee

Purpose of Committee

The Committee has operational oversight of the Lyonville Hall consisting of a timber hall, outside toilets and reserve land.

Governance

The Committee was first established in 1997 as a Special Committee of Council when it was established under the *Local Government Act 1989*. The current Instrument of Delegation was authorised by the CEO on 9 September 2024. The Committee was established under the *Local Government Act 2020*.

The Committee is required to have at least five voting members under their Instrument of Delegation, with a current membership of seven.

The Committee is currently meeting monthly and has regularly filed minutes and financial statements as required.

The Committee held \$110,194.67 in cash reserves in the 2023-2024 audited financial reports. The meeting minutes on 15 January 2025 note of approximately \$85,000 with a note indicating \$50,000 to be brought back in once the Council grant end is fulfilled. Officers note that these balances have not been audited. The Committee has done considerable work in recent years to establish the Hall as a hub for the community, including the operation of a weekly cafe. Proceeds are directed towards the use and maintenance of the Hall. Officers have worked with the Committee to update governance arrangements as required to minimise risk associated with the operation of the food premise, and support the cafe in continuing, with the responsibility for the cafe now embedded in the Committee's Instrument of Delegation.

Relevant Plans and Strategies

Nil.

Maintenance and Improvements

The Committee has managed or commenced planning for several maintenance issues over the year, including:

- Purchased a good quality piano.
- Upgraded the external lighting and improved lighting near the stage.
- Installed a mobile phone booster to improve phone coverage.
- Received a donated cake display case from Daylesford Bowls Club.
- Applied for and were successful in getting a grant of \$7,057 for a generator for the Hall.

- Built a woodshed to store the free wood provided by Council following the June 2021 storm.
- Progressed planning and approvals for construction of a covered area near the pizza oven.

Council painted the exterior of the Hall and funded two picnic tables in the grounds as well as completed fixture renewal within the public toilet amenities.

Community Engagement

Officers provided grant writing assistance to the Committee for their Tiny Towns Fund application. In June 2024, the Lyonville Community Asset Committee were successful in receiving \$50,000 in funding from the Tiny Towns program to undertake improvement works to the exterior of the hall and surrounding garden area. Officers continue to provide ongoing assistance to the Committee for reporting and grant acquittal under the auspicing arrangement. Engineering Services officers supported the Lyonville Hall Community Asset Committee to successfully deliver the works funded through the Tiny Towns Fund received.

A 2024/2025 budget allocation was endorsed by Council to undertake renewal works to the Lyonville Hall playspace. The playspace renewal works are in progress and are on track to be completed by 30 June 2025. Officers continue to liaise with the Lyonville Hall Community Asset Committee to undertake the playspace renewal works.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

A healthy, supported, and empowered community

2.2 Increase the availability and accessibility of services in the Hepburn Shire area to support liveability, health, and wellbeing.

A dynamic and responsive Council

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

Arts and Culture Strategy 2024

Glenlyon Recreation Reserve Masterplan

FINANCIAL IMPLICATIONS

Most Committees continue to struggle with financial sustainability, and Council is working with Committees to explore options for improving financial sustainability.

Council's Community Asset Committees are empowered to manage their own fees and fee waivers under their Instruments of Delegation for facility bookings. As the

committees are reliant on hire fees as a source of income, it can be difficult to provide their facilities free of charge. To address this, Council provides the following Community Asset Committees with an annual stipend of \$500:

- Dean Recreation Reserve and Tennis Courts Community Asset Committee
- Drummond Hall Community Asset Committee
- Glenlyon Recreation Reserve Community Asset Committee
- Lyonville Hall Community Asset Committee

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Committees are invited to provide a report to Council, and to attend a session with Councillors to discuss issues affecting their committees. Information from committee minutes has also been included in this report.

RISK AND GOVERNANCE IMPLICATIONS

During the preparation of this Annual Report, a number of governance issues were identified, such as:

- Some committees not arranging their annual financial audit in the required timeframe, and
- Some committees not providing copies of their minutes to Council.
- Some committees are inconsistent with their management of asset processes, maintenance, facility bookings and governance of meetings.

Officers have contacted the relevant Committees to remind them of their requirements under their Instrument of Delegation and provide guidance on rectifying these issues.

Officers are also establishing an operations manual to assist all Community Asset Committees for consistent governing of processes and templates.

An internal audit is also underway to review Council's volunteer management; this will also capture and provide recommendations in relation to Community Asset Committees operations.

ENVIRONMENTAL SUSTAINABILITY

There are no sustainability implications associated with this report.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.

8.5 REVISION OF INSTRUMENTS OF DELEGATION FROM COUNCIL TO THE CEO (S5), AND FROM COUNCIL TO COUNCIL STAFF (S6 AND S18)

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

1. S5 Instrument of Delegation Council to CEO [8.5.1 - 4 pages]
2. S6 Instrument of Delegation Council to Council Staff [8.5.2 - 113 pages]
3. S18 Instrument of Sub Delegation to Council Staff - Environment Protection Act [8.5.3 - 5 pages]

OFFICER'S RECOMMENDATION

That Council:

1. *In the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 (the Act), resolves that:*
 - a. *There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument;*
 - b. *The instrument comes into force immediately upon this resolution being made and is to be signed by the Chief Executive Officer and the Mayor;*
 - c. *On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked; and,*
 - d. *The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*
2. *In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, resolves that:*
 - a. *There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the*

conditions and limitations specified in that Instrument;

- b. The instrument comes into force immediately upon resolution of Council and is to be signed by the Council's Chief Executive Officer and the Mayor;*
 - c. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked; and,*
 - d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*
- 3. In the exercise of the power conferred by s 437(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Council resolves that:*
- a. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;*
 - b. The instrument comes into force upon resolution of Council and is to be signed by the Council's Chief Executive Officer;*
 - c. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

EXECUTIVE SUMMARY

Instruments of Delegation represent the formal delegation of powers by Council under the *Local Government Act 2020* (the Act) and enable the business of Council to be carried out efficiently and in line with Council approved policies.

The previous Instrument of Delegation to the CEO (S5), Instrument of Sub-Delegation under the Environment Protection Act (S18) were executed on 16 September 2024, and the Instrument of Delegation to Members of Council Staff (S6) was executed on 18 December 2024.

The revised instruments reflect staffing changes in the organisation, along with legislative changes and amendments.

These Instruments will be authorised by the CEO and the Mayor once the above Instruments have been considered by Council.

BACKGROUND

Instruments of Delegation represent the formal delegation of powers by Council. Section 11(1)(b) of the *Local Government Act 2020* (the Act) provides for a Council to delegate powers, duties and functions to its CEO under the Act or any other Act, other than certain specified powers.

Delegations enable the business of Council to be carried out effectively, in line with Council approved policies and are assigned to positions within Council, rather than to staff individually. When executing powers under delegation, staff are also limited and bound by Council policies and procedures.

Section 11 of the Act specifies a number of powers, duties and functions that must be specified through Instruments of Delegation, along with a number of exclusions to what can be delegated to the CEO:

(1) A Council may by instrument of delegation delegate to—

(a) the members of a delegated committee; or

(b) the Chief Executive Officer— any power, duty or function of a Council under this Act or any other Act other than a power, duty or function specified in subsection (2).

(2) The following are specified for the purposes of subsection (1)—

(a) the power of delegation;

(b) the power to elect a Mayor or Deputy Mayor;

(c) the power to grant a reasonable request for leave under section 35;

(d) subject to subsection (3), the power to appoint the Chief Executive Officer, whether on a permanent or acting basis;

(e) the power to make any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;

(f) the power to approve or amend the Council Plan;

(g) the power to adopt or amend any policy that the Council is required to adopt under this Act;

(h) the power to adopt or amend the Governance Rules;

(i) the power to appoint the chair or the members to a delegated committee;

(j) the power to make, amend or revoke a local law;

- (k) the power to approve the budget or revised budget;*
- (l) the power to borrow money;*
- (m) subject to section 181H(1)(b) of the Local Government Act 1989, the power to declare general rates, municipal charges, service rates and charges and special rates and charges;*
- (n) any power, duty or function prescribed by the regulations for the purposes of this subsection.*

Council subscribes to the Maddocks Authorisations and Delegations Service, which provides advice regarding legislative amendments and template instruments which are then tailored to organisational requirements. Maddocks have informed Council about the legislative changes that affect the powers, duties and functions of Council.

The following table provides an overview of Council's Instruments of Delegation, what powers are delegated, and what approval is required:

Delegation from Council

Require resolution of Council

Schedule 5 – Delegation from Council to the CEO under the *Local Government Act 2020*

Includes delegations required and excluded under the Local Government Act 2020

Schedule 6 – Delegation from Council to Council Staff under various Acts

Powers are delegated direct to officers under the following Acts:

- *Cemeteries and Crematoria Act 2003*
- *Domestic Animals Act 1994*
- *Environment Protection Act 1970*
- *Food Act 1984*
- *Heritage Act 2017*
- *Local Government Act 1989*
- *Local Government Act 2020*
- *Planning and Environment Act 1987*
- *Residential Tenancies Act 1997*
- *Road Management Act 2004*
- *Cemeteries and Crematoria Regulations 2015*
- *Planning and Environment Regulations 2015*
- *Planning and Environment (Fees) Regulations 2016*
- *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024*
- *Road Management (General) Regulations 2016*

- *Road Management (Works and Infrastructure) Regulations 2015*

Schedule 18 - Instrument of Delegation Environment Protection Authority powers from Council to members of Council staff

Allows authorised officer to exercise powers held by the Environment Protection Authority under the Environment Protection Act 2017, specifically relating to:

- *onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and*
- *noise from the construction, demolition or removal of residential premises.*

Delegation from the CEO

To be determined by the CEO

Schedule 7 – Sub-delegation from the CEO to Council Staff under various Acts

Powers, as delegated to the CEO by Council or under various Acts, are sub-delegated to Council Staff under various Acts and through administrative powers.

Schedule 13 – delegation directly from the CEO to Council Staff under various Acts

Schedule 14 – delegation from the CEO to Council Staff related to VicSmart applications

Schedule 15 – authorisation from the CEO to Council Staff related to Freedom of Information Processing

Schedule 16 – delegation from the CEO to Council Staff related to bushfire reconstruction

Schedule 17 – authorisation from the CEO to Council Staff related to the *Oaths and Affirmation Act 2018*

KEY ISSUES

Instrument of Delegation to Chief Executive Officer (S5) – to be adopted by Council

There are no legislative changes advised by Maddocks for this instrument. The Instrument is based upon the Maddocks template, and continues the delegations approved in September 2024.

Instrument of Delegation to Members of Staff (S6) – to be adopted by Council

The revised Instrument of Delegation to Members of Council staff is based upon the previous Instrument considered by Council in December 2024. This revision has also been updated to include recent position changes across the organisation.

The Instrument has been revised incorporating recent legislative changes and to provide further clarity on officer powers.

Amendments to the delegated powers, duties and functions in the revised Instrument of Delegation to Members of Council Staff are largely administrative in nature and will not result in any significant changes to current practices.

The revised instrument is attached. In summary, the legislative changes to the revised Instrument of Delegation are:

The following changes have been made to the S6:

- Inserted section 12(2)(b) of the *Road Management Act 2004* to provide for Council to provide consent to the Head, Transport for Victoria to discontinue a road or part of a road;
- Removed the limitation for the powers in sections 19FA(1) and 19FA(3)(a)-(c) of the *Food Act 1984* being delegated “only in relation to temporary food premises or mobile food premises”;
- At the Council Meeting in December 2024, Council amended the planning delegations in accordance with s 61(1) of the Planning and Environment Act 1987, this has now been included within s73 and s74 delegations allowing provisions to also apply to ‘*amendments to planning applications*’; and
- Typographical errors.

Instrument of Sub-Delegation to Members of Staff under the Environment Protection Act (S18) – to be adopted by Council

This Instrument allows authorised officers to exercise powers held by the Environment Protection Authority under the Environment Protection Act 2017, specifically relating to:

- Onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
- Noise from the construction, demolition or removal of residential premises.

There are no legislative changes to this Instrument and the only amendments are to officer titles.

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

Amendments to the delegated powers, duties, and functions in the revised Instruments are administrative in nature and will not result in any significant changes to current practices.

It is noted that the instruments provide that a power, duty, or function may only be exercised in accordance with adopted policies.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The revised Instruments of Delegation have been prepared based on current advice provided by Council's solicitor Maddocks.

Consultation has occurred relevant staff during the preparation of the revised Instruments of Delegation to ensure that appropriate staff delegates have been nominated.

RISK AND GOVERNANCE IMPLICATIONS

Reviewing Council's delegations ensures Council continues to comply with its obligations under various Acts and Regulations and enables the business of Council to be carried out efficiently.

If the Council did not delegate duties, powers, and functions to members of Council staff and enable the CEO to do the same, Council would not be able to manage the volume of work and decisions that are effectively carried out by officers every day.

Appropriate conferring of powers to positions within Council also enables decisions that are made on a day-to-day basis to be compliant and reduce the opportunity to be challenged from an authorising environment perspective.

ENVIRONMENTAL SUSTAINABILITY

There are no sustainability implications associated with this report.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.

8.6 INSTRUMENTS OF APPOINTMENT TO AUTHORISED OFFICERS UNDER THE PLANNING AND ENVIRONMENT ACT 1987 & ENVIRONMENT PROTECTION ACT 2017 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

1. S11A Instrument of Appointment and Authorisation - Planning and Environment Act [8.6.1 - 1 page]
2. S11B Instrument of Appointment and Authorisation - Environment Protection Act [8.6.2 - 1 page]

OFFICER'S RECOMMENDATION

That Council:

1. *In the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, resolves that:*
 - a. *The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument.*
 - b. *The instrument comes into force immediately it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.*
2. *In the exercise of the power conferred by s 242(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, resolves that:*
 - a. *The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument.*
 - b. *The instrument comes into force immediately it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.*

EXECUTIVE SUMMARY

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

This instrument is being updated to reflect staffing changes and administrative changes to the wording to align with section 147(4) of the *Planning and Environment Act 1987*.

BACKGROUND

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

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

Whilst the appointment and authorisation of authorised officers under other relevant legislation is executed by the Chief Executive Officer under delegation, Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* and the *Environment Protection Act 2017* be authorised by Council resolution.

Maddocks recommends that Council to execute the appointment and authorisation of authorised under the *Planning and Environment Act 1987* and the *Environment Protection Act 2017* because these Acts place limitations on what powers can be sub-delegated, so by delegating direct from Council, the risk of decisions being challenged on the basis that the delegation was not appropriate is mitigated.

The instruments have been prepared following consultation with the internal departments of Council and have been recently updated to reflect staffing changes. Powers are delegated to individuals, not positions.

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

KEY ISSUES

Planning and Environment Act 1987

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

Environment Protection Act 2017

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

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

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

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

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

RISK AND GOVERNANCE IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY

There are no sustainability implications associated with this report.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.

9 ITEMS OF URGENT BUSINESS

10 COUNCILLOR AND CEO REPORTS

10.1 MAYOR'S REPORT

Councillor Don Henderson

10.2 COUNCILLOR REPORTS

Councillor Pat Hockey

April was a massive month for me signaling that the year had really kicked off. At one point I had a run of nine days with events and duties on every one of them, including several days in chambers. As a new Councillor there is constantly much to reflect on and I count myself very fortunate to not be working in a full-time job as well. The role now is so complex and multi-faceted that it really does constantly demand more and more attention.

Highlights of the month included a talk at half-time at the Clunes football. Locals have been thrilled to see two consecutive wins for Clunes in both the football and the netball for the start of the season. Cresfest was a huge success after early concerns about ticket sales; no doubt a reflection of the cost of living challenges we are all dealing with.

I was interested to see representatives of most of the Asset Committees that the council works with address the full Council and I see a very positive path forward with current allocations of Councillors to these committees.

Many of the engagements for the month were of a formal nature; briefings and meetings in anticipation of decisions that are set to come before Council, or that Councillors are having input towards a final form that they will decide upon. Much of this is very weighty and consequential in nature and requires a considerable amount of private time reading and also reflection and discussion with the community.

As always I encourage folk to reach out for a friendly chat.

Councillor Brian Hood

Councillor Tony Clark

Councillor Shirley Cornish

Councillor Tim Drylie

Councillor Lesley Hewitt

RECOMMENDATION

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

10.3 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

Following last month's Council meeting, the current elected Councillor group made a statement about the leaked report on the Hepburn Hub at the Rex, on behalf of Council.

"The current elected Councillor group would like to express our regret to our community of Hepburn Shire for the negative impact that the Hepburn Hub at The Rex project has had on us all. Council also acknowledges that due to the report's release, our community will be feeling a range of emotions; frustration, anger, sadness, discontent and discomfort. Council has been calling for the finalisation and release of the LGI report for many years, to bring closure to the situation and allow our community to move forward."

Council is working with the relevant stakeholders to bring closure to and recover from this incident and will continue to advocate for the community and their interests now and into the future.

On Friday 21 March, Councillors, Executive Leadership Team and our Communications team toured The Block site and were able to get a sneak preview of these fantastic houses. While still in the early stages of construction, the look, feel and vibe around the place was very Daylesford.

We're excited to have The Block shining a light on our iconic region and Scotty Cam (co-host of the show) noted the warmth and welcoming nature of our towns. The team mentioned they're enjoying shopping and dining locally.



Council hosted a Listening Post in Daylesford on 27 March which several residents attended to talk about what matters to them. Our next Listening Post will be in Trentham on Saturday 17 May (Trentham Market), 10 am to 12 pm.

The Greater Ballarat Alliance of Councils (GBAC) committee meet regularly, with member councils sharing the responsibility to host meetings. On Friday 28 March, Hepburn hosted the meeting in the Council Chamber. Following the GBAC meeting, Councillors, Director Infrastructure and Delivery and I met with Minister for Local Government Nick Staikos and Minister Mary-Anne Thomas to discuss a range of issues facing Local Government.

In conjunction with our rate variation application to the Essential Services Commission, Council were invited to meet with the Essential Services Commission to further discuss our application. This is the first time this opportunity has been provided, and it was a valuable opportunity.

On Thursday 17 April, with the help of Mary-Anne Thomas MP we switched on the lights at Victoria Park, where the AFL oval lighting was upgraded to 100 lux level LED (30 metres high) and the netball court lighting to 200 lux level LED (10 metres high) (competition standards).

The Daylesford Football and Netball Sports Lighting upgrade project was made possible by \$250,000 funding through the Victorian Government's 2023-2024 Country Football and Netball Program, and contributions from Daylesford Football Netball Club and Council.

The project was delivered through a partnership between the Sport and Recreation Victoria, Council, Daylesford Football Netball Club and support from AFL Victoria and Netball Victoria.

The upgrade of the oval and netball court sports lighting will play a vital role in our community with the aim of increasing programming opportunities, prioritising player safety, and contributing to the sustainability of the reserve.



You may have noticed a new speed zone of 40 km/hr has been introduced in the central business district of Daylesford to enhance safety for road users and pedestrians.



Council listened to the numerous calls for reduced speeds in Daylesford and collaborated with the Department of Transport and Planning to establish a safer speed zone. The new speed zone in Daylesford covers the central business district and areas with high pedestrian activity, including both local and state-controlled roads.

We will continue to look at speed limits across the Shire.

The Council Plan 2025-2029 is being developed from a range of contributions, including a Deliberative Engagement Panel made up of community members from across the Shire.

The wider community have been able to have their say on the Plan's priorities for our services and amenities via a survey which closes Sunday ([Hepburn Together 2025-29 - Community survey | Hepburn Together 2025 - 2029 | Participate Hepburn](#)).

Councillors and officers have been busy putting together the Draft Council Plan and Budget and this will be available at our Special Council Meeting on 13 May, for further community review.

Council has several grant opportunities open until 29 April 2025 to support community groups:

- Quick Response Grants
- Event Grants
- Round 2 Community Grants

If you have a community-based project or initiative that enhances the social, environmental and economic life of the Shire, I encourage you to apply for Round 2 of the Community Grants Program.

With the Federal election just around the corner on 3 May, Catherine King MP has pledged an investment of \$1.2 million towards upgrading soccer facilities in Creswick and Daylesford.

This election commitment will help fund upgrades at Victoria Park in Daylesford and Doug Lindsay Recreation Reserve in Creswick and will cater for the significant growth in women and girls' participation in soccer in Hepburn Shire.

We will share election commitments that directly impact the Shire as they are announced.

Pet registration notices were sent at the start of the month, and you'll have a little longer to pay this year with a due date of Saturday 10 May.

RSLs and community groups across the Shire coordinated ANZAC Day services across the Shire which were attended by Council representatives.

Some of the meetings I have attended include:

- Joint State/Local Government Monthly CEO Forum
- MAV CEO Connect weekly meetings
- Executive Leadership Team weekly meetings
- Greater Ballarat Alliance of Councils CEOs meeting
- Council Plan workshop with Councillors
- Loddon Campaspe Group of Council's Regional Forum
- Councillor Briefings
- Special Council Meeting
- Tourism Midwest Victoria Board meeting

- Central Highlands Regional Partnerships Quarterly meeting
- Rural Councils Victoria (RCV) Sub Committee meeting
- Ministerial opening of Victoria Park Daylesford lighting
- Hepburn Bathhouse & Spa 130th Anniversary and reveal of Block challenge room makeovers

Over recent weeks we have seen an increase in poor behaviour by community members towards staff and Councillors, who continue to work hard to deliver services and projects for the benefit of the community. Offensive, inappropriate or hateful language will not be tolerated. Threats made to staff will not be taken lightly.

Regrettably, from 17 April we will be disabling comments on our corporate Facebook page for a trial period of 6 months. There are multiple ways residents and community members can constructively give their feedback to Council:

- Visit our [Contact us page](#) to phone, email or raise a request with Council.
- Visit our [Participate Hepburn website](#) to submit feedback to open projects.
- Submit a question or address Council at any Ordinary Meeting of Council, information can be found on our [Public Participation webpage](#).

RECOMMENDATION

That Council receives and notes the Chief Executive Officer's Report for May 2025.

11 CLOSE OF MEETING