

# **HEPBURN SHIRE COUNCIL**

## **SPECIAL MEETING MINUTES**

**Tuesday 4 March 2008  
7PM**

**Senior Citizens Room  
Rear Daylesford Town Hall**

## HEPBURN SHIRE COUNCIL – COUNCIL PLAN 2006-2011

### **VISION STATEMENT:**

**Hepburn Shire will be a vibrant, creative rural Shire with strong and healthy connected communities. Our Council will govern with integrity and inclusiveness. Our natural environment, productive agricultural land and rich heritage will remain valued and protected as assets for residents and visitors to appreciate and enjoy.**

Council has in the COUNCIL PLAN established 5 objectives to enable your Team of Councillors and Officers to move forward.

### **Objective One – Strengthening Communities**

Council will engage with and support our diverse communities to realise their potential and determine and achieve their aspirations.

- 1.1 To be a leader in community consultation, advocacy & engagement
- 1.2 Enhance community connectedness, capacity building and leadership
- 1.3 Enhance external relationships

### **Objective Two – Service Delivery**

Council will deliver responsive services to our community within available resources.

- 2.1 Improve service delivery
- 2.2 Improve internal and external communication
- 2.3 Further develop the range of facilities and programs

### **Objective Three – Asset and Resource Management**

Council will effectively manage our assets and resources to create a better Shire for our community.

- 3.1 Improve the management of our assets
- 3.2 Foster & encourage leadership
- 3.3 Responsible financial management
- 3.4 Promote and encourage innovation
- 3.5 Tight, sharp, focussed, professional administration

### **Objective Four – Economic Development**

Council will strengthen our local economy by working in partnership with business and community.

- 4.1 Develop partnerships with educational and research organisations
- 4.2 Promote and market the shire
- 4.3 Encourage and support diversity of economic activity and employment

### **Objective Five – Heritage and Environment**

Council, in partnership with our community will ensure that our cultural, natural and built environment is protected, conserved and enhanced for future generations.

- 5.1 Promote & practise environmental management and sustainability
- 5.2 Respect and honour our unique historical and cultural attributes

*Council has committed itself to these philosophies, to the five objectives, to the strategies of implementation and to being accountable to all of the Hepburn Shire.*

*Hepburn Shire is a wonderful home for all of us. Our Council Plan and the Community Plan provide a direction for the future.*

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**MINUTES OF THE SPECIAL MEETING  
OF THE HEPBURN SHIRE COUNCIL HELD AT  
SENIOR CITIZENS ROOM,  
REAR OF DAYLESFORD TOWN HALL  
ON TUESDAY 4 MARCH 2007,  
COMMENCING AT 7 PM**

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**AGENDA**

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2. DECLARATION OF PECUNIARY INTEREST	1
3. BATHHOUSE LEASE – TENDER	2
4. STAFF MATTERS	3

**CLOSE OF MEETING**

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**Cr Tim Hayes, Mayor.**  
**5 MARCH 2008.**

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## **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

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

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

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**PRESENT:** Mayor, Cr Tim Hayes; Councillors Janine Booth, Bill McClenaghan, Heather Mutimer and David Smith.

**IN ATTENDANCE:** Director Infrastructure & Development, Rod Conway; Acting Director Corporate & Community Services, Martin Walmsley.

The Mayor opened the meeting with a reading of the Council prayer.

### **OPENING PRAYER**

ALMIGHTY GOD, WE ASK YOUR BLESSING UPON THIS COUNCIL.  
DIRECT AND GUIDE OUR DELIBERATIONS.  
WE ASK YOU TO GRANT US WISDOM AND SENSITIVITY AS WE DEAL  
WITH  
THE BUSINESS OF OUR SHIRE.  
MAY EACH DECISION THAT WE MAKE ADVANCE THE WELLBEING OF  
ALL OUR  
RESIDENTS.  
THIS WE PRAY. AMEN

1. **APOLOGIES:** Chief Executive Officer, Victor Szwed

2. **DECLARATION OF PECUNIARY INTEREST:** Nil

**3.0 BATHHOUSE LEASE - TENDER**  
(A/O – Director Infrastructure & Development)

File Ref: 5/4685/00100

**Confidential: Legal/Tender Matter**

**Synopsis**

A report on the Hepburn Mineral Springs Reserve Bathhouse Operating Lease tenders is presented to Hepburn Shire Council as the Committee of Management under the Crown Land Reserves Act.

**Report**

The Department of Sustainability & Environment (DSE) publicly advertised for expressions of interest (EOI) for the Hepburn Mineral Springs Reserve Bathhouse Operating Lease on 1<sup>st</sup> August 2007 as the first stage in the selection and tendering process for the Lease.

The respondents to the EOI were assessed based on the Evaluation Criteria detailed in the EOI Invitation and short-listing of parties to receive a Request for Tender (RFT) was completed on 14 September 2007.

RFT documents were issued to the short-listed parties on 23 October 2007. All short-listed parties submitted a tender by the due date and time for closing of tenders being 2-00pm on 20 December 2007.

Councillors have been provided with a detailed “**confidential report**” entitled the Evaluation Report from the Project Team.

As this item relates to a Legal/Tender matter it is recommended that Council in accordance with Section 89(2) of the Local Government Act close the meeting to members of the public to deal with this item.

**Relevant Policies / Council Plan implications:**

Local Government Act & Crown Land (Reserves) Act.

**Community / Engagement / Communication / Consultation:**

Public advertising for the lease was carried out.

**Financial & Resource Implications Initial & Ongoing**

The income from the Bathhouse lease can only be used to offset expenditure incurred by Council as Committee of Management in maintaining and developing the Crown Land/Mineral Springs Reserves that Council manages on behalf of the Crown.

**Recommendation :**

- 3.1 That in accordance with Section 89(2) of the Local Government Act that this meeting be closed to members of the public to consider Items 3 & 4 on the agenda as Item 3 relates to contractual matters, legal matters and Item 4 relates to personnel matters, legal matters and other matters.

***Moved the Officer's Recommendation.***

***Moved: Cr David Smith***  
***Seconded: Cr Heather Mutimer***  
***Carried.***

**7.05pm Council left Senior Citizens Room.**

**4.0 CONFIDENTIAL STAFFING MATTER**

(A/O – )

File Ref:

**Synopsis**

This item relates to a confidential staffing matter. The provisions of Section 89 (2) of the Local Government Act apply.

***Council returned to Senior Citizens Room at 7.10pm.***

**5. Recommendation:**

5.1 *That the meeting now be open to the public*

5.2 *That the decisions made in camera now be ratified by Council.*

***Motion Moved at the Meeting:***

5.1 *That the meeting now be open to the public*

5.2 *That the decisions made in camera relating to Items 3 & 4 now be ratified by Council and remain confidential.*

**Moved:** *Cr Heather Mutimer*  
**Seconded:** *Cr Bill McClenaghan*  
**Carried.**

**CLOSE OF MEETING:**

The Meeting closed at 7.11pm.

# **CONFIDENTIAL MINUTES NOT AVAILABLE TO THE PUBLIC:**

## **CONFIDENTIAL ATTACHMENT TO REPORT**

### **3.0 HEPBURN MINERAL SPRINGS RESERVE BATHHOUSE**

(A/O – CEO & DID)

File Ref: 5/4685/00100

#### **Synopsis**

Following an extensive tender process and a number of briefings to Councillors over the past several months, Council is requested to endorse the recommendation from the lease tender evaluation.

#### **Report**

Councillors have been progressively briefed as the leasing process has proceeded over a period of several months. DSE officers and the Probity Auditor have attended to brief Councillors together with Council officers.

Councillors were provided with a copy of the confidential detailed evaluation report. The subsequent briefing on Tuesday 26<sup>th</sup> February provided the opportunity to discuss the process, report and also to answer questions. This provided a very positive and informative process which satisfied questions which Councillors raised at the briefing.

The Project Team evaluating the three tenders included officers from DSE and Council together with a Spa Consultant, experts from PricewaterhouseCoopers, input from the DSE legal experts and overview from the Probity Auditor who has signed off on the process.

The Project Team reached a clear conclusion and made their recommendation to the Project Control Group comprising of a Director from DSE, a Manager from Tourism Victoria and Council's CEO. The PCG accepted the recommendation from the Project Team. The conclusion and preferred tenderer respondent for the lease to operate the Bathhouse was a clear outcome strongly supported by the analysis.

As briefed to Councillors, the assessment against the criteria rated Belgravia Health & Leisure Group Pty Ltd well ahead of the other parties. Councillors were also briefed on the process from here where DSE will finalise negotiations and take it to the Minister after which an announcement is expected to be made by the Minister.

As Councillors recall, Council has had extensive input into the lease preparation. The process requires that Council resolve to enter into the lease once it is reinstated as Committee of Management. That will come back to Council soon for resolution once the lease is finalised. Advice from DSE was that there were no significant issues raised in relation to the lease.

An officer working group is being refined to coordinate on the processes relating to the Lease and redevelopment of the Bathhouse and will report to Council on a regular basis. This will include firming up arrangements for Council's management of the Bathhouse Lease as landlord, preparing for the opening, ensuring the community is well informed of the relevant details at the appropriate time such as the community benefits and coordinating with the operator

#### **Relevant Policies / Council Plan implications**

Local Government Act & Crown Land Reserves Act

#### **Community / Engagement / Communication / Consultation**

Public Advertising for the lease was conducted.

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### **Financial & Resource Implications Initial & Ongoing**

The income from the Bathhouse lease will be used towards: repayment of Council's loan; maintenance of the mineral spring reserves, capital works for those reserves and other associated expenses.

### **Recommendation:**

*That Council: endorse the resolution of the Project Control Group that:*

3.1 *“Following consideration and evaluation of this Evaluation Report prepared in accordance with the Procurement Conduct Plan and Request for Tender Plan and Guidelines, the Project Control Group approves the Project Team’s recommendation that Belgravia Health & Leisure Group Pty Ltd be selected as the preferred tender respondent for the lease to operate the Hepburn Mineral Springs Reserve Bathhouse.*

***Moved the Officer’s Recommendation.***

***Moved: Cr Bill McClenaghan***

***Seconded: Cr Heather Mutimer***

***Carried.***

### **Item 4 Confidential Staff Matter**

***That Council approve the signing and sealing of the Deed of Release.***

***Moved: Cr Heather Mutimer***

***Seconded: Cr Bill McClenaghan***

***Carried/***

**End of Confidential Minutes.**

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