

HEPBURN SHIRE COUNCIL STATUTORY MEETING OF COUNCIL PUBLIC MINUTES

Tuesday 26 November 2024

Council Chamber - 24 Vincent Street 24 Vincent Street Daylesford

5:30 PM

A LIVE STREAM OF THE MEETING CAN BE VIEWED VIA COUNCIL'S FACEBOOK PAGE

Confirmed at the Ordinary Meeting of Council held on 17 December 2024

Chair, Cr Don Henderson, Mayor



MINUTES

Tuesday 26 November 2024

Council Chamber - 24 Vincent Street

24 Vincent Street Daylesford

Commencing at 5:30 PM

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BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

Tuesday 26 November 2024

CONDUCTING HYBRID COUNCIL MEETINGS

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

Council's meeting will be conducted tonight in accordance with:

- The Local Government Act 2020
- The Minister's Good Practice Guideline 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 OPENING OF MEETING

COUNCILLORS PRESENT: Cr Brian Hood, Cr Don Henderson, Cr Lesley Hewitt, Cr Pat Hockey, Cr Shirley Cornish, Cr Tim Drylie, Cr Tony Clark
OFFICERS PRESENT: Mr Bradley Thomas - Chief Executive Officer, Mr Bruce Lucas - Director Infrastructure and Delivery, Ms Brooke Holmes - Director Performance and Transformation, Mr Ron Torres - Director Development and Community, Mr Chris Whyte - Manager Technology and Transformation, Ms Rebecca Smith - Manager Governance and Risk

The meeting opened at 5:30pm.

STATEMENT OF COMMITMENT

"WE THE COUNCILLORS OF HEPBURN SHIRE

DECLARE THAT WE WILL UNDERTAKE ON EVERY OCCASION

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

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

GOOD GOVERNANCE

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

3 APOLOGIES

Nil

4 DECLARATIONS OF CONFLICTS OF INTEREST

Pursuant to section 129 of the Local Government Act 2020 and section 7(e) of the Local Government (Governance and Integrity) Regulations 2020 a conflict of interest does not apply to the election of a Councillor to the office of Mayor or Deputy Mayor under section 25 or 27 of the Act.

5 ELECTION OF THE MAYOR AND DEPUTY MAYOR

5.1 TERM OF THE MAYOR

Go to 00:03:00 in the meeting recording to view this item.

Section 26 (3) of the Local Government Act 2020 states that:

Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a one year or a two year term.

RECOMMENDATION

That Council elects the Mayor for a term of one year.

MOTION

That Council elects the Mayor for a term of one year.

Moved: Cr Shirley Cornish **Seconded:** Cr Tony Clark

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Lesley Hewitt, Cr Pat Hockey, Cr

Shirley Cornish, Cr Tim Drylie and Cr Tony Clark

Voted against: Nil Abstained: Nil

5.2 NOMINATIONS FOR MAYOR

Go to 00:04:15 in the meeting recording to view this item.

The Office of Mayor became vacant at 6:00am on 26 October 2024.

ROLE OF THE MAYOR

The Local Government Act 2020, section 18 states that the role of the Mayor is to:

- (a) chair Council meetings; and
- (b) be the principal spokesperson for the Council; and
- (c) lead engagement with the municipal community on the development of the Council Plan; and
- (d) report to the municipal community, at least once each year, on the implementation of the Council Plan; and
- (e) promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct; and
- (f) assist Councillors to understand their role; and
- (g) take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and
- (h) provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
- (i) perform civic and ceremonial duties on behalf of the Council.

The Mayoral Position Guidance Document provides clarity on the array of duties and functions the Mayor is to undertake:

1. Guidance Document - The Role of the Mayor - November 2024 [**5.2.1** - 4 pages]

CALL FOR NOMINATIONS

A Councillor can nominate themselves or another Councillor.

In accordance with Council's *Governance Rules and Election Period Policy 2022*, any nominations for the office of Mayor must be seconded by another Councillor.

The Chief Executive Officer will call for Nominations.

Each candidate will be given the opportunity to address Councillors where there is more than one candidate nominated.

Cr Brian Hood nominated himself for the role of Mayor.

The nomination lapsed for want of a seconder.

Cr Lesley Hewitt nominated Cr Don Henderson or the role of Mayor.

The nomination was seconded by Cr Shirley Cornish

Cr Don Henderson accepted the nomination.

5.3 ELECTION OF THE MAYOR

Go to 00:05:50 in the meeting recording to view this item.

VOTING FOR THE MAYOR

To be elected Mayor, a candidate must be elected by an absolute majority of the Councillors. For the purposes of the election of the Mayor, an absolute majority means the number of Councillors (4) which is greater than half the total number of the Councillors of a Council (7).

Voting will be conducted by show of hands. Under the *Local Government Act 2020* no Councillor can abstain from voting.

As there was only one nomination, Cr Don Henderson was duly elected as Mayor for the 2024/2025 term.

PRESENTATION OF MAYORAL MEDALLION

The Chief Executive Officer presented the Mayor with Mayoral Medallion.

CONGRATULATORY REMARKS TO MAYOR

Councillors offered congratulatory remarks to the Mayor.

INCOMING MAYORAL SPEECH

The Mayor addressed the meeting.

10

5.4 TERM OF THE DEPUTY MAYOR

Go to 00:14:00 in the meeting recording to view this item.

Under the *Local Government Act 2020*, Council is not required to appoint a Deputy Mayor, however the role provides the following benefits:

- Clear transition arrangements for the chairing of Council Meetings should the Mayor be unavailable or have a conflict of interest;
- The Deputy Mayor may fulfill the role of Mayor should the office become vacant and until a new Mayor can be appointed;
- Ongoing support for the Mayor in fulfilling their duties.

Under Section 27 (2) of the *Local Government Act 2020,* Section 26 (3) also applies to the election of the Deputy Mayor. Therefore, before the election of the Deputy Mayor, Council must determine by resolution whether the Deputy Mayor is to be elected for a one year or a two-year term.

RECOMMENDATION

That Council elects the Deputy Mayor for a term of one year.

MOTION

That Council elects the Deputy Mayor for a term of one year.

Moved: Cr Don Henderson **Seconded:** Cr Pat Hockey

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Lesley Hewitt, Cr Pat Hockey, Cr

Shirley Cornish, Cr Tim Drylie and Cr Tony Clark

Voted against: Nil Abstained: Nil

5.5 NOMINATIONS FOR DEPUTY MAYOR

Go to 00:15:10 in the meeting recording to view this item.

The Office of Deputy Mayor became vacant on 22 July 2024 and, by resolution of Council at the Ordinary Meeting on 20 August 2024, was disestablished until the end of the previous Council term on 26 October 2024.

ROLE OF THE DEPUTY MAYOR

The *Local Government Act 2020*, section 21 states that the role of the Deputy Mayor is to:

perform the role of the Mayor and may exercise any of the powers of the Mayor if—

- (a) the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- (b) the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- (c) the office of Mayor is vacant.

CALL FOR NOMINATIONS

A Councillor can nominate themselves or another Councillor.

In accordance with Council's *Governance Rules and Election Period Policy 2022*, any nominations for the office of Deputy Mayor must be seconded by another Councillor.

The Chief Executive Officer will call for Nominations.

Each candidate will be given the opportunity to address Councillors where there is more than one candidate nominated.

Cr Don Henderson nominated Cr Lesley Hewitt for the role of Deputy Mayor.

The nomination was seconded by Cr Tony Clark.

Cr Lesley Hewitt accepted the nomination.

5.6 ELECTION OF THE DEPUTY MAYOR

Go to 00:16:00 in the meeting recording to view this item.

VOTING FOR THE DEPUTY MAYOR

To be elected Deputy Mayor, a candidate must be elected by an absolute majority of the Councillors. An absolute majority means the number of Councillors (4) which is greater than half the total number of the Councillors of a Council (7).

Voting will be conducted by show of hands. Under the *Local Government Act 2020* no Councillor can abstain from voting.

As there was only one nomination, Cr Lesley Hewitt was duly elected as Deputy Mayor for the 2024/2025 term.

CONGRATULATORY REMARKS TO DEPUTY MAYOR

Congratulatory remarks were offered to the Deputy Mayor following the meeting.

INCOMING DEPUTY MAYOR'S SPEECH

The Deputy Mayor addressed the meeting.

6 OFFICER REPORTS

6.1 RECORDING OF THE OATH OR AFFIRMATION OF OFFICE

Go to 00:17:50 in the meeting recording to view this item.

CHIEF EXECUTIVE OFFICER

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

ATTACHMENTS

Affirmations and Oath of Office - All Councillors - 2024-2028 Term [6.1.1 - 7 pages]

OFFICER'S RECOMMENDATION

That Council notes the affirmations and oath of office taken by Councillors on 14 November 2024.

MOTION

That Council notes the affirmations and oath of office taken by Councillors on 14 November 2024.

Moved: Cr Lesley Hewitt **Seconded:** Cr Tim Drylie

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Lesley Hewitt, Cr Pat Hockey, Cr

Shirley Cornish, Cr Tim Drylie and Cr Tony Clark

Voted against: Nil Abstained: Nil

EXECUTIVE SUMMARY

Following the declaration of the Poll on 8 November 2024, Councillors were sworn into office on 14 November 2024, as required by the *Local Government Act 2020*.

BACKGROUND

Local Government Elections were conducted across Victoria in October 2024 and overseen by the Victorian Electoral Commission (VEC). The declaration of the poll for Hepburn Shire took place on 8 November 2024, with the following candidates elected to office:

- Don Henderson
- Brian Hood
- Lesley Hewitt

- Tony Clark
- Tim Drylie
- Pat Hockey
- Shirley Cornish

Candidates commence their term as Councillors once they have taken the oath or affirmation of office.

KEY ISSUES

Under the *Local Government Act 2020* s30(2), the oath or affirmation of office must be:

- (a) administered by the Chief Executive Officer; and
- (b) dated and signed before the Chief Executive Officer; and
- (c) recorded in the minutes of the Council, whether or not the oath or affirmation was taken at a Council meeting.

Councillors took the oath or affirmation of office before the CEO on 14 November 2024. Their signed oaths / affirmations of office are attached to this report.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Councillors took the oath or affirmation of office in compliance with the *Local Government Act 2020* and the *Oaths and Affirmations Act 2018*. The tabling of this report ensures compliance with the requirements that the oaths or affirmations be recorded in the minutes of Council (s30(2)(c).

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

Nil.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

RISK AND GOVERNANCE IMPLICATIONS

Only those already noted.

ENVIRONMENTAL SUSTAINABILITY

There are no sustainability implications associated with this report.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.

6.2 COUNCILLOR REPRESENTATION ON COMMITTEES, BOARDS AND EXTERNAL BODIES

Go to 00:18:50 in the meeting recording to view this item.

DIRECTOR PERFORMANCE AND TRANSFORMATION

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

ATTACHMENTS

Nil

EXECUTIVE SUMMARY

On an annual basis, following the appointment of the Mayor and Deputy Mayor, Council reviews Councillor representation on Advisory Committees, community reference groups, boards and external bodies that Council represents.

OFFICER'S RECOMMENDATION

That Council appoints the following Councillors to the listed committees, boards and external bodies:

External bodies	Representative	
Municipal Association of Victoria (one Councillor,	Cr	
one substitute)	Substitute: Cr	
World Heritage Listing of the Victorian Goldfields Region	Cr	
Greater Ballarat Alliance of Councils	Mayor	
Loddon Campaspe Group of Councils	Mayor	
Municipal Emergency Management Planning Committee	Cr	
Z-NET Community Roundtable	Cr	
Audit and Risk Committee	Cr and Cr	
(two positions)		
Council Advisory Committees (Councillor representative will also Chair)	Representative	
Daylesford Community Facilities Project Advisory Group		

Disability Advisory Committee

Gender Equity Advisory Committee

Glenlyon Recreation Reserve Community Pavilion Project Advisory Group

Heather Mutimer International Women's Day Honour Roll Advisory Committee

LGBTIQA+ Advisory Committee

Mineral Springs Reserves Advisory Committee

Reconciliation Action Plan Advisory Committee

Mayor (as per Terms of Reference)

Sustainable Hepburn Community Advisory
Committee

Council Community Asset Committees

Representative

Creswick Museum Community Asset Committee

Dean Recreation Reserve and Tennis Courts Community Asset Committee

Drummond Hall Community Asset Committee

Glenlyon Recreation Reserve Community Asset Committee

Lee Medlyn Home of Bottles Community Asset Committee

Lyonville Hall Community Asset Committee

DEECA Committees of Management

Representative

Bullarto Public Hall Committee Incorporated

Campbelltown Recreation and Public Hall Reserve Committee of Management Incorporated

Clunes Former Free Lending Library Committee Incorporated

Clunes Neighbourhood House Incorporated (Alliance Street Clunes)

Clydesdale Public Hall Reserve Committee Incorporated

Cornish Hill Committee of Management Incorporated

Daylesford Museum Reserve Committee of Management Incorporated

Daylesford Trotting Track Reserve Committee Incorporated

Franklinford Community Purposes Reserve

Glenlyon Progress Association and Shire Hall

Hepburn Recreation Reserve Committee of Management Incorporated

Leonards Hill Mechanics Institute and Free Library Committee of Management Incorporated

Lingbogol Camp Area - Creswick

Newbury Public Hall and Recreation Reserve Committee Incorporated

Trentham and District Historical Society
Incorporated (Trentham Police Camp Reserve)

Trentham Public Purpose Reserves Committee of Management Incorporated

Trentham Quarry Street Reserve Committee Incorporated

Trentham Sports Ground Reserve Committee of Management Incorporated

Ullina Reserve and Recreation Park Management Committee Incorporated

Upper Loddon and Avoca Landcare Network Incorporated (Creswick Creek, Clunes)

Yandoit Mechanics Institute and Free Library Committee Incorporated

Yandoit Public Park And Recreation Reserve Committee Incorporated

MOTION

That Council appoints the following Councillors to the listed committees, boards and external bodies:

External bodies	Representative
unicipal Association of Victoria (one Councillor, one	Cr Tim Drylie
substitute)	Substitute: Cr Lesley Hewitt
World Heritage Listing of the Victorian Goldfields Region	Cr Pat Hockey
Greater Ballarat Alliance of Councils	Mayor
Loddon Campaspe Group of Councils	Mayor
Z-NET Community Roundtable	Officer to be appointed
Audit and Risk Committee	Cr Tony Clark and Mayor
(two positions)	
Council Advisory Committees (Councillor representative will also Chair)	Representative
Daylesford Community Facilities Project Advisory Group	Cr Lesley Hewitt
Disability Advisory Committee	Cr Tony Clark
Gender Equity Advisory Committee	Cr Lesley Hewitt
Glenlyon Recreation Reserve Community Pavilion Project Advisory Group	Cr Shirley Cornish
Heather Mutimer International Women's Day Honour Roll Advisory Committee	Cr Shirley Cornish
LGBTIQA+ Advisory Committee	Cr Shirley Cornish
Mineral Springs Reserves Advisory Committee	Cr Pat Hockey
Reconciliation Action Plan Advisory Committee	Mayor (as per Terms of Reference)
Sustainable Hepburn Community Advisory Committee	Cr Tim Drylie
Council Community Asset Committees	Representative
Creswick Museum Community Asset Committee	Cr Pat Hockey
Dean Recreation Reserve and Tennis Courts Community Asset Committee	Cr Don Henderson
Drummond Hall Community Asset Committee	Cr Lesley Hewitt

Glenlyon Recreation Reserve Community Asset Committee	Cr Lesley Hewitt
Lee Medlyn Home of Bottles Community Asset Committee	Cr Pat Hockey
Lyonville Hall Community Asset Committee	Cr Brian Hood
DEECA Committees of Management	Representative
Bullarto Public Hall Committee Incorporated	Cr Brian Hood
Campbelltown Recreation and Public Hall Reserve Committee of Management Incorporated	Cr Pat Hockey
Clunes Former Free Lending Library Committee Incorporated	Cr Pat Hockey
Clunes Neighbourhood House Incorporated (Alliance Street, Clunes	Cr Pat Hockey
Clydesdale Public Hall Reserve Committee Incorporated	Cr Lesley Hewitt
Cornish Hill Committee of Management Incorporated	Cr Lesley Hewitt
Creswick Theatre Company Incorporated (Creswick Court House Historic Reserve)	Cr Tony Clark
Daylesford Museum Reserve Committee of Management Incorporated	Cr Lesley Hewitt
Daylesford Trotting Track Reserve Committee Incorporated	Cr Lesley Hewitt
Franklinford Community Purposes Reserve	Cr Lesley Hewitt
Glenlyon Progress Association and Shire Hall	Cr Shirley Cornish
Hepburn Recreation Reserve Committee of Management Incorporated	Cr Lesley Hewitt
Leonards Hill Mechanics Institute and Free Library Committee of Management Incorporated	Cr Lesley Hewitt
Lingbogol Camp Area - Creswick	Cr Tony Clark
Newbury Public Hall and Recreation Reserve Committee Incorporated	Cr Brian Hood
Trentham and District Historical Society Incorporated (Trentham Police Camp Reserve)	Cr Brian Hood
Trentham Public Purpose Reserves Committee of Management Incorporated	Cr Brian Hood
Trentham Quarry Street Reserve Committee Incorporated	Cr Brian Hood

Trentham Sports Ground Reserve Committee of Management Incorporated	Cr Brian Hood
Ullina Reserve and Recreation Park Management Committee Incorporated	Cr Pat Hockey
Upper Loddon and Avoca Landcare Network Incorporated (Creswick Creek, Clunes)	Cr Pat Hockey
Yandoit Mechanics Institute and Free Library Committee Incorporated	Cr Tim Drylie
Yandoit Public Park And Recreation Reserve Committee Incorporated	Cr Tim Drylie

Moved: Cr Don Henderson **Seconded:** Cr Tony Clark

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Lesley Hewitt, Cr Pat Hockey, Cr

Shirley Cornish, Cr Tim Drylie and Cr Tony Clark

Voted against: Nil Abstained: Nil

BACKGROUND

On an annual basis, following the appointment of the Mayor and Deputy Mayor, Council reviews Councillor representation on Advisory Committees of Council, and external bodies.

Councillors are appointed for 12 months, with appointments reviewed each year at the Statutory Meeting of Council.

KEY ISSUES

The below table provides a summary of the committees and boards and the form of representation for each group:

Organisation/Committee	Required Representation
External Bodies	
Committee of Management for DEECA	Any Councillor
Municipal Association of Victoria	One Councillor, one substitute
World Heritage Listing of the Victorian Goldfields Region	Any Councillor

Greater Ballarat Alliance of Councils	Mayor
Loddon-Campaspe Group of Councils	Mayor
Municipal Emergency Management Planning Committee	One Councillor
Z-NET Community Roundtable	One Councillor
Audit and Risk Committee (two positions)	Two Councillors, usually the Mayor and one other.
Council Advisory Committees (Councillor re	epresentative will also Chair)
Daylesford Community Facilities Project Advisory Group	One Councillor (as per Terms of Reference)
Disability Advisory Committee	One Councillor (as per Terms of Reference)
Gender Equity Advisory Committee	One Councillor (as per Terms of Reference)
Glenlyon Recreation Reserve Community Pavilion Project Advisory Group	One Councillor (as per Terms of Reference)
Heather Mutimer International Women's Day Honour Roll Advisory Committee	One Councillor (as per Terms of Reference)
LGBTIQA+ Advisory Committee	One Councillor (as per Terms of Reference)
Mineral Springs Reserves Advisory Committee	One Councillor (as per Terms of Reference)
Reconciliation Action Plan Advisory Committee	Mayor (as per Terms of Reference)
Sustainable Hepburn Community Advisory Committee	One Councillor (as per Terms of Reference)
Community Advisory Committees	
Creswick Museum Community Asset Committee	One Councillor

Dean Recreation Reserve and Tennis Courts Community Asset Committee	One Councillor
Drummond Hall Community Asset Committee	One Councillor
Glenlyon Recreation Reserve Community Asset Committee	One Councillor
Lee Medlyn Home of Bottles Community Asset Committee	One Councillor
Lyonville Hall Community Asset Committee	One Councillor

POLICY AND STATUTORY IMPLICATIONS

Many of these committees have been established to advise Council, or for Council to provide input, in the development of policy and strategy.

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

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

Councillor representation is required on committees, boards and external bodies to ensure that public views are incorporated into the decision-making process.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The purpose of these committees, boards and external bodies is to achieve effective community and stakeholder engagement both internally and externally.

The Glenlyon Recreation Reserve Community Pavilion Project Advisory Group was established by Council resolution at the Ordinary Meeting held on 16 September 2024. Community members will be appointed to the Project Advisory Group following an Expression of Interest (EOI) process.

7 CLOSE OF MEETING

The Meeting closed at 5:56pm.