



HEPBURN SHIRE COUNCIL
ORDINARY MEETING OF COUNCIL
PUBLIC AGENDA

Tuesday 17 December 2024

Council Chamber - 24 Vincent Street
24 Vincent Street Daylesford

5:30PM

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

AGENDA

Tuesday 17 December 2024

Council Chamber - 24 Vincent Street

24 Vincent Street Daylesford

Commencing at 5:30PM

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BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

Tuesday 17 December 2024

CONDUCTING HYBRID COUNCIL MEETINGS

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

- Council's meeting will be conducted tonight in accordance with:
- The Local Government Act 2020
- The Minister's Good Practice Guideline 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 16 September 2024 and the Statutory Meeting of Council held on 26 November 2024 (as previously circulated to Councillors) be confirmed.

7 NOTICES OF MOTION

7.1 CONDOLENCE MOTION ON THE PASSING OF STAN FALLOON

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

MOTION AS PROPOSED

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

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

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

8 ITEMS OF URGENT BUSINESS

9 COUNCILLOR AND CEO REPORTS

9.1 MAYOR'S REPORT

Councillor Don Henderson

9.2 COUNCILLOR REPORTS

Councillor Tony Clark

Councillor Shirley Cornish

Councillor Tim Drylie

Councillor Lesley Hewitt

Councillor Pat Hockey

Councillor Brian Hood

RECOMMENDATION

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

9.3 CHIEF EXECUTIVE OFFICER'S REPORT

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

CHIEF EXECUTIVE OFFICER UPDATE

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

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

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



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

Our road resealing program has also started in Clunes this year and will be moving across the Shire from rural areas around Dean and Smeaton, to urban roads in Daylesford, Clunes, Creswick and Trentham. Road resealing is a maintenance activity to prolong the life of the existing sealed road network. This year's program will deliver around 19km (or 109,500 m²) of road this year. We prioritise roads based on official road inspections and their condition data. Traffic management will be in place and some minor delays are to be expected while crews are onsite. We would appreciate your patience while this important road maintenance takes place.

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



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

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

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

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



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

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



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

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



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

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

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

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

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



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

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



Lifeguard Induction on 05 December

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

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

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

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

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

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

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

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

RECOMMENDATION

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

10 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

10.1 PETITIONS

10.2 REQUESTS TO ADDRESS COUNCIL

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

10.3 PUBLIC QUESTIONS

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

11 OFFICER REPORTS

11.1 QUARTERLY FINANCE REPORTS – QUARTER 1 2024/2025 DIRECTOR PERFORMANCE AND TRANSFORMATION

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

ATTACHMENTS

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

OFFICER'S RECOMMENDATION

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

EXECUTIVE SUMMARY

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

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

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

BACKGROUND

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

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

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

KEY ISSUES

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

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

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

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

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

A dynamic and responsive Council

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

FINANCIAL IMPLICATIONS

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

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

RISK AND GOVERNANCE IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY

There is no sustainability implications associated with this report.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.

11.2 REPORT TO COUNCIL ON TEMPORARY EXTENDED PLANNING DELEGATIONS DIRECTOR DEVELOPMENT AND COMMUNITY

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

ATTACHMENTS

- Nil

OFFICER'S RECOMMENDATION

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

EXECUTIVE SUMMARY

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

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

BACKGROUND

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

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

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

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

KEY ISSUES

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

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

The Temporary Delegation Period

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

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

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

The application was refused on the following grounds:

1. The proposal is inconsistent with the purpose of Clause 43.01 (Heritage Overlay) of the Hepburn Planning Scheme as:
 - a. It will not enhance the heritage place.
 - b. It will adversely affect the significance of the heritage place.
2. The proposal is inconsistent with the strategies of Clause 15.03-1L (Heritage) of the Hepburn Planning Scheme.
3. The proposal is inappropriate having regard to the relevant decision guidelines of Clause 59.07-2 of the Hepburn Planning Scheme.

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

Permits Issued

- 145 Slaughteryard Road, Clunes
Two lot subdivision (Re- subdivision) and development and use of a dwelling
- 153 Charlies Road, Elevated Plains
Dwelling
- 240 Mcdonalds Road, Clunes
Three Lot Subdivision
- 845 Green Gully Road, Glenlyon
Dwelling
- 1 Park Avenue, Daylesford
Two dwellings, vegetation removal and associated sub-division of land.
- 123 Sharpes Lane, Glenlyon
Sawmill (drying of timber), dwelling and studio within the Farming Zone, Environmental Significant Overlay and Bushfire Management Overlay

- Burke Square, Daylesford
Installation and display of business identification sign within the Heritage Overlay and Commercial 1 Zone
- 20 Prince Street, Creswick
Two additional dwellings and a three-lot subdivision
- 724 Springhill Road, Spring Hill
Construction of a dwelling in the Farming Zone and Environmental Significance Overlay
- 789 Porcupine Ridge Road, Porcupine Ridge
Alterations and additions to existing dwelling
- 1010 Telegraph Road, Sailors Falls
Buildings and works within the ESO
- 69 Cambridge Street, Creswick
Approval of new colour scheme for 69 Cambridge Street Creswick.
- 2 First Street, Hepburn Springs
Development of a non-habitable outbuilding within the Design and Development Overlay
- Unit 6/68 High Street, Trentham
Development of land for construction of a verandah within Heritage Overlay
- 7 Camp Street, Daylesford
Removal of Carriageway Easement E-1
- 135 Napier Street, Creswick
Use and Development of a childcare centre and the associated signage and reduction of car parking requirements
- 30 Consols Court, Clunes
Construction of buildings and works for the purpose of a dwelling within the Environmental Significance Overlay
- 80 Albert Street, Creswick
Amendment to PA1389 to delete condition 7, amend condition 8 and amend the endorsed plans.
- 176 Pudding Bag Road, Drummond
Construction of buildings and works within 100 metres of a dwelling and within 100 metres of a water way within the Farming Zone
- 1 Phillip Street, Creswick
Demolition of a fence, construction of a fence, partial demolition, alterations and extension to a dwelling, construction of a carport and pergola within the Heritage Overlay
- 23 Camp Street Daylesford
Buildings and works for the alterations and extension to an existing dwelling within the Environmental Significance Overlay and Heritage Overlay
- 35 Alisons Road, Drummond North
Buildings and works (Shed) within the Environmental Significance Overlay

- Viewpoint Lane, Daylesford
2 Lot subdivision of the land (boundary re-alignment)
- 2851 Midland Highway, Newlyn North
Alterations to an existing dwelling and demolition within the Heritage Overlay and Environmental Significance Overlay

Notices of Decision to Grant a Permit (one objection)

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

Notice of Decision to Grant a Permit (two objections)

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

Notice of Refusal

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

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

Embracing our past and planning for the future

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

A dynamic and responsive Council

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

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

RISK AND GOVERNANCE IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY

There are no sustainability implications associated with this report.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.

11.3 REVISION OF INSTRUMENT OF PLANNING DELEGATION TO OFFICERS DIRECTOR DEVELOPMENT AND COMMUNITY

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

ATTACHMENTS

- Nil

OFFICER'S RECOMMENDATION

That Council:

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

EXECUTIVE SUMMARY

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

The key update proposes increasing the objector threshold from five to fifteen and enabling greater scope for refusing an application under officer delegation, particularly for non-policy compliant matters. Supporting this change will be arrangements such as enabling Councillors to 'call-in' any application, or enabling the Director to escalate an application to Council, regardless of the objector threshold. It

is recommended that these changes are for a fixed 18-month period, after which officers will present a report to Council to consider the continuation of changes to delegation. Eighteen months is proposed so the delegation changes do not lapse during the summer holiday break; a period when no council meetings are scheduled.

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

BACKGROUND

Victoria's Planning Framework

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

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

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

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

Hepburn Shire Planning Delegations

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

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

- The permit must not be inconsistent with a cultural heritage management plan under the *Aboriginal Heritage Act 2006* or a conservation management plan under the *Flora and Fauna Guarantee Act 1988*.
- More than five objections must be referred to Council.
- Development applications in excess of \$2m must be referred to Council.

- Refusals must be referred to Council unless a Council officer determines that insufficient information has been provided with the application, or the application is prohibited under the Hepburn Planning Scheme.

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

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

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

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

Future Hepburn

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

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

KEY ISSUES

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

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

The proposed temporary changes to the existing conditions are:

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

Basis for Proposal

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

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

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

Planning officers always seek to negotiate with an applicant to improve their proposal to satisfy planning provisions or minimise the impact on the surrounding area. However, should a proposal remain non-compliant with planning provisions, or

continue to have an unreasonable impact on the area, a streamlined refusal process is appropriate in these circumstances.

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

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

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

- Officers will continue to regularly inform Councillors of new applications received, and decisions made by officers.
- Officers will continue to publish Hepburn’s Planning Register on Council’s website, which details all applications received and the decision made.
- Councillors can ‘call-in’ any application and have it decided at a Council Meeting. A request for a ‘call-in’ should be made to the CEO by a majority of Councillors, and the reasons for calling it in are documented.
- The Director Development and Community can refer any application to Council, regardless of objection numbers, based on matters such as sensitivity, policy implications, disagreement with a referral authority position, and conflict of interest.
- With applications that receive objections, officers will seek to identify instances where there is the possibility of reaching a mediated outcome. Any mediation process will be conducted by the Planning office.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

Embracing our past and planning for the future

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

Embracing our past and planning for the future

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

A dynamic and responsive Council

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

FINANCIAL IMPLICATIONS

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

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

RISK AND GOVERNANCE IMPLICATIONS

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

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

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

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

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

ENVIRONMENTAL SUSTAINABILITY

There are no sustainability implications associated with this report.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.

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

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

ATTACHMENTS

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

OFFICER'S RECOMMENDATION

That Council:

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

EXECUTIVE SUMMARY

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

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

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

BACKGROUND

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

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

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

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

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

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

KEY ISSUES

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

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

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

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

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

Embracing our past and planning for the future

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

Quality Community Infrastructure

1. Responsibly manage our assets portfolio including roads and transport infrastructure, buildings, recreation and sporting facilities and public toilets by inspecting and monitoring maintenance and renewal needs. This is achieved through

planning for and implementing asset renewal and upgrade programs or new facilities that meet community expectations such as hubs, streetscapes, roads and building assets.

FINANCIAL IMPLICATIONS

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

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

RISK AND GOVERNANCE IMPLICATIONS

Through the development of a clear specification and undertaking a thorough tender process, it is considered that any financial risks or risks associated with Occupational Health and Safety or supply have been mitigated. Officers will work with the successful tenderer to ensure a smooth transition of the fleet to Council, including delivery, disposal of existing, training, inductions etc.

ENVIRONMENTAL SUSTAINABILITY

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

GENDER IMPACT ASSESSMENT

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

11.5 AWARD OF TENDER HEPBU.RFT2024.01 - SUPPLY OF BULK EMULSION DIRECTOR INFRASTRUCTURE AND DELIVERY

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

ATTACHMENTS

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

OFFICER'S RECOMMENDATION

That Council:

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

EXECUTIVE SUMMARY

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

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

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

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

BACKGROUND

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

As part of maintaining the vast road network, common practices include a significant volume of pothole patching and edge sealing as well as minor reconstruction projects. On an annual basis, Council uses in the vicinity of 100,000L of emulsion, a

bitumen-based product widely used by local government and road authorities in sealed road maintenance.

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

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

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

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

KEY ISSUES

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

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

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

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

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

Embracing our past and planning for the future

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

Quality Community Infrastructure

1. Responsibly manage our assets portfolio including roads and transport infrastructure, buildings, recreation and sporting facilities and public toilets by

inspecting and monitoring maintenance and renewal needs. This is achieved through planning for and implementing asset renewal and upgrade programs or new facilities that meet community expectations such as hubs, streetscapes, roads and building assets.

FINANCIAL IMPLICATIONS

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

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

RISK AND GOVERNANCE IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY

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

GENDER IMPACT ASSESSMENT

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

11.6 RECOMMENDATIONS FROM THE AUDIT AND RISK COMMITTEE MEETING HELD ON 9 SEPTEMBER 2024 DIRECTOR PERFORMANCE AND TRANSFORMATION

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

ATTACHMENTS

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

OFFICER'S RECOMMENDATION

That Council:

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

EXECUTIVE SUMMARY

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

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

BACKGROUND

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

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

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

KEY ISSUES

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

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

A dynamic and responsive Council

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

Local Government Act 2020

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

FINANCIAL IMPLICATIONS

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

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

RISK AND GOVERNANCE IMPLICATIONS

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

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

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

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

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

ENVIRONMENTAL SUSTAINABILITY

There are no sustainability implications associated with this report.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.

11.7 COUNCIL MEETING DATES FOR 2025 DIRECTOR PERFORMANCE AND TRANSFORMATION

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

ATTACHMENTS

- Nil

OFFICER'S RECOMMENDATION

That Council:

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

EXECUTIVE SUMMARY

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

BACKGROUND

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

KEY ISSUES

Officers are proposing the following schedule:

Council Meetings

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

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

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

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

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

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

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

A dynamic and responsive Council

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

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

FINANCIAL IMPLICATIONS

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

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

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

RISK AND GOVERNANCE IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY

There are no sustainability implications associated with this report.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.

12 CONFIDENTIAL ITEMS

12.1 CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

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

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

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

RECOMMENDATION

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

1.1 PROPOSED BUILDING SHARED SERVICE ARRANGEMENT WITH MOUNT ALEXANDER SHIRE COUNCIL

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

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

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

1.3 NOMINATIONS FOR THE COMMUNITY AWARDS 2025

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

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

1.4 CEO LEAVE ARRANGEMENTS AND APPOINTMENT OF AN ACTING CEO

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

13 CLOSE OF MEETING