



HEPBURN SHIRE COUNCIL
ORDINARY MEETING OF COUNCIL
PUBLIC AGENDA

Tuesday 25 February 2025

Council Chamber
24 Vincent Street Daylesford

6:00PM

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

AGENDA

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24 Vincent Street Daylesford

Commencing at 6:00PM

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BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

Tuesday 25 February 2025

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 17 December 2024 (as previously circulated to Councillors) be confirmed.

7 PUBLIC PARTICIPATION TIME

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

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

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

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

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

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

BEHAVIOUR AT COUNCIL MEETINGS

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

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

Respectful behaviour includes:

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

Inappropriate behaviour includes:

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

7.1 PETITIONS

7.2 REQUESTS TO ADDRESS COUNCIL

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

7.3 PUBLIC QUESTIONS

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

8 OFFICER REPORTS

8.1 CONSIDERATION OF PLANNING APPLICATION PLN22/0259 – 12 VANINA STREET HEPBURN SPRINGS DIRECTOR DEVELOPMENT AND COMMUNITY

In providing this report to Council as the Manager Planning and Building, I Amy Boyd have no interests to disclose in this report.

ATTACHMENTS

1. Contour Plan 12 and 14 Vanina Street Hepburn [**8.1.1** - 1 page]
2. Subdivision Layout Plan (amended) [**8.1.2** - 1 page]
3. Arboricultural Report 12 and 14 Vanina Street [**8.1.3** - 19 pages]
4. 12-14 Vanina Street Concept Plan [**8.1.4** - 1 page]

EXECUTIVE SUMMARY

Approval is sought for an eight-lot subdivision on the land known as 12-14 Vanina Street Hepburn.

The subject site is approximately 7,327 square meters in size. The subject land is located within a Neighbourhood Residential Zone – Schedule 4 (NRZ4) and is covered by the Bushfire Management Overlay – Schedule 1 (BMO1) and the Environmental Significance Overlay – Schedule 1 (ESO1).

The application proposes an eight-lot subdivision of the land and the creation of common property within the NRZ4, BMO1 and ESO1.

Public notification of the application was undertaken with 12 objections to the application received to date. The application was referred to several external and internal referral authorities.

It is recommended that Council issues a notice of decision to approve the application. The proposal will result in the creation of eight new residential lots within an appropriate location with access to services. Whilst the development will result in the future loss of some surrounding native vegetation in order to create defensible space, the applicant has accepted Council officer advice to ensure an acceptable balance between vegetation loss and fire protection has been reached through the implementation of carefully considered building envelopes which will control the location of future dwellings on the proposed new lots.

OFFICER'S RECOMMENDATION

That Council, having caused notice of Planning Application No PLN22/0410 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all matters required under Section 60 of the Planning and Environment Act 1987, issues a Notice of Decision to Grant a Planning Permit for the subdivision of land into eight lots within the Neighbourhood Residential Zone, Bushfire

Management Overlay and Environmental Significance Overlay at 12 – 14 Vanina Street, Hepburn, subject to the following conditions:

Amended Plans Required

1. Prior to certification, three copies of amended plans and reports to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans and reports will be endorsed and will then form part of the permit. The documentation must be updated to be generally in accordance with the concept plan prepared by Jim Walsh Surveyors submitted 24 January 2025. The plans/reports are:

- a. Bushfire Management Plan;*
- b. Vegetation removal and retention plan;*
- c. Plan of Subdivision with Building Envelopes and showing access to Lots 1 and 2 fronting Vanina Street;*
- d. Waste Management Strategy;*

2. Prior to the endorsement of plans, and commencement of development, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plan must show:

- a. Details of surface finishes of pathways and driveways;*

3. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;

- a. Landscaping and planting within the common property area to provide an effective visual screen along the south-east boundary for at least 60% of the driveway;*
- b. Appropriate irrigation system;*

All species selected must be to the satisfaction of the Responsible Authority.

Endorsed Plans

4. *Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:*

- a. State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Hepburn Planning Scheme;*
- b. Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit;*
- c. State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis;*
- d. Incorporate the endorsed Waste Management Strategy and its ongoing effect;*

The landowner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

5. *The subdivision as shown on the endorsed plan(s) must not be altered without the written consent of the Responsible Authority;*

6. *Prior to Statement of Compliance being issued, the landscaping as shown on the endorsed plans must have been implemented. The landscaping must be maintained with the replacement of any dead or diseased vegetation to the satisfaction of the responsible authority;*

7. *The owner of the land must enter into an agreement with:*

- a. A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and*
- b. A suitably qualified person for the provision of fibre-ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre;*

8. *Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:*

- a. *A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and*
- b. *A suitably qualified person that fibre-ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre;*

9. *All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created;*

10. *The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act;*

11. *Before a Statement of Compliance for the plan of subdivision is issued under the Subdivision Act 1988, the permit holder must pay a monetary contribution of 5% for public open space in accordance with the schedule to Clause 53.01 of the Hepburn Planning Scheme. The responsible authority may delay the time for payment of the monetary contribution by agreement in writing with the permit holder;*

12. *The subdivision must not cause any adverse amenity impacts to neighbouring properties during the construction phase through the emittance of dust, noise, hours of operation or any other matter to the satisfaction of the responsible authority;*

Stormwater Drainage

13. *Prior to Certification, a Stormwater Strategy Plan must be prepared, submitted to and approved by Council to identify and record the manner by which the quantity and quality of stormwater shall be managed for the catchment, not just the immediate development, including any new infrastructure that may be*

required to convey stormwater to a registered waterway. The stormwater strategy plan must demonstrate how to avoid adverse impact on neighbouring properties and surrounding road network due to the development. Drainage design plans and legal point of discharge will not be considered until the drainage strategy has been established;

14. Prior to Statement of Compliance, all underground and surface drainage works that are considered necessary by the Responsible Authority shall be constructed in accordance with professionally prepared plans and computations to be provided by the developer and approved by the Responsible Authority prior to the commencement of construction. The drainage works shall include the provision of an onsite stormwater detention system designed to ensure that the post development runoff does not exceed pre-development runoff from the development. The drainage works shall be installed to transport stormwater runoff from the subject land and surrounding land and/or adjoining road(s) to an approved point of discharge. No concentrated stormwater shall drain or discharge from the land to adjoining properties. The drainage system must be constructed and completed prior to the issue of the statement of compliance;

15. Return period for a Detention system is to be 20%AEP where there is overland escape path and 1%AEP if the failure of the detention system will cause property damage or inundation of freehold titles;

16. Prior to Statement of Compliance all allotments shall be provided with drainage outfall (house connection) connected to the underground drainage system to the satisfaction of the Responsible Authority. House drainage connection shall be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 505;

17. Prior to Statement of Compliance, all drainage easements deemed necessary by the Responsible Authority must be provided by the Permit Holder to protect and facilitate existing and future drainage infrastructure. Easements shall also be provided through properties between the development site and the nominated legal point of discharge. Minimum width of drainage easements shall be 2.0m for stormwater;

18. Prior to Statement of Compliance, drainage easements shall be created to allow for gravity stormwater drainage to the satisfaction of Responsible Authority;

19. Prior to Statement of Compliance, any proposed stormwater drainage system that includes any works to be undertaken during development stage (construction

of dwellings), the Owner must enter into a Section 173 Agreement with the responsible Authority under section 173 and 174 of the Planning and Environment Act 1987, requiring that such works shall be constructed and completed during house/building construction stage;

The Owner must pay all of the costs and expenses including Responsible Authority's lawyers checking fees in relation to preparation, execution, registration, enforcement and cancellation of this Agreement including costs for obtaining necessary consents if required by the Land Titles Office before registration of this Agreement.

20. Prior to Statement of Compliance, vehicle access/crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority;

21. Prior to Statement of Compliance the following will must be constructed for approval:

22. Vehicle access/crossing (including common property driveway) to all lots is to be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 260 or to approval of Responsible Authority;

23. Vehicle access/crossing to the land shall be located so that adequate sight distance is achieved to comply with Australian Standard AS2890.1:2004 Section 3.2.4 and as specified in Ausroad's Guide to Road Design Part 4A Section 3.4 - 'Sight Distance at Property Entrance';

a. Grades through vehicle crossing shall not exceed 1:10;

24. Minimum 10.0m and 9.0m clearance shall be maintained from any road intersection and between adjacent crossovers respectively;

25. Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense;

26. Prior to Statement of Compliance, the final location and construction of the vehicle crossing is to be approved by the Responsible Authority via a "Consent to Work within the Road Reserve", prior to the undertaking of works;

27. All vehicle entry to and egress from the property shall be in a forward motion. Vehicle turn around must be provided within the property;

28. *Prior to Certification a plan showing turning circles shall be submitted to the Responsible Authority for approval;*

29. *Prior to Statement of Compliance it is the responsibility of the developer to meet the requirements and standards as set out in the Infrastructure Design Manual (IDM) version 5.20;*

Waste Management

30. *Prior to Certification, a private waste collection shall be required to service the development. It is the responsibility of the developer to prepare a waste management strategy, to be submitted and approved by the Responsible Authority, which demonstrates:*

- a. *Collection arrangement;*
- b. *Maximum waste collection vehicle dimension;*
- c. *Adequacy and safety of the access roads;*
- d. *Compliance with Environment Protection Authority noise standards;*

Plan Checking and Supervision Fee

31. *In accordance with the Subdivision Act 1988, Responsible Authority requires the following fees for works undertaken on this Subdivision:*

- a. *Plan checking fee of 0.75% of the value of works;*
- b. *Supervision fee of 2.50% of the value of works;*

32. *All works must be constructed and completed prior to statement of compliance;*

Country Fire Authority

33. *Prior to the certification under the Subdivision Act 1988, an amended Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed the Bushfire Management Plan must be included as an annexure to the section 173 agreement prepared to give effect to Clause 44.06-5 of the planning scheme and not altered unless agreed to in writing by Country Fire Authority (CFA) and the Responsible Authority;*

34. *The plan must be generally in accordance with the Bushfire Management Plan and the Plan of Survey conducted by James Walsh Licensed Surveyor, Surveyors*

Ref 3582, Version 7, dated August 2023 but amended to include or replace the conditions for access with:

a. Vehicle Access:

Vehicle Access for fire-fighting purposes must be provided which meets the following requirements:

- i. Access must have a load limit of at least 15 tonnes;*
- ii. Curves must have a minimum inner radius of 10m;*
- iii. The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m;*
- iv. Have a minimum trafficable width of 3.5m of all-weather construction;*
- v. Be clear of encroachments for at least 0.5m on each side and 4m above the accessway.*
- vi. Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle;*
- vii. Incorporate a turning area for fire fighting vehicles close to the lot 8 by one of the following:*
 - A turning circle with a minimum radius of eight metres;*
 - The provision of other vehicle turning heads – such as a T or Y head –which meet the specification of Austroads Design for an 8.8 metre Service Vehicle;*

Central Highlands Water

35. Any plan lodged for certification will be referred to the Central Highlands Regions Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act;

36. Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant in anticipation of becoming owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant;

37. A reticulated water supply must be provided to each lot by the owner of the land (or applicant in anticipation of becoming owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant;

38. The owner provide easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal;

39. If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision;

Powercor

40. This letter shall be supplied to the applicant in its entirety;

41. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act;

42. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributors requirements and standards (Notes: Extension, augmentation or rearrangement of the distributors electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant);

43. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR) (Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works);

Expiry of permit for subdivision

44. This permit as it relates to development (subdivision) will expire if one of the following circumstances applies:

- a. The plan of subdivision has not been certified under the Subdivision Act 1988 within two (2) years of the issued date of this permit;
- b. A statement of compliance is not issued within five (5) years of the date of certification;

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

BACKGROUND

Subject site

The subject site is located at 12 and 14 Vanina Street, Hepburn. The land is approximately 7,327 square metres in size and contains an existing dwelling and outbuildings. The site contains a total of 15 native trees and an existing vehicle crossover is located in the south-eastern corner of the site providing access to Vanina Street.

Land surrounding the subject site is developed in a residential manner with majority of lots adjoining the subject site containing existing dwellings and associated outbuildings. Land adjoining the subject land to the south are of a similar size to the proposed lots (approximately 800 sqm in size). Land adjoining the subject site to the north is currently vacant and appears have been previously subdivided in a battle axe layout with the dwelling located at 16 Vanina Street remaining on an approximately 1000 sqm sized lot.

PROPOSAL

The application proposes the subdivision of the land into 8 lots, each containing a building envelope and the creation of common property for the purpose of vehicle access.

Proposed lots 1 – 7 measure between 560 sqm in size and 742 sqm in size. Proposed lot 8 measures 1155 sqm in size.

Common property is proposed to be located along the southern boundary of the subject site to provide access to lots 8 – 3. The common property will be 8 metres in width to allow for vehicles to have access and egress to the site at the same time. Lots 1 and 2 will have access to Vanina Street via individual crossovers. Whilst Lot one has the potential to be provided vehicle access via the common property, access directly to Vanina Street has been required to reduce amenity impacts to dwellings on adjoining lots to the south by reducing the overall number of vehicle movements along the common property.

PERMIT HISTORY

At the time of initial lodgment, the application proposed a nine-lot subdivision. Several section 57a amendments (amendments of an active planning application after notice has been given) have been lodged by the applicant.

The reduction in number of proposed lots has resulted in stronger protection of the native vegetation located on the site.

The applicant of the application was also changed during the assessment process.

REFERRALS

The following external referrals have been undertaken.

Authority	Summarised advice
Country Fire Authority (CFA)	The CFA provided conditional consent to the proposal
Officer comment	An amended bushfire Management Plan will be required to be submitted by the applicant to reflect the reduction of proposed lots from 9 lots to 8 lots.
Central Highland Water (CHW)	CHW provided conditional consent to the proposal.
Officer comment	Conditions will be included
Powercor	Powercor have provided conditional consent to the proposal.
Officer comment	Conditions will be included
Goulburn Murray Water (GMW)	GMW have not objected and have no conditions.

The following internal referrals have been undertaken:

Department	Summarised advice
Council's Engineering Department	Conditional consent relating to stormwater, road upgrade, waste management and maintenance bond.
Officer comment	Conditions from Engineering will be included.

PUBLIC NOTIFICATION

The application has been advertised by sending notification of the proposal to adjoining and adjacent owners and a notice on the land. As a result, 12 objections have been received. The issues raised in the objections are summarised as follows:

- Not in keeping with neighbourhood character
- Density is too high for the Hepburn township
- Removal of native vegetation is not appropriate
- Loss of wildlife

- Not enough room for emergency services vehicles, one straight road in and out is not sufficient
- Common driveway along the rear fences of properties facing Sixteenth Street is unsatisfactory and likely to cause loss of amenity
- Dust pollution and erosion from increased vehicles using Vanina Street
- Conflict of cars with kangaroos
- Congestion because of increased traffic
- Potential to be used tourist accommodation resulting in amenity impacts on surrounding residents
- Inappropriate density in a bushfire area
- There should be no more than five new lots
- Existing dwelling requires asbestos to be removed
- Stormwater and drainage issues to be resolved
- Overshadowing, loss of privacy, negative impact on existing infrastructure

PLANNING SCHEME

The subject site is within the Neighborhood Residential Zone and is covered by the Bushfire Management Overlay and the Environmental Significance Overlay.

A planning permit is triggered under the following clauses of the Hepburn Shire Planning Scheme:

- Clause 32.09-3 subdivision of land within the Neighborhood Residential Zone
- Clause 42.01-2 subdivision of land within the Environmental Significance Overlay
- Clause 44.06-2 subdivision of land within the Bushfire Management Overlay

RELEVANT PLANNING POLICY

The following policies are relevant to the application:

- 02.01 Context
- 02.02 Vision
- 02.03-1 Settlement
- 11.01-1R Settlement – Central Highlands
- 11.01-1L Townships and settlements
- 13.02-1S Bushfire
- 14.02-1S Catchment planning and management
- 14.02-1L Catchment and land protection
- 19.03 Development infrastructure

When making a decision on an application, Council is required to balance competing objectives and policy in favour of net community benefit.

KEY ISSUES

RESPONSE TO PLANNING POLICY

Clause 11.01-1R Settlement – Central Highlands and clause 11.01-1L Townships and settlements

The proposal is consistent with the objective and strategies of clause 11.01-1R Settlement – Central Highlands and clause 11.01-1L Townships and settlements as it proposes a subdivision within an infill site located inside the existing township boundary of Hepburn. The proposed new lots are serviced by existing infrastructure and connection services. The subject site is located within proximity to Hepburn, Hepburn Springs and Daylesford, meaning any new residents will be able to access services such as shops, medical practitioners and, entertainment etc. that current exist within these towns.

Clause 13.02-1S Bushfire planning

In bushfire affected areas Clause 13.02-1S – Bushfire requires Council to prioritise the protection of human life above all other policy considerations. Careful consideration must be given to decisions which would result in increased residential development located within areas at risk of bushfire. When assessing a planning permit application for the latter clause 13.02-1S requires Council to consider the following:

- *Consider the risk of bushfire to people, property and community infrastructure.*
- *Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.*
- *Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.*

The subject site is within the Bushfire Management Overlay, therefore it is accepted to be at extreme risk of bushfire. A key consideration of this proposal is the balance between the opportunity for future development and the impact this will have on the native vegetation located on the site.

The location of the proposed building envelopes as shown on the Bushfire Management Plan will be required to be attached to the title of the new lots via a section 173 agreement to ensure any further development complies with bushfire protection measures. Lots 1 – 6 will be required to construct to a BAL 12.5 and lots 7 and 8 will be required to construct to a BAL 29. Throughout the course of the application process lot sizes have been increased, which allows for better provision and control of defensible space; the size of the building envelope located on proposed lot 8 has been decreased to protect the patch of vegetation to the rear of the lot from removal under the exemption from a planning permit to create

defendable space. Overall, it is considered that significant effort has been made to ensure an acceptable outcome is reached as required by clause 13.02-1S.

14.02-1S Catchment planning and management and 14.02-1L Catchment and land protection

The subject site is within a special water supply catchment area, and therefore Council must consider the impact of the proposal on water quality. The proposal is considered have low risk of impacting on water quality. The proposed lots are required to be connected reticulated sewer and water connections. All stormwater from future residential development will be required to be managed in accordance with best practice as required by the Building Regulations.

19.03 Development infrastructure

The proposal accords with clause 19.03 as the development will benefit from being appropriately serviced by existing infrastructure within the area.

ZONE AND OVERLAY(S)

Neighbourhood Residential Zone

The subject land is within the neighbourhood residential zone schedule 4. The purpose of the neighbourhood residential zone is:

- *To recognise areas of predominantly single and double storey residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The decision guidelines relevant to new subdivisions require Council to consider, as appropriate, the following:

- The pattern of subdivision and its effect on the spacing of buildings.

Schedule 4 of the neighbourhood residential zone requires council to consider, as appropriate, the following:

- Whether subdivision retains the important elements and features which form part of the significance and character of the area, the visual setting and the important view-lines between these elements.
- Whether subdivision will complement or adversely affect the key characteristics of the area such as streetscape, lot sizes, lot pattern, lot layout or existing building forms in the area or would result in development that would adversely affect the rhythm, scale and pattern of buildings in the area.

The application is considered to be consistent with the purpose of the zone by proposing to create appropriately designed opportunities for infill residential development. The density and pattern of the proposed plan of subdivision is reflective of the existing area, particularly to the east of Vanina Street and to the south of Sixteenth Street where lots of a similar size and layout exist.

Bushfire Management Overlay

The site is subject to the Bushfire Management Overlay (BMO) and a Planning Permit is required for the subdivision of land. The BMO has the following purposes:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where bushfire hazard warrants bushfire protection measures to be implemented;*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an appropriate level.*

The proposal adequately addresses the purpose of the Bushfire Management Overlay. Building envelopes as required by the Bushfire Management Plan and which have been discussed at length in previous sections of this report will be implemented via a 173 agreement. The measures outlined within the Bushfire Management Plan are consistent with the requirements of considered appropriate for the level of future residential development which will result from the subdivision.

Environmental significance overlay (ESO)

The subject site is covered by both the ESO 1 and the ESO 2. The purpose of the ESO is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

The environmental significance overlay is concerned with the protection of water quality as the land is within a special catchment area which supplies drinking water. The environmental objective to be achieved by the environmental significance overlay schedule 1 is:

- *To ensure all development is undertaken in a manner that protects, restores and enhances natural resources and environmental systems and seeks to eliminate detrimental impacts on the quality and quantity of water in the catchment, to ensure the long-term plentiful supply of quality water.*

The proposed lots would be required to connect to reticulated sewer services, therefore the risk of pollution to the catchment area is considered low. The Building Regulations will ensure all stormwater is treated to best practice standards at the time dwellings are constructed on the lot.

PARTICULAR PROVISIONS

Clause 53.01 - Public Open Space Contribution and Subdivision

In accordance with clause 53.01 the permit holder would be required to make a contribution of 5% of the sites value to Council. Should a planner permit issue, this requirement would be included as permit condition.

Clause 53.02 - Bushfire Planning

The application documentation provided to Council as part of the application included an assessment against the requirements of clause 53.02. This assessment has been reviewed by Council's Planning Officer and the Country Fire Authority and is considered to appropriately address the requirements.

Clause 56 – Residential Subdivision

As the application proposes a residential subdivision Council must assess the application against the relevant requirements of Clause 56. The purpose of clause 56 is to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To create liveable and sustainable neighbourhoods and urban places with character and identity.
- To achieve residential subdivision outcomes that appropriately respond to the site and its context for:
 - Metropolitan Melbourne growth areas.
 - Infill sites within established residential areas.
 - Regional cities and towns.
- To ensure residential subdivision design appropriately provides for:
 - Policy implementation.
 - Liveable and sustainable communities.
 - Residential lot design.
 - Urban landscape.
 - Access and mobility management.
 - Integrated water management.
 - Site management.
 - Utilities.

The applicant has provided Council with an assessment against clause 56 which has been reviewed by Council's Planning Officer. The proposal demonstrates an acceptable outcome in relation to clause 56.

POLICY AND STATUTORY IMPLICATIONS

This application meets Council's obligations as Responsible Authority under the *Planning and Environment Act 1987*.

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

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

RISK IMPLICATIONS

No risks to Council other than those already identified.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The application has been advertised by sending notification of the proposal to adjoining and adjacent owners and a notice on the land.

8.2 DEFERRAL WASTE SERVICE CHARGE CAP VARIATION CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the Chief Executive Officer, I Bradley Thomas have no interests to disclose in this report.

ATTACHMENTS

- Nil

OFFICER'S RECOMMENDATION

That Council:

- 1. Defers an application to the Essential Services Commission in relation to waste service charges until greater clarity of the Ministerial Good Practice Guidelines for Local Government Service Rates and Charges is provided by State Government, and;*
- 2. Continues working with peak bodies to seek a review of the guidelines.*

EXECUTIVE SUMMARY

In September 2024 Council resolved to submit an application to the Essential Services Commission for a rate cap variation for the 2025/2026 financial year that ensures that waste service charges comply with the new Local Government Ministerial guidelines, noting that this will be revenue neutral to Council and of no net cost to ratepayers.

This decision was based on new Ministerial Good Practice Guidelines for Local Government Service Rates and Charges being released and the rate cap variation being required to ensure compliance with guidelines.

In subsequent months it has become clear that there is sector wide concern with the guidelines, that the vast majority of councils will not be compliant in 2025/2026 and with the appointment of a new Minister for Local Government, the guidelines are being reviewed. Therefore, it is prudent to defer the application to a future financial year.

BACKGROUND

In late December 2023, the Victorian Government released new, and unexpected, Ministerial Good Practice Guidelines for Local Government Service Rates and Charges, which will come into effect in the 2025/2026 financial year. These changes, particularly in waste management charges, require Hepburn Shire to reassess how and where service rate allocations are applied.

Hepburn Shire has traditionally set its waste service charges based on models aimed at long-term cost recovery, and consistent with many Councils. Council monitors

these charges over several years to maintain an appropriate long-term financial position, despite potential annual fluctuations.

The charges for kerbside services in the Council's budget comply with the Local Government Minister's Good Practice Guidelines regarding kerbside collection service charges and can continue under these guidelines.

Council's annual Waste Management Charge funds services such as the operation of transfer stations, monitoring old landfill sites, and servicing street litter bins. This charge is also designed to cover only the costs of these activities without generating a surplus over time, a common practice across local governments. Many of these charges are not recommended by the State Government to be cost recovered by a waste charge, but rather should be covered from general rates.

The Minister's Guidelines recommend that waste management charges be directly linked to services provided to properties and suggest that other waste-related charges should be included in General Rates rather than Waste Management Charges. This means that Council should consider transferring income currently recovered through the Waste Management Charge into General Rates – these costs will relate to waste associated charges like the operational of the transfer stations, waste minimisation education and public bin waste costs.

To fully comply with the Guidelines, the current Waste Management Charge will need to be reviewed, and part of the charge will need to be transferred to General Rates. Under Victoria's Rate Capping system, this change would require an application to the Essential Services Commission (ESC) to ensure the transition is handled appropriately and does not negatively impact ratepayers or the Council. Therefore, it is proposed that an application be made to the ESC to transfer the Waste Management Charge to General Rates, ensuring no net change in overall revenue and no additional cost to ratepayers.

Council passed the following resolution in September 2024:

Authorises the Chief Executive Officer to prepare and submit an application to the Essential Services Commission for a rate cap variation for the 2025/2026 financial year that ensures that waste service charges comply with the new Local Government Ministerial guidelines, noting that this will be revenue neutral to Council and of no net cost to ratepayers.

KEY ISSUES

Since the September 2024 resolution of Council continued advocacy by the sector in relation to the guidelines has continued. In general, the sector does not agree with the definitions included.

It has become clear that the vast majority of councils will not be making changes within the 2025/2026 financial year, and rather advocacy by councils and peak

bodies continues – especially as there is now a now Minister for Local Government in place.

Given the uncertainty of the guidelines, it is prudent to delay an application to the Essential Services Commission. Once further clarity on the guidelines is provided, Council’s response can be considered and implemented.

The rate cap variation would have had a revenue neutral position for Council – rather, this was a classification requirement between general rates and waste charges.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

A dynamic and responsive Council

5.2 Actively communicate, inform and engage with our community about events and decision-making

Legal guidance has been provided to the sector that although guidelines are an important input to Council’s decision making, they are not legislation and therefore not legally binding.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

Waste Charges for the 2025/2026 financial year will be set as part of the Budget process and can be based on traditional cost structures.

This report and the officer’s recommendation has no impact on Council’s resolution to apply for a general rate cap variation to improve the financial sustainability of Council both into the short and long term. The application will be considered by the Essential Services Commission and form part of the 2025/2026 budget.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no direct community or stakeholder engagement implications associated with this report – the outcome of the decision will be communicated to ratepayers.

RISK AND GOVERNANCE IMPLICATIONS

Nil, the deferral of the application is consistent with the vast majority of Victorian Councils given the uncertainty of the guidelines.

ENVIRONMENTAL SUSTAINABILITY

There are no direct sustainability implications associated with this report.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.

8.3 QUARTER 2 FINANCE REPORTS 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 31 December 2024 [**8.3.1** - 25 pages]
2. Capital Projects Report - YTD to 31 December 2024 [**8.3.2** - 5 pages]
3. Special Operating Projects - YTD to 31 December 2024 [**8.3.3** - 5 pages]

OFFICER'S RECOMMENDATION

That Council:

1. *Notes the financial position and performance for the six months ending 31 December 2024, including the special and capital project; and,*
2. *Approves the Budget adjustments to the 2024/2025 amended Budget as detailed in the report.*

EXECUTIVE SUMMARY

The December 2024 Quarterly Finance Report outlines the financial results for the six months ended 31 December 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 31 December 2024, and an update on each special and capital project as at 31 December 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).

A further section in the report details budget adjustments to the 2024/2025 amended budget with commentary for noting that has minimal or nil net effect to the overall budget position.

BACKGROUND

This report provides information on Council's financial performance for the period 1 July 2024 to 31 December 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 six 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 December 2024 Quarterly Finance Report along with the special operating and capital project reports have been prepared in comparison to the amended budget being the original adopted budget and carry-forward budget that was adopted at the Ordinary Meeting of Council on 16 September 2024.

KEY ISSUES

The financial report and attachments provide a comprehensive overview of Council's financial performance and current financial state, for the six-month period of the 2024/2025 financial year up until 31 December 2024, and an update on the status and progress of each special and capital project. The financial position overall is materially on track to the amended budget with no major items for concern in the current financial year.

The main items to note at the end of Quarter 2, with further details and explanation provided in the attached report, are:

- The operating surplus for the six months ended 31 December 2024 was \$17.2 million, which is \$1.9 million (or 12%) favourable to the amended budgeted surplus of \$15.3 million. This is primarily driven by materials and services expenditure budget being favourable by \$1.9 million.
- Year-to-date Capital works expenditure for the six months ended 31 December 2024 was \$3.04 million which is 17% of the \$17.48 million amended budget.
- Cash holdings as at 31 December 2024 are \$0.8 million higher 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 31 December 2024 are \$0.5 million higher than the same time last year. This is due to a combination of the annual rate cap rise 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 will fully update Councillors with any material items.

2024/2025 Budget Adjustments

As part of the continual review of the current budgets for the 2024/2025 financial year, the following budget lines have been identified to be adjusted as per receipt of the formal funding agreements:

- Increase of \$291k Roads to Recovery (R2R) resulting in a revised 2024/2025 income of \$1.26 million. This forms part of the new funding cycle for the 5-year period commencing 2024/2025 to 2028/2029 whereby the funding for Roads to Recovery via the Federal Government will gradually increase over this period.

- Decrease of \$280k Victorian Local Government Grants Commission (VLGGC) resulting in a revised 2024/2025 income allocation of \$6.397 million. Provisional amounts had been included in the 2024/2025 adopted budget that now requires to be adjusted downwards following notification of the annual grant awarded to Council.
- Allocation of \$390k Hepburn Kindergarten Refurbishment from previously approved grant funding. (nil net effect to overall budget position)

The adjustments as noted above result in a favourable movement of \$11k to the amended 2024/2025 budget.

Changes to the 2024/2025 amended budget will be reflected in the third quarter financial report.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

A dynamic and responsive Council

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

FINANCIAL IMPLICATIONS

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

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

RISK AND GOVERNANCE IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY

There are no sustainability implications associated with this report.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.

8.4 REPORT TO COUNCIL ON TEMPORARY EXTENDED FINANCIAL DELEGATIONS CHIEF EXECUTIVE OFFICER

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

ATTACHMENTS

- Nil

OFFICER'S RECOMMENDATION

That Council notes that no decisions were made under the extended financial delegations that were in place over the Election period.

EXECUTIVE SUMMARY

Under the extended delegations set by resolution of Council on 16 September 2024, the Chief Executive Officer was authorised to enter into a contract or incur expenditure up to the value of \$750,000 inclusive of GST for the period from 17 September 2024 to 26 November 2024.

During this period, no such contracts or expenditure incurred was entered into that resulted in being above the current delegation of \$330,000 inclusive of GST.

The temporary, increased delegation was not utilised mainly due to planning of officers bringing contract approvals to Council prior to beginning the election period, and a number of tender processes underway.

BACKGROUND

In September, 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 Chief Executive Officer is authorised to enter into a contract or incur expenditure up to the value of \$750,000 including GST, within approved budget, noting transactions above the current delegation of \$330,000 are to be co-authorised by two other members of the Executive Team."

The resolution also required officers to prepare a report for Council outlining the decisions made under the temporary delegations.

KEY ISSUES

There are no issues to report. All contracts identified that were above the current delegation limit of \$330,000 inclusive of GST have been approved at Ordinary Council Meetings prior to 17 September 2024.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

A dynamic and responsive Council

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

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

RISK AND GOVERNANCE IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY

There are no sustainability implications associated with this report.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.

8.5 H1 2024/2025 COUNCIL PLAN AND ANNUAL PLAN PROGRESS REPORTS DIRECTOR PERFORMANCE AND TRANSFORMATION

In providing this advice to Council as the Corporate Planning and Performance Officer, I Erin Vanzetta have no interests to disclose in this report.

ATTACHMENTS

1. Visual Representation Council Plan Progress 2021-2025 Yr 4 H1 V3 [8.5.1 - 2 pages]
2. Council Plan Progress Report 2021/2025 Yr 4 H1 V2 [8.5.2 - 100 pages]

OFFICER'S RECOMMENDATION

That Council:

1. *Notes the Council Plan 2021-2025 and the Annual Plan 2023/2024 Progress Reports for the first half of 2024/2025; and*
2. *Notes that this report will be published on Council's website.*

EXECUTIVE SUMMARY

The attached report provides an update on the progress against projects and initiatives included in the Council Plan 2021-2025, and Annual Plans 2022/2023, 2023/2024 for the 2024/2025 first-half period. The report details that of the 116 actions in the Council Plan:

- 50 have been completed;
- 58 are on track;
- four with progress delayed;
- three have been cancelled; and
- one has not commenced.

Of the combined 2022/2023 and 2023/2024 outstanding Annual Plans actions, at the end of 2023/2024 there were 18 outstanding. As of 31 December 2024, six of those actions have now been completed, two are on track for completion by the end of June 2025, nine are currently sitting as progress delayed and one is yet to commence.

BACKGROUND

As 2024/2025 is the final year of the Council Plan, the decision was made not to produce a separate Annual Plan, and focus is currently on the delivery and finalisation of all outstanding actions within the Council Plan and previous Annual Plans.

Once published, the report updates our stakeholders on the progress of all actions.

KEY ISSUES

The first report provides a snapshot of all actions and their status, the first page of which pertains to the Council Plan and the second to the Annual Plan actions.

The following, detailed report provides a complete list of all actions included in both the Council Plan 2021-2025 and the Annual Plan 2023/2024. A progress comment has been provided for each project by the responsible officer, for the first half (July-December) period of the 2024/2025 financial year.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

A dynamic and responsive Council

5.2 Actively communicate, inform and engage with our community about events and decision-making

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

FINANCIAL IMPLICATIONS

There are no direct financial implications for this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

RISK AND GOVERNANCE IMPLICATIONS

The Local Government (Planning and Reporting) Regulations 2020 support the operation of the strategic planning and reporting requirements under the *Local Government Act 2020*, by prescribing information to be contained in Council budgets and revised budgets, financial plans, annual reports, as well as mandating for Council's the process of performance reporting. Council Plan and Annual Plan Progress Reports form part of the Council's reporting requirements.

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

ENVIRONMENTAL SUSTAINABILITY

The report follows the 'Overarching governance principles' in section 9 of the *Local Government Act 2020* for the promotion of economic, social and environmental sustainability of the municipality. This is achieved through the regular monitoring and reporting of the Organisation's performance to ensure sustainable outcomes for Council.

GENDER IMPACT ASSESSMENT

Projects and initiatives have been assessed individually for gender impacts as part of the budgetary process. Any further implications because of delays or cancellations will be assessed at a project management level where further details can be obtained.

**8.6 AWARD OF TENDER HEPBU.RFT2024.178 - HEPBURN BATHHOUSE DECKING AND DRAINAGE PROJECT
DIRECTOR INFRASTRUCTURE AND DELIVERY**

In providing this advice to the Council as the Project Manager, I Lee Kosky have no interests to disclose in this report.

ATTACHMENTS

1. CONFIDENTIAL - HEPBU RFT2024 178 - Decking Drainage - Tender Evaluation Report [8.6.1 - 5 pages]

OFFICER'S RECOMMENDATION

That Council:

1. *Awards contract HEPBU.RFT2024.178 Hepburn Bathhouse Decking and Drainage Project for the fixed lump sum of \$288,189 plus Provisional Costs of \$93,769 (excl. GST) to PM Concreting and Construction Pty Ltd;*
2. *Approves Council Officers to make variations to the Contract, within approved Officer Delegations for each individual variation, and within the approved project budget;*
3. *Delegates the Chief Executive Officer to sign and seal the contract documents on behalf of Council; and*
4. *Resolves that the Tender Evaluation Report remains confidential.*

EXECUTIVE SUMMARY

The Hepburn Bathhouse is situated in the lowest point of the Mineral Springs Reserve and has experienced flooding in recent years from multiple sides. The project scope was developed to address drainage and flood management of the southern side to ensure preservation of the heritage listed building and long-term operational sustainability for the tenant. Designs and approvals are complete, and procurement for the works has been undertaken.

BACKGROUND

Summary

The Hepburn Bathhouse Decking and Drainage Upgrade Project aims to resolve the complex drainage issues at the Bathhouse through a comprehensive design that integrates multiple engineering disciplines while respecting heritage constraints. The Bathhouse tenant Belgravia has expressed a desire to continue operating during construction if achievable.

Funding for this project will be provided by the Mineral Springs Reserve Fund.

By completing this project, we are fulfilling one of our commitments to the tenant, Belgravia, as part of their recent lease renewal. Belgravia has committed to significant cosmetic upgrades, which would be at risk of damage in the event of another flood.

The scope of work includes:

- Demolition of existing decking and replacement with modular, non-slip fiberglass gridded decking;
- Installation of a root barrier and aggie drain to manage subsurface water;
- Enhancing surface water drainage with concrete slabs and strip drain; and
- Upgrading roof plumbing and providing mechanical ventilation for the sub-floor area.

Exclusions:

- Upgrades to existing bathhouse roof;
- Interior renovations to the bathhouse;
- Non-drainage related heritage upgrades; and
- Public amenities or landscaping improvements.

Key outcomes

- Improved drainage and flood management for the Bathhouse and surrounding areas.
- Enhanced user safety and comfort through more appropriate pedestrian access all year round.
- Long-term operational sustainability for Belgravia, the facility's leaseholder.
- Preservation of the heritage-listed building

Direct benefits

- Belgravia: Reduced operational risks related to flooding and drainage issues.
- Visitors and local residents: Improved amenities and a safer, more reliable experience.
- Hepburn Shire Council: Long-term savings in maintenance by futureproofing the heritage building against flooding and further deterioration.

KEY ISSUES

High risk of latent conditions

With the decking remaining intact until construction starts, bidders need to have a degree of flexibility in their pricing due to the high risk of encountering rock during excavations. As such, a relatively high proportion of this contract has been allocated as Provisional Costs, with a breakdown of rates included.

Coordination with Belgravia’s operational schedule

Belgravia’s operational needs impose constraints on when construction can take place, particularly during peak visitor periods. The Bathhouse experiences high tourist footfall on weekends and holidays, limiting the window for disruptive tasks (e.g., decking replacement, sub-floor ventilation installation, and rock removal). Construction works are scheduled at a time when the facility is predicted to be utilised less than peak seasons.

Heritage protection regulations

The project must comply with Heritage Victoria’s guidelines, which may restrict certain drainage interventions. Any modifications that could affect the Bathhouse’s heritage features have been thoroughly reviewed and approved by qualified conservation architects and engineers. This will continue to be monitored throughout the project.

Environmental and seasonal constraints

Construction will be planned to avoid the wettest months to ensure effective drainage and flood mitigation measures. Adverse weather conditions, particularly during the flood-prone season, could delay construction. Work will be scheduled during the driest months, with drainage measures incorporated early in the program to minimise delays.

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.

This project aligns with Hepburn Shire Council's strategic goals to:

- Maintain and enhance local infrastructure.
- Support tourism and the local economy by ensuring the continued operation of key heritage and wellness facilities.
- Protect heritage assets as outlined in the Conservation Management Plan (CMP) and meet obligations to Belgravia under the current lease.
- Mitigate environmental risks through effective water management, contributing to the council’s climate resilience and environmental sustainability objectives.

FINANCIAL IMPLICATIONS

The project is included in the 2024/2025 Capital Works Program with a total project budget of \$500,000 (excl. GST). Funds are being provided from the Mineral Springs Reserve Fund, which has a sufficient balance to cover this cost.

The contract sum is \$288,189 (excl. GST) plus Provisional Costs of \$93,769 (excl. GST). A \$14,000 contingency and \$36,151 HSC overheads have also been included in the project.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Stakeholder name	Stakeholder type	Engagement approach
Stakeholder title	(relationship to project)	
Local Community Groups	Stakeholders with vested interests in local amenities	Informative newsletters; public forums for feedback
Bathhouse Visitors and Users	End-users of the facility	Updates through the Council's website and social media; surveys for feedback
Belgravia	Businesses benefiting from increased tourism	Engagement through local business forums; updates on project progress
Funding Bodies	Providers of financial support for the project	Regular progress updates; reporting on budget and expenditure
HSC – ELT, Parks and Rec, Facilities	Project Sponsors	Regular updates via meetings and reports; consultation on key decisions

RISK AND GOVERNANCE IMPLICATIONS

Risk	Likelihood	Consequences	Risk Rating	Action
Heritage requirements not met	Medium	High	Medium	Close coordination with Heritage Victoria and adherence to the Conservation Management Plan. Ensure all heritage approvals are obtained before construction.
Construction budget insufficient	High	Medium	Medium	Budget planning includes conservative estimates and a contingency. Tenders structured to

allow for flexibility in cost management.

Delays due to unforeseen site conditions	Medium	High	High	Conduct thorough site inspections during the pre-construction phase to identify and address issues early. Allow for minor delays in the timeline.
Flood risk during construction	Low	High	Medium	Schedule critical works during periods of low flood risk. Implement temporary flood barriers if necessary.
Disruption to Belgravia operations	Medium	Medium	Medium	Coordinate closely with Belgravia’s project manager to align construction works with their operational schedule and minimize disruptions.
Sub-contractor availability issues	Medium	High	High	Pre-tender to reliable contractors, maintain communication with selected subcontractors, and plan for overlapping timelines to mitigate delays.
Community concerns or opposition	Medium	Medium	Medium	Engage the community early, provide clear updates on scope, and address concerns proactively during the engagement phase.
Environmental compliance issues	Low	High	Medium	Ensure all environmental permits are secured. Monitor compliance

throughout the project, especially during creek works and flood mitigation.

ENVIRONMENTAL SUSTAINABILITY

A primary objective is to mitigate environmental risks through effective water management. This contributes to the Council's climate resilience and environmental sustainability objectives.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.

8.7 VARIATION AND EXTENSION OF CONTRACT HEPBU.RFQ2023.205 – GREEN WASTE PROCESSING DIRECTOR INFRASTRUCTURE AND DELIVERY

In providing this advice to Council as the Resource Recovery Officer, I Candice Regan have no interests to disclose in this report.

ATTACHMENTS

- Nil

OFFICER'S RECOMMENDATION

That Council:

- 1. Endorses the variation of Contract No. HEPBU.RFQ2023.205, to increase the total value of the contract to \$180,000 (inc. GST) per annum;*
- 2. Approves a one-year extension of Contract HEPBU.RFQ.2023.205 - Processing, Cartage and Disposal of Green Waste at Hepburn Shire's Transfer Stations between Hepburn Shire Council and Green Care Mulching Pty Ltd commencing on 22 December 2025;*
- 3. Authorises Council officers to make variations to the Contract within approved Officer Delegations and within approved budgets; and,*
- 4. Authorises the Chief Executive Officer to sign the contract variation documents on behalf of Council.*

EXECUTIVE SUMMARY

The purpose of this report is to seek Council approval for a variation of Contract HEPBU.RFQ.2023.205 - Processing, Cartage and Disposal of Green Waste at Hepburn Shire's Transfer Stations between Hepburn Shire Council and Green Care Mulching Pty Ltd. The variation is required to cover costs that exceed the previously estimated value of this contract, based on the Schedule of Rates provided by the contractor.

The report also recommends that Council extends the contract term for one year commencing on 22 December 2025 and finishing on 21 December 2026 inclusive. This extension allows officers to further research an expanding market of processing options for this material.

BACKGROUND

Hepburn Shire offers drop off points for green/garden waste at all three Council Transfer Stations, located in Daylesford, Creswick and Trentham. Residents can dispose of up to two cubic metres at any time for a fee. Council also offers free green waste drop off for the month of November each year, to assist residents clearing

properties to prepare for the fire danger period. The Processing, Cartage and Disposal of Green Waste contract is in place to process and remove this material, and includes mulching the raw material on site and transport of processed mulch off site.

A percentage of mulch is left on site at all three Transfer Stations which is made available for residents to collect for free. The remaining mulch is offered to local farmers and is transported by the contractors. This process has previously only occurred once per year, but this frequency has been adjusted to two-three times per year for the current contract term for better availability of mulch for residents, as well as controlling the volume of material on site to prevent potential fire hazards.

Contract No. HEPBU.RFQ2023.205 commenced on 22 December 2023, after an open Request for Quote process deemed Green Care Mulching suitably qualified to provide this service. This contract was previously awarded under officer delegation. Due to a recent influx in vegetation and green waste disposed of at Council transfer stations, the variation to this contract falls outside of officer delegation and requires Council approval. The recent increase in material has been considered for all estimated costs in this report.

The contract conditions allow for Council to have the option to extend the contract term for one period of one year beyond the initial expiry date, if the Principal gives notice of its intention to extend the contract term at least 30 days prior to the expiry date.

KEY ISSUES

Cost and Volume Estimates

Volumes of green waste disposed of at transfer stations can only be estimated and can fluctuate greatly depending on the time of the year and changing weather conditions. As costs related to Contract No. HEPBU.RFQ2023.205 are based on a schedule of rates, an increase in volume of green waste disposal has led to an increase in cost to Council. The revised estimate of the contract value has considered these increased volumes. Green waste is a partially cost recoverable service through transfer station gate fees, with the exception of Free Green Waste November, where residents are not required to pay for green waste disposal.

EPA Regulations

As a condition of the relevant EPA permission Council is required to hold for transfer station operations, the combined total of all waste streams on site cannot exceed 5,000 cubic metres. Processing and cartage of green waste ensures Council meets registration conditions and avoids facing penalties.

Fire Risks

Storing large volumes of green waste at Council's transfer station sites increases the risk of this material igniting and causing bushfires and damaging the surrounding

properties and natural environment. The services related to this contract allow residents to avoid this risk for their own properties by facilitating disposal of garden material, but also allows Council to mitigate further risk by limiting stockpiling at transfer station sites.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

A resilient, sustainable and protected environment

1.2 Prioritise environmental management, protection and regeneration.

FINANCIAL IMPLICATIONS

The original value (\$191,400 inc. GST) of this contract was based on a schedule of rates, and an estimated green waste volume of 5,000m³ per annum, combined across all three transfer station sites. Council believed this was a generous estimate based on volumes from previous years, as well as this contract term aligning with the introduction of Council's food and garden organics kerbside bins.

An increase in volume of this material has been observed over the last 12 months, with a total of over 8,000m³ of green waste being disposed of within the shire. This contract spend has already been exceeded, with a total spend so far of \$232,386, with the remaining costs of the current contract term are estimated to be \$180,000 inc. This would bring the total cost over the total contract term to \$412,386 – therefore above officer delegation and the report is being brought to Council for consideration.

Council has the option to extend this contract by one year. If this option to extend is chosen, the total contract cost will increase to an estimated \$592,000 over the total three-year contract term.

The proposed estimates of volumes and therefore costs remain in line with the current 2024/2025 Resource Recovery operational budget.

Green waste disposed of at Hepburn Shire's Transfer Stations incurs a fee, making this service partially cost recoverable, with the exception of the Free Green Waste November drop off period where fees are not applied.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

RISK AND GOVERNANCE IMPLICATIONS

Council is required to hold valid EPA approved permissions to operate each transfer station. For each transfer station in Hepburn Shire, Council currently holds a Waste and Resource Recovery (small) – A13c registration, allowing sites to operate with

specified conditions. One of the main conditions to consider in this report is each site is only permitted to hold 5,000 cubic metres of combined waste at any one time. As garden waste is currently the waste stream with the highest volume at each transfer station, delaying the contracted services could lead to exceeding this limit and related EPA penalties.

ENVIRONMENTAL SUSTAINABILITY

The continuation of this contract and relevant service allows green waste material to be processed appropriately to avoid unnecessary landfilling or burning of organic material.

The availability of processed mulch from this service assists in creating a local circular economy for residents and local farmers.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.

**8.8 AWARD OF CONTRACT: HEPBU.RFT2024.E3 - RECONSTRUCTION OF DEAN-NEWLYN ROAD NEWLYN
DIRECTOR INFRASTRUCTURE AND DELIVERY**

In providing this advice to Council as the Coordinator Engineering, I Tim Powell have no interests to disclose in this report.

ATTACHMENTS

1. CONFIDENTIAL - HEPBU RFT2024 E3 Evaluation Tender Report [8.8.1 - 4 pages]

OFFICER'S RECOMMENDATION

That Council:

1. *Awards Stages 1 and 2 of Contract Number HEPBU.RFT2024.E3 for the fixed lump sum of \$809,066.44 (excl. GST) to Ontrack Civil Earthworks;*
2. *Delegates an additional \$90,933.56 (excl. GST) above the fixed lump sum to the Project Superintendent for management of any unforeseen variations over the life of the contract;*
3. *Delegates the authority to the Chief Executive Officer to sign the contract documents on behalf of Council;*
4. *Resolves that Tender Evaluation Report remains confidential; and,*
5. *Confirms a commitment to the Chanters Lane, Fern Hill project and allocation of funding from the Roads to Recovery program in 2025/2026.*

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider awarding a contract for the pavement reconstruction of approximately 1.9km of Dean-Newlyn Road, Newlyn.

BACKGROUND

In 2023 Council conducted a condition audit of its road network, in order to revalue the assets, track trends in condition and identify priorities for intervention such as road reconstruction and resurfacing, major patching, and gravel road resheets. As a result, sections of Dean-Newlyn Road were identified for reconstruction.

The first section of Dean-Newlyn Road, identified as Stage 1, was included in the 2023/2024 Council budget and Capital Works Program however further sections, Stages 2 and 3, were designed for consideration in future years.

Another reconstruction project included within the current program is Chanters Lane, Fern Hill, initially proposed to be funded by the Local Roads and Community Infrastructure (LRCI) program. This grant requires project delivery by 30 June 2025.

Delays have been encountered with commencing the construction of Chanters Lane, due to the need to undertake a Cultural Heritage Management Plan and as such, it is unlikely that works will be delivered this financial year. With no possibility of a grant extension, an extended Dean-Newlyn Road reconstruction project was identified as an appropriate candidate to ensure funding can be expended before the deadline.

With consideration to the above, Stage 1 and a provisional item for the inclusion of stage 2 of Dean-Newlyn Road were tendered.

KEY ISSUES

Dean-Newlyn Road segment condition ranges between 3 and 4 (out of 5). The road carries mostly through traffic including a high percentage of trucks on a single sealed lane, and the road drainage including the crossroad culverts, is at the end of its useful life. In recent years the proposed reconstruction segment has become prone to potholes and requires ongoing maintenance.

The first segment of Dean-Newlyn Road was identified for reconstruction in 2022 and external funding sort but was unsuccessful, when a limited scope was tendered in 2022 the tender prices far exceeded what would be considered value for money (due to high inflationary pressure and material shortages), combined with network wide maintenance challenges from flood events, Council redirected funding to extensive road patching program Shire wide. At present, in a deflated civil industry market and with external funding investment, Dean-Newlyn Road reconstruction is a high priority.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

A dynamic and responsive Council

5.5 Strong asset management and renewal.

FINANCIAL IMPLICATIONS

Council has a Federal Local Roads and Community Infrastructure (LRCI) grant that expires on June 30 2025. The currently nominated project has been delayed and cannot be delivered before the funding deadline. Changing the nominated project and funding sources between the two road projects will ensure the external funding is not lost.

If a change to LRCI nominated project is not approved by the governing agency the project will be funded by Council Roads to Recovery allocation, and Chanters Lane will be drawn down from future years of the same funding source.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Residents were notified by mail of the proposed road project and provided the design for comment. Following engagement with residents some minor changes will be incorporated into the project delivery.

It is possible that the wider community may associate the reconstruction of Dean-Newlyn Road, with the proposed works of the Western Renewable Link (WRL) due to proximity. It is worth highlighting that the road project development started prior to WRL route finalisation.

RISK AND GOVERNANCE IMPLICATIONS

Failure to invest in roads over a longer period could see Council failing to meet its service obligations and result in significantly increased maintenance effort.

ENVIRONMENTAL SUSTAINABILITY

The design includes provisions for reuse of existing pavement materials in order to limit waste and the requirement for new materials where appropriate.

GENDER IMPACT ASSESSMENT

No gender impact assessment has been conducted for this project however gender impact assessments have previously been conducted on similar road projects, with no recommendations as a result.

8.9 RECOMMENDATIONS FROM THE AUDIT AND RISK COMMITTEE MEETING HELD ON 9 DECEMBER 2024 AND APPOINTMENT OF A CHAIR 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 - Summary of recommendations from the December 2024 Audit and Risk [8.9.1 - 1 page]
2. CONFIDENTIAL - Confidential Chair's report - Audit and Risk Committee - 9 December 2024 [8.9.2 - 4 pages]
3. CONFIDENTIAL - Draft Confidential Minutes - Audit and Risk Committee - 9 December 2024 [8.9.3 - 28 pages]

OFFICER'S RECOMMENDATION

That Council:

1. *Receives the draft minutes of the Audit and Risk Committee Meeting that was held on the 9 December 2024;*
2. *Notes the recommendations of the Audit and Risk Committee that were moved at the meeting on 9 December 2024, as attached;*
3. *Notes the Biannual Report from the Audit and Risk Committee Chair; and,*
4. *Confirms the appointment of Mr Shane Marr as Chair of the Audit and Risk Committee for 2025.*

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 December 2024, including the recommendation from the Committee for the appointment of a Chair for 2025.

The Chair of the Committee, Mr Shane Marr, will also attend the sessions virtually to provide his biannual report.

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, 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 December 2024. The Confidential Minutes of the meeting are attached for Councillors' consideration, along with a summary of the recommendations from the Committee.

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.

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.

8.10 RECORDS OF COUNCILLOR ATTENDANCE DIRECTOR PERFORMANCE AND TRANSFORMATION

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

ATTACHMENTS

1. Record of Councillor Attendance - Councillor Briefing - 10 September 2024 [8.10.1 - 4 pages]
2. Record of Councillor Attendance - Councillor Briefing - 10 December 2024 [8.10.2 - 5 pages]
3. Record of Councillor Attendance - Pre-Council Meeting Briefing - 26 November 2024 [8.10.3 - 2 pages]
4. Record of Councillor Attendance - Pre-Council Meeting Briefing - 16 September 2024 [8.10.4 - 1 page]
5. Record of Councillor Attendance - Pre-Council Meeting Briefing - 17 December 2024 [8.10.5 - 1 page]
6. Record of Councillor Attendance - Disability Advisory Committee - 5 February 2024 [8.10.6 - 3 pages]
7. Record of Councillor Attendance - Disability Advisory Committee - 6 May 2024 [8.10.7 - 3 pages]
8. Record of Councillor Attendance - LGBTIQ+ Advisory Committee - 18 March 2024 [8.10.8 - 2 pages]
9. Record of Councillor Attendance - LGBTIQ+ Advisory Committee - 3 June 2024 [8.10.9 - 2 pages]
10. Record of Councillor Attendance - LGBTIQ+ Advisory Committee - 2 September 2024 [8.10.10 - 3 pages]
11. Record of Councillor Attendance - Gender Equity Advisory Committee - 2 September 2024 [8.10.11 - 4 pages]
12. Record of Councillor Attendance - Sustainable Hepburn Advisory Committee - 5 September 2024 [8.10.12 - 4 pages]

OFFICER'S RECOMMENDATION

That Council receives and notes the Records of Councillor Attendance as detailed in the report.

EXECUTIVE SUMMARY

The purpose of this report is for Council to receive and note Records of Councillor Attendance.

BACKGROUND

Council's Governance Rules, chapter 6 section 102.1, require that:

If there is a meeting of Councillors that:

1. *is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;*
2. *is attended by at least one member of Council staff; and*
3. *is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting*

The Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:

- a. tabled at the next convenient Council meeting; and*
- b. recorded in the minutes of that Council meeting.*

To fulfill this requirement and promote transparency, Records of Councillor Attendance are kept where the above definition is met and brought to Council for noting, as attached.

KEY ISSUES

The following Records of Councillor Attendance are reported:

Date	Meeting/Committee Name	Location
10 September 2024	Councillor Briefing	Council Chamber, 24 Vincent Street Daylesford
10 December 2024	Councillor Briefing	Council Chamber, 24 Vincent Street Daylesford
16 September 2024	Pre-Council Meeting Briefing	Council Chamber, 24 Vincent Street Daylesford
26 November 2024	Pre-Council Meeting Briefing	Council Chamber, 24 Vincent Street Daylesford
17 December 2024	Pre-Council Meeting Briefing	Council Chamber, 24 Vincent Street Daylesford
5 February 2024	Disability Advisory Committee	Doug Lindsay Reserve, Creswick
6 May 2024	Disability Advisory Committee	Victoria Park Pavilion, Daylesford
2 September 2024	Gender Equity Advisory Committee	Video Conference
18 March 2024	LGBTIQA+ Advisory Committee	Creswick Neighbourhood Centre
3 June 2024	LGBTIQA+ Advisory Committee	Council Chamber,

2 September 2024	LGBTIQA+ Advisory Committee	Video Conference
5 September 2024	Sustainable Hepburn Advisory Committee	Council Chamber, 24 Vincent Street Daylesford

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

The report fulfills Council's requirements under the Governance Rules.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Using Council's adopted Community Engagement Framework, International Public Participation Consultation, this report presents information via the Council Agenda.

RISK AND GOVERNANCE IMPLICATIONS

If Records of Councillor Attendance are not included in the Public Agenda at a Council Meeting, Council would be in breach of its Governance Rules as adopted on 16 August 2022.

ENVIRONMENTAL SUSTAINABILITY

The inclusion of the attached Records of Councillor Attendance in the Council Agenda and their availability to the public will increase awareness of the activities of Council and promote community involvement in decision making at Council level.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.

9 NOTICES OF MOTION

9.1 NOTICE OF MOTION - EMERGENCY SERVICES VOLUNTEER FUND LEVY

The Notice of Motion was put forward by Cr Brian Hood on 12 February 2025.

BACKGROUND

The State Government have recently announced replacement of the current Fire Services Levy (FSL) with the Emergency Services Volunteer Fund (ESVF). Details are available at [Emergency Services and Volunteers Fund | dtf.vic.gov.au](https://www.dtf.vic.gov.au/emergency-services-and-volunteers-fund)

The ESVF will be calculated based on a fixed charge that varies by property type, and a variable charge based on property value – the fees are expected to be significantly higher than the current FSL.

State Government requires Council to be the collection agency of the levy, through annual rate notices, and provide all funds to the State Government. The ESVF is problematic because State Government is designating local Councils as the collection agency via annual rates notices, creating administrative burden for councils and creating the perception that local Councils are responsible for the tax increases and also retain the income generated.

This notice of motion is designed to advocate to State Government that the collection of this tax needs to be managed by State Government and the responsibility for this revenue collection should not be passed to local Councils.

MOTION AS PROPOSED

That Council:

- 1. Directs the CEO to write to The Hon Jaclyn Symes MP - Treasurer of Victoria and The Hon Nick Staikos – Minister for Local Government to express our objection to Council being designated as the formal collection agency for this state-imposed tax; and,*
- 2. Directs the CEO to prepare a motion for the MAV State Council meeting, to be submitted to the MAV no later than the 17 March 2025, opposing Local Government being designated as the collection agency on behalf of State Government.*

9.2 NOTICE OF MOTION - HEPBURN SHIRE COUNCIL ELECTORAL ROLL

The Notice of Motion was put forward by Cr Brian Hood on 12 February 2025.

Background

Changes were introduced by the *Local Government Act 2020* that require owner ratepayers to enrol directly with the Victorian Electoral Commission for each Local Government election, rather than being automatically enrolled. This resulted in a significant change in the number of enrolled voters for some Councils, and in particular Hepburn Shire.

Council's concern has been raised with the Electoral Commissioner and this correspondence is confidentially attached.

This motion is designed to advocate for the matter to be re-considered by State Government.

MOTION AS PROPOSED

That Council:

- 1. Directs the CEO to write to The Hon Nick Staikos – Minister for Local Government seeking an amendment to the Local Government Act to reinstate owner ratepayers onto the electoral roll as Council-enrolled voters, without the need for them to re-register.*
- 2. Directs the CEO to prepare a motion for the MAV State Council meeting, to be submitted to the MAV no later than the 17 March 2025, requesting MAV advocate to the state government that owner ratepayers be reinstated onto the electoral roll as Council-enrolled voters without the need for them to re-register.*

9.3 NOTICE OF MOTION - ACCESS TO COUNCIL-OWNED FACILITIES ON EXTREME WEATHER DAYS

The Notice of Motion was put forward by Cr Brian Hood on 12 February 2025.

MOTION AS PROPOSED

That Council directs the CEO to prepare a set of procedures whereby Council-owned facilities, such as community centres and libraries, would be accessible to community members for the purpose of respite on extreme weather days. The draft set of procedures to be tabled for consideration and adoption no later than the October 2025 Council meeting.

10 ITEMS OF URGENT BUSINESS

11 COUNCILLOR AND CEO REPORTS

11.1 MAYOR'S REPORT

Councillor Don Henderson

With the new council settled in we are now beginning the hard task of developing a new Council Plan. This plan will need to be tempered with the daunting task of setting budget that will perhaps determine the future of our Shire.

There will need to be cuts made and an adjustment of our rates and charges. The decisions to be taken will not be easy and not popular with ratepayers already stretched with cost of living increases. One of our tasks will be to see where we can be better at what we do and always on the alert to ensure that waste and duplication is cut to the bare minimum.

There is not all doom and gloom with some exciting projects that have been around for a few years being a focus of attention to be completed.

We are looking forward to some of our signature events such as Trentham Spudfest, Chillout, Booktown and Cresfest all coming up in the next few months.

One major event in March will be the very popular Heather Mutimer Women's Honour Roll when we get a chance to celebrate the fabulous contribution that just some of our women have and are contributing to our Shire. I encourage men and women to attend this very important event.

Recently I attended a meeting of the Dean Recreation Reserve and Tennis Courts Committee of Management. For the benefit of new Councillors it should be noted that the committee took over a derelict building and run down grounds and through sheer hard work and careful management have turned this asset into a much used and loved gem. Their fundraising efforts at the kite festival and the sheepdog trials see their bank balance in a very healthy state as well as being able to donate thousands of dollars to local charities. A real success story.

A dedicated group are raising money to have a blue tree in every major town in the shire to raise awareness of the devastating consequences of mental health issues. With rising cost of living, incursion on to farm land of massive overhead powerlines and desperation of those finding even a basic roof over their heads mental health is having a devastating effect upon our community. I urge all to be mindful and look out for their neighbours.

I opened a mountain bike event at the weekend that was a fundraiser for research into cancer focusing on using the immune system to fight invasive cells as an alternative to chemo and radio therapies. Sadly I must also report that the behaviour of some is impacting local residents and we will have to turn our minds to solutions.

11.2 COUNCILLOR REPORTS

Councillor Tim Drylie

This month, I want to talk about democracy—both globally and locally.

Around the world, we are witnessing the steady erosion of democratic principles, most notably in the United States, where authoritarianism is on the rise. The dismantling of protections for vulnerable people, attacks on basic services, the increasing influence of corporate oligarchs, and unchecked extremism pose a dire warning. The growing presence of racism and hate speech, the consolidation of wealth and power in the hands of billionaires, and the disregard for the wellbeing of ordinary people highlight the importance of defending our own democratic structures.

Closer to home, we too face difficult choices. As a Council, we are confronting a significant budget shortfall of between \$2.5 million and \$4 million, which places increasing pressure on what services we can continue to provide. The reality of local government funding constraints forces us to ask: what is an essential service? What do we, as a community, value and need?

Now more than ever, community participation in decision-making is vital. Over the next few months, Council will be developing our next Council Plan, which will set the direction for the next four years and beyond. This is your opportunity to help shape what our community will look like in 4, 10, or even 20 years.

As part of this, we are seeking Expressions of Interest (EOI) for our Deliberative Engagement Panel (DEP)—a process that brings together a diverse group of residents to discuss, weigh evidence, and collaborate on policy decisions that will shape our Shire's future. EOIs open on 3 February and close on 24 February 2025. I strongly encourage you to take part—visit the [Hepburn Together](#) web page to register.

These are challenging times, but I remain committed and optimistic. The strength of our community is in its people—their willingness to stand up, participate, and advocate for a better future. I encourage you to take an active role in shaping our Shire's future by engaging with Council and making your voice heard. Together, we can build a more resilient, inclusive, and sustainable community.

Recent Engagement and Advocacy

Since our December meeting, I have been actively engaged in both local and state-level advocacy:

- **Municipal Association of Victoria (MAV):** As Hepburn's representative, I attended an MAV induction session, have nominated for the MAV Board, and am collaborating with fellow councillors to put forward a motion to the State Council.
- **Community Recognition:** I had the honour of attending the Community Awards and Citizenship Ceremony at the newly refurbished Trentham

Mechanics, celebrating the dedication of local volunteers and welcoming new Australian citizens.

- Community Engagement:
 - Attended a Yandoit community meeting, where locals demonstrated their incredible capacity for grassroots collaboration, supporting elders, First Nations recognition, and young people while planning for future climate and social challenges.
 - Participated in a Clunes community discussion on the potential impacts and opportunities of a proposed wind farm.
 - Joined a Creswick community meeting alongside local police to address concerns around antisocial behaviour and community safety.
- Councillor and Executive Tour: Took part in a tour of local Council assets and facilities, ensuring our decision-making is grounded in real-world understanding.
- Cultural and Community Events: Attended the Creswick Neighbourhood Centre's Art Opening featuring local artist Chris Dobson and remain involved in grassroots initiatives such as the Creswick Repair & Share Café and Sunday Roast community events.

Councillor Lesley Hewitt

During the Christmas/New Year period I hosted between 7 and 15 family and friends. It seems a long time ago but showing them around Lavandula, Creswick Trails, the La Gerche walk, the Convent, Wombat Hill Gardens etc, enjoying the New Years Eve Parade and the Glenlyon Sports Day and seeing them enjoy what Hepburn Shire has to offer highlighted the importance of continuing to work to protect, maintain and enhance what we have here. Congratulations too to all those volunteers who continue year in and year out to put on important community celebrations like the NYE Parade and the New Year Sports Day, events that help with community togetherness.

Council has reported on its social media about the progress of the Daylesford Town Hall maintenance and the Daylesford Community Facilities Project Group continued to meet in January working through various project issues in readiness for the community consultation phase on the draft drawings in March.

I attended the Lunar New Year celebrations at Stream Entering Monastery along with the Mayor and Cr Cornish and enjoyed watching the various traditional Vietnamese activities, learning more about the reasons behind the traditions and enjoying the fabulous food. Again, a reminder of the diversity of experiences we have in Hepburn Shire.

And finally, I was pleased to be with the Mayor and several officers for the ground-breaking ceremony for the Eco-Village at Middleton Field. This project commenced

two Council terms ago and has not been without controversy, but it was positive to see the care that the developers are taking in sustainability and to meet representatives from the Women's Property Initiative who are behind the four affordable homes for low-income women and women led families that are included in the project.

A list of my diary activities is below.

Councillor Diary Activities

MAV Introduction for Councillors 1 - 9/12/2024

Daylesford Community Facilities Meeting - 20/1/2025

Australia Day Creswick Community Event – 26/1/2025

Councillor and ELT Bus Tour of Shire Western Side – 28/1/2025

Councillor Briefing – 3/2/2025, 10/2/2025

Lunar New Year Festival – Stream Entering Monastery – 9/2/2025

Councillor Workshop – Introduction to Strategic Planning – 10/2/2025

The Village: Breaking Ground Ceremony -18/2/2025

Daylesford and District Agricultural Society AGM – 19/2/2025

Councillor Pat Hockey

Councillors the Christmas and New Year break was very welcome after the whirlwind of the election period, induction and our first ordinary meeting. After that pause, things resumed in January with a meeting in Clunes of the working group seeking to establish a platform from which to negotiate for strong benefits for communities hosting wind farms. I also had my first meeting early in the New Year with a representative of the Project Advisory Group investigating options for the Clunes recreation reserve.

The highlight of January was the citizenship ceremony and community awards, presented in Trentham on the 24th. It wasn't my first experience of such an event, but it was the first time I had a chance to reflect on the council's significant role at this local level. Days later I attended the Australia Day ceremony in Creswick in the morning. I'd like here to pay tribute to the around 80 people from Clunes who got up super early and made the trek up magical Mt Beckworth, a Clunes tradition for over two decades. A massive thank you to the Mayor and officers for assisting with organizing council support for the event at the last minute. Also, during January I joined other councillors on a bus tour of Creswick and Clunes and surrounds which was a valuable exercise.

February saw me attend the Asset Committee meeting of the Creswick Museum and I look forward to working with the hardworking team. I subsequently joined the

Clunes Museum committee for their monthly meeting and noted a lot of passion and investment in their facility. I was delighted to travel up to Yandoit for a meeting of their Community Planning committee on the prior Sunday and it was great to meet the crew and hear of concerns in that part of the shire. They expressed some concern at the loss of their own ward councillor, but I must say, travelling north from Clunes it felt very close to home. I attended a meeting of Clunes shopkeepers organized by Lana de Koort and gained valuable insights into the present financial challenges. The community is looking at some innovative solutions to lift the visitor numbers

With Councillors Henderson, Cornish and Clark I attended the Listening Post at the Creswick IGA and enjoyed many and varied chats with locals from across the shire. And finally, I attended the meeting of the Mineral Springs Advisory Committee and explored the many projects and challenges on that front. As always I am more than happy to chat to councillors on any of these topics.

Councillor Brian Hood

Councillors,

The Mayor has reinforced that our reports delivered at Council meetings should focus on updates from Council committees and important strategic matters.

As I was not appointed to any of Council's committees I have nothing to report in that regard.

On strategic matters the vitally important work to prepare a four-year Council plan and develop short and long-term budgets will be undertaken in coming months, with a due date of 30 June. I look forward to contributing to that work and reporting progress to the community along the way.

Of necessity I have focused on other matters in recent weeks on behalf of the community, with mixed results. These topics serve to highlight the need for concentration on core activities that are important to ratepayers and also illustrate the need to improve customer service and responsiveness.

Examples include -

Access to Council-owned facilities during extreme weather days, curtailed library opening hours and the consequent relocation of the visitor information desk at Trentham are under consideration. So too is the relocation of the popular CDS bin. These outstanding matters need to be resolved in a timely manner.

It is disappointing and concerning to note that surface faults in the Trentham netball and tennis courts will not be repaired; that extensive damage to the netball building roof and guttering, incurred two years ago, will remain in its current state; and that the much-awaited outdoor fitness equipment, in storage for quite some time, is yet to have an installation date.

Of greater concern is the very slow progress with much-needed road repairs on Pearsons Rd. A project shared with MRSC this work is well overdue and it would seriously challenge as the worst road in the Shire. Further up Pearsons Rd at the intersection with James Lane, a busy site adjacent to the popular Pig and Whistle hotel and the scene of a multiple fatality some years ago, there is no progress with speed limit reduction.

The need for safer pedestrian crossing and reduced speed limit in Trentham's High St is also a matter to be pursued in the 2025/2026 budget.

I will be actively monitoring progress on these matters on behalf of the community.

Councillor Tony Clark

Councillor Shirley Cornish

The Christmas New Year period was busy and I attended events and celebrated with our communities.

As the New Year emerged, I participated in events and meetings including

- Community Awards ceremony
- The first Citizenship Ceremony for 2025 and the Community Awards.
- The friends of Park Lake welcome back picnic
- Councillor and ELT Bus Tour of the shire (western side)
- The first of a series of Listening Posts outside the Creswick IGA
- Creswick Lions Club meeting
- Glenlyon Progress Association Meeting
- Yandoit, Clydesdale and Franklinford community planning group meeting.

I also had the privilege of attending Lunar New Year Festival at the Stream Entering Monastery in Porcupine Ridge.

The monastery is a mindfulness practice Centre in the tradition of Plum Village established by the late Zen master Thich Hanh (1926-2022).

It is one of two Plum village centres in Australia. The Monastery has been in this location for three years. Many people attended from far and wide, and included a meditation walk and entertainment including the traditional Dragon Dance.

Also I would like to acknowledge the guest speaker for the upcoming International Women's Day event. Shae Graham is a Paralympian, world champion and the first ever female to represent Australia in Wheelchair Rugby. Shae is a true trailblazer hellbent on breaking barriers and chasing down firsts. Shae has the mindset of – Dream Big, Work Hard, Dream Bigger, setting and chasing down goals.

I also received an invitation from the District Governor of the Lions Club, Des Jones to attend a very special event at the George Hotel in Ballarat to raise funds for Child Cancer Research Foundation. A very worthy cause.

RECOMMENDATION

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

11.3 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

During January and early February, I had the privilege of working in the Acting Chief Executive Officer role while Bradley took some well-earned leave. I thoroughly enjoyed the diversity in the role, and interacting with CEO colleagues across neighbouring municipalities, and the state.

On Friday 24 January we held our annual Community Awards celebration at The Mechanics, Trentham. The winners of the awards were:

Citizen of the Year - Steve Ellis, for his fantastic community service and volunteer efforts in various local initiatives.

Event of the Year - 160th Anniversary Clunes Show, for bringing us all together to celebrate and promote our region's rich heritage and community spirit (Jenny Redpath).

Hepburn Together - Daylesford and Hepburn United Soccer Club, for creating a welcoming environment, fostering team spirit, and supporting youth development through soccer (Kirsty Plews and Chris Gingell).

We also conducted an Australian citizenship ceremony with a Welcome to Country by Aunty Marilyn Nicolls, where six wonderful people became citizens, hailing from Germany, the Philippines, Vietnam, New Zealand, and Ireland. I would also like to thank Catherine King and Martha Haylett for their attendance.



On January 28, the Executive Leadership Team and Councillors conducted a bus trip of the Western part of the Shire to visit specific sites relating to upcoming projects, exploring topics like heritage matters, asset and infrastructure challenges, and planning for Future Hepburn. Some of the sites visited include RACV Goldfields Resort (regarding our request for a speed limit reduction along the Midland Highway), Western Renewables Link (proposed transmission line pathway), Creswick Hub, Hammon Park, FOGO operation at Creswick Transfer station, Wheelers Bridge and Clunes Recreation Reserve. A tour of the eastern side of the shire is also being planned.



Earlier this month, we were pleased to hear that the Australian Government has officially approved the Victorian Goldfields' bid for World Heritage Listing. This is a historic moment after 35 years of hard work and dedication. It's fantastic to see it included on Australia's World Heritage Tentative List. This amazing achievement is a result of teamwork from 15 councils in the Victorian Goldfields, with Hepburn Shire Council proudly involved in this landmark project.

The future recognition of the Victorian Goldfields as a World Heritage site would not only preserve its historical landmarks, but also boost local economies, foster pride, and attract people from around the world to experience the region's stunning landscapes, historic towns, and cultural treasures.

On Friday 14 we met with the Friends of Wombat Hill Botanic Gardens to discuss the project plan for the Day Basin work. This project has been some time in the making, but work is commencing shortly. We'll keep you updated on our journey in this beautiful and much-loved spot.



On Saturday 15 February we held our first Listening Post for 2025. These events are all about connecting with our community and hearing your thoughts. Whether you're in a major township or a smaller community, we want to hear from you. The upcoming dates for the future Listening Posts are:

Thursday, 27 March – Daylesford Coles, 4 pm to 6 pm

Saturday, 3 May – Trentham Spudfest, 10 am to 12 pm.

Please join us to share your ideas, give feedback on services, and chat about what matters most to you. Our Councillors and senior Council staff will be in attendance.

The Victoria Park (Daylesford) oval and netball court sports lighting upgrade is progressing well. A big thank you to the Victorian Government's Country Football and Netball Program for their support! We anticipate this project should be completed by April.



Our annual customer satisfaction survey is currently underway, and some of you may have been invited by National Field Services to participate in the survey. This survey

is conducted across municipalities in Victoria. They'll be chatting with residents from different demographics to gather feedback, and this is a great opportunity for you to share your thoughts. We appreciate your time and insights.

Council administers a variety of grants programs to support community groups, and many of our grant programs are now open. If you're a local community group with a community-based project or initiative and you are looking for funding to realise your project goals, I encourage you to check our website for funding streams and eligibility criteria.

Some of the meetings I have attended during January and February include:

- Joint State/Local Government Monthly CEO Forum
- Local Government CEOs, VMIA and DEECA Regions Forum
- MAV CEO Connect weekly meetings
- Executive Leadership Team weekly meetings
- Inception Meeting - Ballarat Regional Strategic Transport Assessment (BRTA)
- Meeting with the EPA
- Greater Ballarat Alliance of Councils CEOs meeting
- Council Plan workshop with Councillors
- Meeting with AirBNB
- Daylesford Community Facility – PGC meeting
- Meeting with clubs at Doug Lindsay Recreation Reserve
- Councillor Briefing
- Asset modelling and asset planning meetings
- Supporting Regional Tourism - Central Victoria South region
- Central Victorian Greenhouse Alliance (CVGA) Audit and Risk meeting
- Meeting regarding Daylesford ARC
- Meetings with direct reports

RECOMMENDATION

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

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. APPOINTMENT OF MEMBERS TO THE SUSTAINABLE HEPBURN ADVISORY COMMITTEE

- *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 personal details of the current and recommended community members are mentioned in the report.*

1.2. APPOINTMENT OF MEMBERS TO THE RECONCILIATION ADVISORY COMMITTEE

- *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 personal details of the current and recommended community members are mentioned in the report.*

1.3. HEPBURN BATHHOUSE WORKS

- *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 relates to ongoing discussions regarding the structural repairs to the building.*

13 CLOSE OF MEETING