



HEPBURN SHIRE COUNCIL  
STATUTORY MEETING OF COUNCIL  
PUBLIC AGENDA

Tuesday 26 November 2024

Council Chamber - 24 Vincent Street  
24 Vincent Street Daylesford

5:30 PM

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



# AGENDA

Tuesday 26 November 2024  
Council Chamber - 24 Vincent Street  
24 Vincent Street Daylesford  
Commencing at 5:30 PM

## TABLE OF CONTENTS

- 1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS.....5**
- 2 OPENING OF MEETING .....5**
- 3 APOLOGIES .....5**
- 4 DECLARATIONS OF CONFLICTS OF INTEREST.....5**
- 5 ELECTION OF THE MAYOR AND DEPUTY MAYOR.....6**
  - 5.1 TERM OF THE MAYOR.....6**
  - 5.2 NOMINATIONS FOR MAYOR.....7**
  - 5.3 ELECTION OF THE MAYOR.....8**
  - 5.4 TERM OF THE DEPUTY MAYOR .....9**
  - 5.5 NOMINATIONS FOR DEPUTY MAYOR.....10**
  - 5.6 ELECTION OF THE DEPUTY MAYOR .....11**
- 6 OFFICER REPORTS .....12**
  - 6.1 RECORDING OF THE OATH OR AFFIRMATION OF OFFICE.....12**
  - 6.2 COUNCILLOR REPRESENTATION ON COMMITTEES, BOARDS AND EXTERNAL BODIES  
.....14**
- 7 CLOSE OF MEETING .....20**

**BRADLEY THOMAS**

CHIEF EXECUTIVE OFFICER

Tuesday 26 November 2024

## CONDUCTING HYBRID COUNCIL MEETINGS

In the spirit of open, transparent and accountable governance, this meeting will be 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 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”

## 3 APOLOGIES

## 4 DECLARATIONS OF CONFLICTS OF INTEREST

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

## **5 ELECTION OF THE MAYOR AND DEPUTY MAYOR**

### **5.1 TERM OF THE MAYOR**

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

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

#### **RECOMMENDATION**

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

## 5.2 NOMINATIONS FOR MAYOR

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

### ROLE OF THE MAYOR

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

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

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

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

### CALL FOR NOMINATIONS

A Councillor can nominate themselves or another Councillor.

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

The Chief Executive Officer will call for Nominations.

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

### **5.3 ELECTION OF THE MAYOR**

#### **VOTING FOR THE MAYOR**

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

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

#### **PRESENTATION OF MAYORAL MEDALLION**

The Chief Executive Officer will present the Mayor with Mayoral Medallion.

#### **CONGRATULATORY REMARKS TO MAYOR**

Congratulatory remarks will be offered to the Mayor following the meeting.

#### **INCOMING MAYORAL SPEECH**

The Mayor is invited to address the meeting.



#### **5.4 TERM OF THE DEPUTY MAYOR**

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

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

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

#### **RECOMMENDATION**

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

## 5.5 NOMINATIONS FOR DEPUTY MAYOR

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

### ROLE OF THE DEPUTY MAYOR

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

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

*(a) the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or*

*(b) the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or*

*(c) the office of Mayor is vacant.*

### CALL FOR NOMINATIONS

A Councillor can nominate themselves or another Councillor.

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

The Chief Executive Officer will call for Nominations.

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

## **5.6 ELECTION OF THE DEPUTY MAYOR**

### **VOTING FOR THE DEPUTY MAYOR**

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

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

### **CONGRATULATORY REMARKS TO DEPUTY MAYOR**

Congratulatory remarks will be offered to the Deputy Mayor following the meeting.

### **INCOMING DEPUTY MAYOR'S SPEECH**

The Deputy Mayor is invited to address the meeting.

## 6 OFFICER REPORTS

### 6.1 RECORDING OF THE OATH OR AFFIRMATION OF OFFICE

#### CHIEF EXECUTIVE OFFICER

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

#### ATTACHMENTS

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

#### OFFICER'S RECOMMENDATION

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

#### EXECUTIVE SUMMARY

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

#### BACKGROUND

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

- Don Henderson
- Brian Hood
- Lesley Hewitt
- Tony Clark
- Tim Drylie
- Pat Hockey
- Shirley Cornish

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

#### KEY ISSUES

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

- (a) administered by the Chief Executive Officer; and*
- (b) dated and signed before the Chief Executive Officer; and*

*(c) recorded in the minutes of the Council, whether or not the oath or affirmation was taken at a Council meeting.*

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

### **COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS**

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

### **Council Plan 2021-2025**

A dynamic and responsive Council

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

### **FINANCIAL IMPLICATIONS**

Nil.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

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

### **RISK AND GOVERNANCE IMPLICATIONS**

Only those already noted.

### **ENVIRONMENTAL SUSTAINABILITY**

There are no sustainability implications associated with this report.

### **GENDER IMPACT ASSESSMENT**

There are no gender equity implications associated with this report.

## 6.2 COUNCILLOR REPRESENTATION ON COMMITTEES, BOARDS AND EXTERNAL BODIES DIRECTOR PERFORMANCE AND TRANSFORMATION

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

### ATTACHMENTS

- Nil

### EXECUTIVE SUMMARY

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

### OFFICER'S RECOMMENDATION

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

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

*Gender Equity Advisory Committee*

*Glenlyon Recreation Reserve Community Pavilion  
Project Advisory Group*

*Heather Mutimer International Women's Day  
Honour Roll Advisory Committee*

*LGBTIQA+ Advisory Committee*

*Mineral Springs Reserves Advisory Committee*

*Reconciliation Action Plan Advisory Committee*      *Mayor (as per Terms of  
Reference)*

*Sustainable Hepburn Community Advisory  
Committee*

***Council Community Asset Committees***      ***Representative***

*Creswick Museum Community Asset Committee*

*Dean Recreation Reserve and Tennis Courts  
Community Asset Committee*

*Drummond Hall Community Asset Committee*

*Glenlyon Recreation Reserve Community Asset  
Committee*

*Lee Medlyn Home of Bottles Community Asset  
Committee*

*Lyonville Hall Community Asset Committee*

***DEECA Committees of Management***      ***Representative***

*Bullarto Public Hall Committee Incorporated*

*Campbelltown Recreation and Public Hall Reserve  
Committee of Management Incorporated*

*Clunes Former Free Lending Library Committee  
Incorporated*

*Clunes Neighbourhood House Incorporated  
(Alliance Street Clunes)*

*Clydesdale Public Hall Reserve Committee  
Incorporated*

*Cornish Hill Committee of Management  
Incorporated*

*Daylesford Museum Reserve Committee of  
Management Incorporated*

*Daylesford Trotting Track Reserve Committee  
Incorporated*

*Franklinford Community Purposes Reserve*

*Glenlyon Progress Association and Shire Hall*

*Hepburn Recreation Reserve Committee of  
Management Incorporated*

*Leonards Hill Mechanics Institute and Free Library  
Committee of Management Incorporated*

*Lingbogol Camp Area - Creswick*

*Newbury Public Hall and Recreation Reserve  
Committee Incorporated*

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

*Trentham Public Purpose Reserves Committee of  
Management Incorporated*

*Trentham Quarry Street Reserve Committee  
Incorporated*

*Trentham Sports Ground Reserve Committee of  
Management Incorporated*

*Ullina Reserve and Recreation Park Management  
Committee Incorporated*

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

*Yandoit Mechanics Institute and Free Library  
Committee Incorporated*

*Yandoit Public Park And Recreation Reserve  
Committee Incorporated*



## BACKGROUND

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

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

## KEY ISSUES

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

| Organisation/Committee                                                         | Required Representation                           |
|--------------------------------------------------------------------------------|---------------------------------------------------|
| <b>External Bodies</b>                                                         |                                                   |
| Committee of Management for DEECA                                              | Any Councillor                                    |
| Municipal Association of Victoria                                              | One Councillor, one substitute                    |
| World Heritage Listing of the Victorian Goldfields Region                      | Any Councillor                                    |
| Greater Ballarat Alliance of Councils                                          | Mayor                                             |
| Loddon-Campaspe Group of Councils                                              | Mayor                                             |
| Municipal Emergency Management Planning Committee                              | One Councillor                                    |
| Z-NET Community Roundtable                                                     | One Councillor                                    |
| <b>Audit and Risk Committee<br/>(two positions)</b>                            | Two Councillors, usually the Mayor and one other. |
| <b>Council Advisory Committees (Councillor representative will also Chair)</b> |                                                   |
| Daylesford Community Facilities Project Advisory Group                         | One Councillor (as per Terms of Reference)        |
| Disability Advisory Committee                                                  | One Councillor (as per Terms of Reference)        |
| Gender Equity Advisory Committee                                               | One Councillor (as per Terms of Reference)        |

|                                                                          |                                            |
|--------------------------------------------------------------------------|--------------------------------------------|
| Glenlyon Recreation Reserve Community Pavilion Project Advisory Group    | One Councillor (as per Terms of Reference) |
| Heather Mutimer International Women's Day Honour Roll Advisory Committee | One Councillor (as per Terms of Reference) |
| LGBTIQ+ Advisory Committee                                               | One Councillor (as per Terms of Reference) |
| Mineral Springs Reserves Advisory Committee                              | One Councillor (as per Terms of Reference) |
| Reconciliation Action Plan Advisory Committee                            | Mayor (as per Terms of Reference)          |
| Sustainable Hepburn Community Advisory Committee                         | One Councillor (as per Terms of Reference) |
| <b>Community Advisory Committees</b>                                     |                                            |
| Creswick Museum Community Asset Committee                                | One Councillor                             |
| Dean Recreation Reserve and Tennis Courts Community Asset Committee      | One Councillor                             |
| Drummond Hall Community Asset Committee                                  | One Councillor                             |
| Glenlyon Recreation Reserve Community Asset Committee                    | One Councillor                             |
| Lee Medlyn Home of Bottles Community Asset Committee                     | One Councillor                             |
| Lyonville Hall Community Asset Committee                                 | One Councillor                             |

## **POLICY AND STATUTORY IMPLICATIONS**

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

## **GOVERNANCE ISSUES**

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

### **SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications associated with this report.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

### **RISK IMPLICATIONS**

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

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

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

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

**7 CLOSE OF MEETING**