



HEPBURN SHIRE COUNCIL
ORDINARY MEETING OF COUNCIL
PUBLIC MINUTES

Tuesday 21 March 2023

Daylesford Town Hall
76 Vincent Street Daylesford

5:30PM

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

Confirmed at the Ordinary Meeting of Council held on 18 April 2023

A handwritten signature in black ink, appearing to be "B. Hood".

Chair, Cr Brian Hood, Mayor

MINUTES

Tuesday 21 March 2023

Daylesford Town Hall

76 Vincent Street Daylesford

Commencing at 5:30PM

TABLE OF CONTENTS

| | | |
|----------|---|-----------|
| 1 | ACKNOWLEDGEMENT OF TRADITIONAL OWNERS | 4 |
| 2 | SAFETY ORIENTATION | 4 |
| 3 | OPENING OF MEETING | 4 |
| 4 | APOLOGIES | 5 |
| 5 | DECLARATIONS OF CONFLICTS OF INTEREST | 5 |
| 6 | CONFIRMATION OF MINUTES | 5 |
| 7 | ITEMS OF URGENT BUSINESS | 6 |
| 8 | COUNCILLOR AND CEO REPORTS | 8 |
| 8.1 | MAYOR'S REPORT | 8 |
| 8.2 | COUNCILLOR REPORTS | 9 |
| 8.3 | CHIEF EXECUTIVE OFFICER'S REPORT | 14 |
| 9 | PUBLIC PARTICIPATION TIME | 18 |
| 9.1 | PETITIONS | 19 |
| 9.1.1 | HERITAGE ASSESSMENT FOR CORNISH HILL | 19 |
| 9.1.2 | DESIGN AND SPEED LIMIT CHANGE FOR KINGSTON ROAD AND CHURCH PARADE INTERSECTION | 21 |
| 9.2 | PUBLIC QUESTIONS | 22 |
| 9.3 | REQUESTS TO ADDRESS COUNCIL | 22 |

| | |
|---|------------|
| 10 A HEALTHY, SUPPORTED, AND EMPOWERED COMMUNITY | 23 |
| 10.1 COMMUNITY GRANTS REVIEW | 23 |
| 11 EMBRACING OUR PAST AND PLANNING FOR OUR FUTURE | 41 |
| 11.1 ROAD NAMING PROPOSAL - BOUNDARY ROAD WITH CITY OF BALLARAT | 41 |
| 11.2 INFLATIONARY PRESSURES | 59 |
| 12 A DYNAMIC AND RESPONSIVE COUNCIL..... | 63 |
| 12.1 COUNCILLOR PRIORITIES UPDATE | 63 |
| 12.2 REVISION OF INSTRUMENTS OF DELEGATION FROM COUNCIL TO THE CEO (S5) AND COUNCIL TO COUNCIL STAFF (S6)..... | 76 |
| 12.3 INSTRUMENTS OF APPOINTMENT TO AUTHORISED OFFICERS UNDER THE PLANNING AND ENVIRONMENT ACT 1987 | 199 |
| 12.4 RECORDS OF COUNCILLOR ATTENDANCE - MARCH 2023 | 203 |
| 13 GENERAL BUSINESS | 253 |
| 13.1 LEAVE OF ABSENCE FOR CR TIM DRYLIE | 253 |
| 14 CONFIDENTIAL ITEMS..... | 254 |
| 14.1 CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC..... | 254 |
| 15 CLOSE OF MEETING | 256 |

BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

Tuesday 21 March 2023

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 Hepburn Shire Council 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: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley Hewitt, Cr Tessa Halliday, Cr Tim Drylie

OFFICERS PRESENT: Mr Bradley Thomas - Chief Executive Officer, Mr Bruce Lucas - Director Infrastructure and Delivery, Mr Chris Whyte – Manager Information and Communication Technology, Ms Rebecca Smith - Manager Governance and Risk.

The meeting opened at 5:30pm.

STATEMENT OF COMMITMENT

“WE THE COUNCILLORS OF HEPBURN SHIRE
DECLARE THAT WE WILL UNDERTAKE ON EVERY OCCASION
TO CARRY OUT OUR DUTIES IN THE BEST INTERESTS OF THE COMMUNITY
AND THAT OUR CONDUCT SHALL MAINTAIN THE STANDARDS OF THE CODE OF
GOOD GOVERNANCE
SO THAT WE MAY FAITHFULLY REPRESENT AND UPHOLD THE TRUST PLACED IN THIS
COUNCIL BY THE PEOPLE OF HEPBURN SHIRE”

4 APOLOGIES

Nil

5 DECLARATIONS OF CONFLICTS OF INTEREST

Cr Tim Drylie declared a general conflict of interest in relation to Item 13.1 – General Business as it is in consideration for his leave.

Cr Tim Drylie declared a general conflict of interest in relation to Item 10.1 – Community Grants review due to his involvement with Creswick Neighbourhood Centre and Creswick Community Band.

6 CONFIRMATION OF MINUTES

Go to 00:04:51 in the meeting recording to view this item.

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 21 February 2023 (as previously circulated to Councillors) be confirmed.

MOTION

That the Minutes of the Ordinary Meeting of Council held on 21 February 2023 (as previously circulated to Councillors) be confirmed.

Moved: Cr Juliet Simpson

Seconded: Cr Jen Bray

Carried

Voted for: Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil

Abstained: Cr Brian Hood

Cr Jen Bray proposed a motion to reorder business

MOTION

That Council, Pursuant to Chapter 2, Division 3, Rule 25.1 of the Hepburn Shire Council Governance Rules, resolve to bring forward item 9.3 – Request to Address Council and hear the item prior to item 9.1 Petitions.

Moved: Cr Jen Bray

Seconded: Cr Lesley Hewitt

Carried

Voted for: Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley Hewitt, Cr Tessa Halliday and Cr Tim Drylie Cr Brian Hood

Voted against: Nil

Abstained: Nil

7 ITEMS OF URGENT BUSINESS

Go to 00:06:47 in the meeting recording to view this item.

MOTION

That Council resolves to admit an item of urgent business to consider a Council submission to the 2023 National General Assembly of Local Government relating to the 2026 census topic review. The item is urgent as submissions are due on 24 March 2023.

Moved: Cr Tessa Halliday

Seconded: Cr Juliet Simpson

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil

Abstained: Nil

7.1.1 COUNCIL SUBMISSION TO THE AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY

MOTION

That Council

- 1. endorses the following motion to be submitted to the Australian Local Government Association National General Assembly to be held on 13-16 June 2023:*
- 2. "That the National General Assembly supports the 2026 Census topic review being conducted by the Australian Bureau of Statistics and recommends adding the topics of gender, variations of sex characteristics and sexual orientation to help the information collected in the Census remain relevant and strengthen community support for the Census.";*
- 3. make a submission to the Australian Bureau of Statistics as part of their topic review in 2023 asking for gender, variations of sex characteristics and sexual orientation be included in the 2026 census, to help the information collected in the Census remain relevant and strengthen community support for the Census; and*
- 4. write to our local Federal and State Members of Parliament requesting their support in this change.*

Moved: Cr Tessa Halliday

Seconded: Cr Juliet Simpson

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil

Abstained: Nil

8 COUNCILLOR AND CEO REPORTS

8.1 MAYOR'S REPORT

Go to 00:13:08 in the meeting recording to view this item.

Councillor Brian Hood, Coliban Ward

In this brief report I will touch on community events, budgetary reality and an ongoing fight.

The past month has featured a number of prominent community events – including the International Womens’ Day function with five new worthy members inducted into the Heather Mutimer Honour Roll; another successful ChillOut weekend which was preceded by the launch of the Big Rainbow; and on a smaller but no less important scale the 50th edition of the iconic Lyonville Woodchop was held.

Each of these events, and many others held throughout the year, demonstrate Council’s ongoing support of the community and in their own way are a celebration of our diversity and acknowledgment of significant and valuable contributions by community members.

In tonight’s meeting we will consider a range of improvements to Council’s grants program – which are so essential to enabling community groups perform their function and hold important events.

The revisions will ensure the Council grants program is subject to good governance, is structured effectively, operates efficiently and equitably, and continues to meet the needs of the community and deliver strong outcomes. Our grants programs extends to an investment of a quarter of a million dollars annually.

In the past month Council has continued efforts to lobby the State Government for additional, much-needed funding to support our program to repair flood-damaged roads. The substantial, unbudgeted cost of these works is placing enormous strain on Council’s budget.

Tonight’s agenda also includes a sober reminder of the reality of spiraling costs and the constraint they impose on our budget. Coupled with already low cash reserves our capacity to deliver expansive capital works budgets will be curtailed for some time.

The battle to seek a better outcome in the VNI West project, on behalf of our community, struggles on. The best that can be said at the moment is that communication channels are ostensibly open; whether they are two-way is a matter for debate. The very real prospect of 80m high towers with 100m wide easements below them, cutting across the state’s best agricultural land, is a most unwelcome blight. What impact this scar across our landscape will have on the bid to have UNESCO list Victoria’s goldfields as a world heritage site remains to be seen.

I did note in a recent interview that Germany managed to underground 750kms of powerline, mostly in response to community opposition to overhead towers. If they can do it why can’t Australia?

That fight will continue.

8.2 COUNCILLOR REPORTS

Go to 00:16:28 in the meeting recording to view this item.

Councillor Jen Bray, Birch Ward

Activities since Tue 21 February 2023

- 23 Feb Attended the final presentation of the 3 year Artisan Agriculture trial which has come to completion. The event involved local growers and members of the Artisan Ag Project Group who shared their stories and insights. The project investigated the barriers to smaller scale agriculture and explored solutions and ways to connect local farmers with each other and their customers. There is now an online hub that local growers and producers can register their business at <https://centralhighlandsgrowers.com.au/>
- 27 Feb Met with local action group Don't undermine Daylesford (DUD) to hear concerns about proposed goldmine in Ajax Rd, Daylesford. In particular, their concerns about the impact on mining to our mineral water supply and quality.
- 28 Feb Met with local businesses who have serious concerns about the lack of housing in the area and how this impacts their ability to hire staff. Hepburn Shire is currently working on an Affordable Housing strategy and welcomes input from all sectors of the community.
- 6 March Western Renewables Link catch up with community groups to discuss the news that the latest report recommends not having the Terminal Station in our shire at Mt Prospect. This win is bittersweet, as there will still be impacts felt in our community with the height of the towers now proposed to be much higher at up to 80 meters. VNI West are seeking feedback and there's an online info session tomorrow Wednesday 22 March 2023, 6:00 – 7:30pm.
- 8 March I hosted the International Women's Day event and inducted five local women on to the Heather Mutimer Honour Roll. These women were recognised for their contribution to the Shire and progressing women's causes. Congratulations to:
- Anneke Deutsch
 - Joyce Orr
 - Tess Brady
 - Joee Aganetti-Fraser
 - Marie Magdalen Lewis (posthumous)
- The full list of the Women's Honor Roll is on Council's website.

We had a terrific guest speaker, Dr Elizabeth Boulton who spoke of her experiences as a woman in the military. And inspiring messages from our Daylesford College students who spoke and performed. Thank you to the committee and everyone who played a role in this wonderful event.

- 9 March Launch of the Big Rainbow at Vic Park. Councillors and staff joined members of our LGBTIQ+ Advisory Committee and committee representatives and volunteers from ChillOut, Daylesford Football Netball Club, Daylesford Show and Victoria Police to officially launch the Big Rainbow just in time for ChillOut. The Big Rainbow symbolises our inclusiveness, diversity, respect and pride for our LGBTIQ+ community and allies. And it's glittery.
- 9 March Launch of Chill Out Attended the wonderful concert in the packed Daylesford Town Hall with performances from local Daylesford and Hepburn Primary schools, and various performers from the ChillOut program.
- 11 March ChillOut All Ages Soundshell Attended the all-day event at the Hepburn Mineral Springs Soundshell with lots of families and young people enjoying the laid-back vibe, watching performances and hearing from our panels of students from Daylesford Secondary College and other LGBTIQ+ ambassadors and elders. Thanks ChillOut for providing this relaxed and safe space for our young people.
- 12 March ChillOut Parade I marched with Hepburn Shire's float in the parade which seemed bigger than ever this year. Great turnout and energy from the crowds lining the streets. It was such a joyful event for our Rainbow Community, our town and visitors. Thank you to the organisers of ChillOut, the committee and everyone who makes it happen.
- 16 March Attended Regional Zero Emissions Conference in Castlemaine. Looking at ways to partner across the region with other councils and organisations to reduce our carbon emission footprint.
- 20 March One of the most heartwarming projects I have seen in the shire was the opening yesterday, of the Daylesford Neighbourhood Centre's new homeless shower and laundry facilities. This allows rough sleepers and other vulnerable members of our community somewhere to have a hot shower and wash their clothes and provide some dignity in their difficult circumstances. It was a triumph of collaboration and action, spearheaded by the Daylesford

Neighbourhood centre and co-ordinated with help from council's Health and Wellbeing team. Support came from Council, Central Highlands Rural Health, Daylesford District Community Bank and the Department of Family, Fairness & Housing. What an incredible achievement to be able to bring all these organisations together to provide a much needed service to the most vulnerable in our community.

- Community** Responded to concerns and questions from community members regarding:
- Community group grant funding
 - Noise and disturbances from construction
 - Planning matters
- Promoting** International Women's Day event
Big Rainbow
ChillOut
WRL and VNI West – new report
Arts and Culture Strategy – give your feedback in the online survey on participate.hepburn website before Friday 31 March.

Councillor Lesley Hewitt, Birch Ward

March has seen several positive and fun events that I, like my fellow Councillors attended. These events have included Hepburn Shire Council's International Women's Day event where 5 women were inducted onto the Heather Mutimer Honour Roll, ChillOut and the launch of the Big Rainbow at Victoria Park. Thank you in particular to Dr Liz Bolton who stepped up at short notice on IWD and gave an interesting, thought provoking and entertaining speech on her experiences as a woman in the Australian Army. It was a great event and thank you to Brigitte O'Brien and the IWD Committee members that included Cr Henderson, and Cr Simpson and then Cr Bray who replaced Cr Simpson for their work in organizing this event.

There have also been two tragic events – the death of a driver at the Daylesford Speedway and the death of a man at Wheatsheaf who died of burns. These tragic events have had a far reaching impact on a number of people in our community. Of course the impact will be felt by family and friends of those who died and I offer my condolences to them. I am aware from conversations with people in our community that many people are impacted by this including neighbours, acquaintances and those who work in our emergency services including ambulance, police and CFA members who are called onto assist when these events occur. Please be aware of this and if impacted call Lifeline on 131114.

I had the pleasure of attending the Daylesford Agricultural Society AGM during the month and want to congratulate the Show Committee for putting on a successful show last November, despite all the challenges created by the storm weather events. President Don Harvey made the point that local shows should reflect the community they represent and it was encouraging to hear members, including Life Member Margaret Cooper reflect on what is needed to ensure the Show remains relevant and reflects its community for the next twenty of so years. It has been many years since the Victoria Park Masterplan was developed and Ag Society members used the opportunity to highlight what they think is required as for the third and fourth decades of the 21st century.

Yesterday Cr Bray and I were present at the Daylesford Neighbourhood House for the opening of the Homeless Shower and Laundry Facility. Whilst expected numbers are very small (certainly compared with other Shires), this is an important facility for those in our community or for those passing through, who need it. The project was the initiative of the DNC and funded and supported by the DNC, Hepburn Shire Council, Central Highlands Rural Health and the Daylesford and District Community Bank. Toiletries have been donated by community members and clothing provided by the Daylesford Community Op Shop. An excellent initiative that shows what can happen when organizations work in partnership.

Finally I have had meetings with residents on various matters including mining exploration leases, affordable housing, key worker housing shortages, Daylesford Hospital upgrade, future of the Town Hall, accessible playground equipment and use of Victoria Park. I would encourage any Birch ward residents to get in touch with any Council related issue.

Diary Activities

Gender Equity Advisory Committee Meeting - 22/02/2023

Artisan Agriculture End of Project – 23/02/2023

Daylesford and District Agricultural Society AGM – 23/02/2023

Councillor Briefings 28/02/2023, 14/03/2023

International Women's Day Event 8/03/2023

Rural Councils Victoria Webinar – alternative income sources for small rural councils - 9/03/2023

Big Rainbow Launch – 9/03/2023

ChillOut Opening Night – 9/03/2023.

ChillOut Parade – 12/03/2023

Daylesford Neighbourhood House Opening Homeless Shower and Laundry Facility

Meetings with residents on various matters including mining exploration leases, affordable housing, key worker housing shortages, Daylesford Hospital upgrade, future of the Town Hall, accessible playground equipment and use of Victoria Park.

Councillor Tessa Halliday, Cameron Ward

In February I was part of a meeting with local providers to discuss healthcare issues in the shire, discussions will be ongoing.

I attended the International Women's Day event and once again it was a wonderful evening with fantastic speakers and entertainment. A big congratulations to our Cameron ward nominee Tess Brady for being inducted onto the Heather Mutimer Honour Roll.

I attended the launch of the big rainbow and spoke about the fact that there is still a need for symbols of pride. My full speech will be included in the full minutes.

I attended a number of events at Chillout festival including the grove of gratitude tree planting, opening night, rainbow storytime and the parade. I don't have numbers to confirm there is the feeling that it might have been one of the biggest festivals yet.

I would like to mention that there has been some anti trans protests in Melbourne on the weekend that have been really upsetting to our Trans and gender diverse community members, their families and allies. Well done to all those who showed up to take a stand against transphobia and bigotry on the weekend with the counter protest. To all of our Trans and gender diverse community members you are seen and you are valued. If you need support in the difficult time please reach out to our inclusion officer.

Closer to home there have been several violent homophobic attacks and ongoing harassment in our Shire which has left many of us shocked and distressed. I would like to personally condemn the homophobia and hate crimes that have been occurring in this shire toward LGBTIQ+ community members. I would encourage zero tolerance for this sort of behaviour and encourage community allies to speak up and report any instances of homophobia or hates crimes they witness to the police.

There has been a lot of discussion around the big rainbow coming to Daylesford and I wanted to speak briefly about the need for symbols of pride.

The need for a symbol of pride is still relevant, we have come a long way but until we can say that every member of the LGBTIQ+ community is safe, accepted and included we still have work to do. We are lucky to live in a very supportive community however this doesn't mean that there aren't people in our community that are struggling with their identity or sexuality. The symbol of pride lets them know that they are important to the community and that they are safe to be themselves. The Big Rainbow says 'you are safe here'. Daylesford is also a haven for LGBTIQ+ visitors, a place where they feel safe to be themselves, where they may not be able to at home.

I would like to encourage those of you who are part of the LGBTIQ+ community and who think that we don't need symbols of pride in our community anymore to think back to when you were coming out and what the pride symbols meant to you in feeling accepted and finding your community. We have many older people who are only now exploring their sexuality or gender as well as our young people going through the same. Then there are parts of the community that are still struggling for acceptance such as bisexual people no matter their age.

It is easy to look at the positives in our community, from amazing accepting parents to supportive businesses and community members, however not everyone has this experience. It is important to also look beyond our community to others that are less accepting, what we do here makes a difference to those that live in those communities by giving them hope, inspiration and somewhere safe to be themselves. Feeling safe, welcomed and valued in your community is important especially as we work away at redressing the health, mental health and wellbeing disparities still prevalent.

The fight for inclusion is not over, remember that 38.5% voted against marriage equality. If it feels uncomfortable we still have work to do.

Thank you to everyone here who in their own way is making a difference.

Councillor Don Henderson, Creswick Ward

Presented a verbal report.

Councillor Tim Drylie, Creswick Ward

I am delighted to share with you some of the exciting community activities and meetings I have been involved in over the past month.

Firstly, I had the pleasure of attending the final Artisan Agriculture Project end of project event held at Sault Estate in Daylesford. This event was a fantastic celebration of the hard work of our local artisan ag producers, and it was an honour to hear from key project stakeholders and special guest speaker, Annie Smithers.

In addition, I attended a meeting in Clunes with Central Highlands Rural Health and GPs to discuss better access to health services in Creswick and Clunes. I also attended several confidential councillor briefings and our quarterly meeting with Safe Place Homes to discuss progress of our forthcoming Affordable Housing Strategy.

Moreover, I participated in a Central Victorian Goldfields World Heritage Bid Master Plan session.

I also had the pleasure of meeting with Newlyn North residents to discuss community infrastructure in their area, as well as a meeting between Bradley Thomas, Creswick Ward Councillors, and Creswick Historical Society.

On the event front, on International Women's Day, five inspiring local women, including young Creswick Ward resident and farmer Joee Aganetti-Fraser, were inducted into the Heather Mutimer Honour Roll for their outstanding contributions to our community and advancing women's causes. I would also like to thank guest speaker Dr. Elizabeth Boulton for her inspiring contribution to the event by sharing both her successes and difficulties associated with being a woman in the Australian Army. Additionally, I attended the official launch of the Big Rainbow in Daylesford, which is now installed as an important new landmark for our shire and a symbol of inclusion and pride for our LGBTIQ+ community and visitors.

Furthermore, I was delighted to attend the Chillout Festival 2023 Opening Night – with a theme this year being 'Find Your Wings' and the Chillout Parade, celebrating with other councillors and council staff. It was a fabulous event, and I was proud to be a part of it.

I also attended the Regional Zero Emissions Forum in Castlemaine with Councillor Bray. This forum was a fantastic opportunity to explore emerging opportunities and accelerate progress towards reducing our carbon emissions and meeting our targeted commitments.

Lastly, I attended the Municipal Emergency Management Planning Committee (MEMPC) Meeting in Clunes and a Community Recovery Meeting in Creswick.

Overall, it has been a fulfilling and productive month, and I am grateful to have represented our community in these various events and meetings.

Councillor Juliet Simpson, Holcombe Ward

I have attended three full day briefings since the last public meeting.

On the evening of the 8 March 2023 I attended the Heather Mutimer Honour Roll event at the Daylesford Town Hall.

On the 14 March 2023 did engagement training for the Councilor's and Executive.

RECOMMENDATION

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

MOTION

That Council receives and notes the Mayor's and Councillor Reports.

Moved: Cr Juliet Simpson

Seconded: Cr Tessa Halliday

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil

Abstained: Nil

8.3 CHIEF EXECUTIVE OFFICER'S REPORT

Go to 00:35:46 in the meeting recording to view this item.

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

- {attachment-list-do-not-remove}

CHIEF EXECUTIVE OFFICER UPDATE

Congratulations to the five local women who were inducted on to the Heather Mutimer Honour Roll at our International Women's Day event in Daylesford on 8 March 2023:

- Anneke Deutsch
- Joyce Orr
- Tess Brady
- Joee Aganetti-Fraser
- Marie Magdalen Lewis (posthumous)

These women were recognised for their contribution to the Shire and progressing women's causes. Thank you to everyone who played a role in the evening, particularly to Bridgette O'Brien for coordinating the event.



Image: Debbie Stoneman (granddaughter of inductee Marie Magdalen Lewis), Anneke Deutsch, Mayor Brian Hood, Heather Mutimer, Joee Agnetti-Fraser, Tess Brady, Joyce Orr, Cr Don Henderson and Cr Jen Bray.

Thank you also to our guest speaker Dr Elizabeth Boulton. Paula Gerber who was due to speak had to cancel as she is unwell, and Elizabeth accepted a very late invitation and came along and shared her story.



On Thursday 9 March, Councillors and staff joined members of our LGBTIQ+ Advisory Committee and committee representatives and volunteers from ChillOut, Daylesford Football Netball Club, Daylesford Show and Victoria Police at the official launch of the Big Rainbow.

The Big Rainbow symbolises our inclusiveness, diversity, respect and pride for our LGBTIQ+ community and allies.



Over the long weekend Daylesford was the location for many fun and colourful events during ChillOut. Council is a proud Government Partner for this event, which is the largest Queer Country Pride festival in Australia.

Thank you to the hard-working organisers and volunteers. Chillout was an enormous success.



Councillors and staff had a lot of fun in the Street Parade on Sunday.

Some of the meetings I have attended over the past month include:

- Commonwealth Games Organising Committee Meeting in Creswick
- Artisan Agriculture end of project event
- Councillor briefings
- Council meeting
- Central Highlands Rural Health and GPs in Creswick/Clunes area
- Central Highlands Regional Partnership Quarterly meeting
- Central Highlands Councils Victoria (CHCV) Chief Executive Officers meeting
- VNI West Briefing
- Western Renewables Link monthly meeting
- Housing and Business Meeting
- Joint State/Local Government Monthly CEO forum
- Executive Team meetings
- Organisational Management Team meeting
- Meeting with direct reports
- Goldfields World Heritage Bid and master plan update and workshop
- Meeting with Newlyn North residents about community infrastructure
- Creswick Historical Society and Creswick Ward Councillors
- Commonwealth Games Ballarat Regional Hub meeting
- Induction – CEO welcome to new staff
- Rural Council's Victoria webinar
- Rural and Regional Councils Technology Forum

- Meeting with local government CEOs within the Ripon Electorate to discuss common issues such as roads, road safety and local government
- Loddon Campaspe Councils CEOs monthly meeting

Last year we have held Listening Post sessions throughout the shire which are a fantastic way to meet with Councillors and staff. The first listening post event of 2023 will be held on Wednesday 5 April at the Warehouse Clunes - we look forward to seeing you there.

RECOMMENDATION

That Council receives and notes the Chief Executive Officer's Report for March 2023.

MOTION

That Council receives and notes the Chief Executive Officer's Report for March 2023.

Moved: Cr Juliet Simpson

Seconded: Cr Don Henderson

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil

Abstained: Nil

9 PUBLIC PARTICIPATION TIME

Go to 00:41:00 in the meeting recording to view this item.

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

9.1 PETITIONS

9.1.1 HERITAGE ASSESSMENT FOR CORNISH HILL

The Petition, *Heritage assessment for Cornish Hill* was received on 1 February 2023 and has been signed by 21 people within our municipality.

The petition reads:

Preserving the Character of Precinct 14

“We request Council to carry out a heritage assessment of the wider area of Cornish Hill which includes the houses and gardens of the former nineteenth-century residential area of Precinct 14.

This precinct does not at present have a Heritage overlay, but only Neighbourhood Character and Environmental Significance overlays.

It is unclear why Precinct 14 does not have a Heritage overlay. All other significant historical areas of Daylesford Township have one. The Heritage overlay is important for the preservation of the built forms that are vital to the beauty, atmosphere and sense of history that make Daylesford such a notable town.

Precinct 14 abuts the Cornish Hill precinct which has been nominated by the Commonwealth Government for World Heritage Listing as part of the Central Goldfields nineteenth-century mining landscape. Precinct 14 forms an integral part of the heritage value of Cornish Hill and is inseparable from it.

The increased number of sales and subdivisions in recent years means that these heritage values are under threat. Estate agents in town encourage sales by telling prospective buyers that they can demolish older buildings under Section 29AS of the planning scheme.

We believe that this lack of protection under a Heritage overlay leaves the nineteenth and early-mid twentieth-century houses vulnerable to inappropriate redevelopment, including demolition of heritage buildings, subdivision into small allotments, and the erection of buildings unsympathetic to what is there.

Any demand for increased housing is more than met by the extensive subdivisions in the Smith Street to Wombat Park region.”

RECOMMENDATION

That Council:

- 1. Receives and notes the Petition seeking a heritage assessment for Cornish Hill;
and*
- 2. Refers the petition to the Acting Manager Strategic Planning to prepare a
report to be considered at a future Meeting of Council, within 3 months.*

MOTION

That Council:

- 1. Receives and notes the Petition seeking a heritage assessment for Cornish Hill;
and*
- 2. Refers the petition to the Acting Manager Strategic Planning to prepare a
report to be considered at a future Meeting of Council, within 3 months.*

Moved: Cr Jen Bray

Seconded: Cr Tessa Halliday

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil

Abstained: Nil

9.1.2 DESIGN AND SPEED LIMIT CHANGE FOR KINGSTON ROAD AND CHURCH PARADE INTERSECTION

The Petition, Design and Speed limit change for Kingston Road and Church Parade Intersection was received on 9 March 2023 and has been signed by 25 people within our municipality.

The petition reads:

“Speed limit needs to be reduced to 60km.

Cars turning right at Church Parade without traffic island are not pulling up to intersection squarely therefore endangering all coming and off coming traffic. Island also on Allendale Road needed.”

RECOMMENDATION

That Council:

- 1. Receives and notes the petition; and*
- 2. Refers the petition to the Acting Manager Operations to investigate and contact the head petitioner and update Councillors via the Councillor Bulletin of the outcome.*

MOTION

That Council:

- 1. Receives and notes the petition; and*
- 2. Refers the petition to the Acting Manager Operations to investigate and contact the head petitioner and update Councillors via the Councillor Bulletin of the outcome.*

Moved: Cr Don Henderson

Seconded: Cr Tessa Halliday

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil

Abstained: Nil

9.2 PUBLIC QUESTIONS

No public questions were received from the community.

9.3 REQUESTS TO ADDRESS COUNCIL

Jan Worthington addressed Council regarding a speed reduction through the town of Kingston and the new Kingston intersection.

Maira McDonald addressed Council regarding Heritage assessment for Precinct 14, adjacent to Cornish Hill.

10 A HEALTHY, SUPPORTED, AND EMPOWERED COMMUNITY

10.1 COMMUNITY GRANTS REVIEW

Go to 00:55:03 in the meeting recording to view this item.

ACTING DIRECTOR COMMUNITY AND DEVELOPMENT

In providing this advice to Council as the Manager Community Life, I Fran Fogarty have no interests to disclose in this report.

ATTACHMENTS

1. Council Grants Review Report 2022 23 FINAL [10.1.1 - 12 pages]

EXECUTIVE SUMMARY

A review has been conducted to ensure the Council grants program is meeting good governance, is structured effectively, operates efficiently, and continues to meet the needs of the community and deliver strong outcomes. The review has considered grant making in Council holistically, including the following programs:

- Community Grants
- Event Grants
- Biodiversity Grants
- Landcare Grants
- Towards Zero Grants

The review makes 19 general recommendations for grant making in Council and several recommendations specific to each grant program for the consideration.

OFFICER'S RECOMMENDATION

That Council:

1. *Endorse the Council Grants Review Report 2023 and recommendations which have been based on the recommendations from the 2022 audit conducted by the Victorian Auditor General;*
2. *Subject to a formal agreement, provide an annual contribution from 2023/24 of \$1,000 to the Daylesford and Creswick Community Bands acknowledging and valuing their contribution to strengthen the resilience, connectivity and inclusion of all in the Hepburn Shire community; and,*
3. *Subject to a formal agreement, from 2023/24 provide a \$2,500 annual contribution to the Trentham, Daylesford, Creswick and Clunes Neighbourhood Centres as acknowledgment of Council commitment to supporting Neighbourhood Houses within Hepburn Shire, recognising and*

valuing their contribution and acknowledging their capacity to strengthen the resilience, connectivity, and inclusion of the local community.

Cr Tim Drylie declared a conflict of interest for item 10.1 Community Grants Review and left the meeting at 06:27pm for the following motion to be considered.

MOTION

That Council:

- 1. Subject to a formal agreement, provides an annual contribution from 2023/24 of \$1,000 to each of the Daylesford and Creswick Community Bands acknowledging and valuing their contribution to strengthen the resilience, connectivity and inclusion of all in the Hepburn Shire community; and,*
- 2. Subject to a formal agreement, from 2023/24 provides a \$2,500 annual contribution to each of the Trentham, Daylesford, Creswick and Clunes Neighbourhood Centres as acknowledgment of Council commitment to supporting Neighbourhood Houses within Hepburn Shire, recognising and valuing their contribution and acknowledging their capacity to strengthen the resilience, connectivity, and inclusion of the local community*

Moved: Cr Jen Bray

Seconded: Cr Don Henderson

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley Hewitt, and Cr Tessa Halliday

Voted against: Nil

Abstained: Nil

Cr Tim Drylie returned to the meeting at 06:36pm.

MOTION

That Council:

- 1. Endorses the Council Grants Review Report 2023 and recommendations which have been based on the recommendations from the 2022 audit conducted by the Victorian Auditor General, noting that three funding rounds per year will be offered for the Community Grants program.*

Moved: Cr Jen Bray

Seconded: Cr Don Henderson

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Lesley Hewitt, Cr Tim Drylie and Cr Tessa Halliday

Voted against: Cr Juliet Simpson

Abstained: Nil

BACKGROUND

A review of the Community Grants program was conducted in October 2020.

The purpose of the review of the Community Grants Program was to:

- Implement continuous quality improvement mechanisms to ensure efficient, equitable and transparent delivery of the Community Grants Program; and
- Encourage active community participation in the Community Grants Program to widely distribute funding across the Shire.

The review included benchmarking of community grants programs by other local governments, a thorough analysis of the current processes, guidelines, tools, and outcomes. The 2020 review made ten recommendations.

A second phase of the review was conducted during 2022 to include all Council grant programs in addition to the Community Grants Programs. The results of both the 2020 and 2022 reviews have been combined into this report to make recommendations for grant making in Council.

KEY ISSUES

Overall, Council grants are well subscribed, with almost all funds being distributed to a suitable cross-section of community groups and activities. Feedback from grant program applicants and recipients was overwhelmingly positive, and strongly indicated the value and importance of these programs to our communities. Feedback received indicated that the implementation of SmartyGrants as the software system to manage grant making in Council has increased efficiency and improved the experience for applicants.

The recommendations of this review predominantly focus on reducing administrative burden, increasing efficiency, improving governance, and adjustments that can be made to further meet the needs of our communities.

The current approach to grant making in Council creates a significant administrative burden, particularly due to the lack of centralised processes, policy, evaluation, communications, and the frequency of some programs. The current approach to grant making is fragmented, which creates undue pressure on individual officers

working across various activities. This in turn makes it difficult for officers to deliver all aspects of grantmaking at a high level, including following up with community groups after grants are disbursed, celebrating successes, promoting the grant program, and meeting all governance and administrative requirements.

The Victorian Auditor General's Office (VAGO) conducted an audit in 2022 on Fraud Control Over Local Government Grants and made nine recommendations. The controls recommended in the audit are important to help councils reduce the risk of fraud and ensure grant programs are transparent, fair, and benefit the community.

The 9 recommendations made by VAGO have formed the basis of the Grants Program review.

Grant making at Hepburn currently involves the full Executive Team, Councillor Briefings and formal Council Meetings for decision making. This requires significant administrative investment and impacts the ability to successfully deliver all aspects of their grant programs.

The recommendations in this review address the following key issues:

- Reduce the administrative burden on officers by increasing administrative support for grant making in Council.
- Reduce the administrative burden and fragmented approach to grant making in Council by developing centralised resources, policy, and processes.
- Reduce inefficiencies and administrative effort by adjusting the frequency and availability of some grant categories.
- Reduce risk to Council and administrative burden by strengthening and centralising the evaluation and decision-making process and reducing officer time in briefings and meetings.
- Reduce the administrative burden by streamlining and clarifying processes (including grant categories, eligibility, updates to reflect current strategies and plans).

The benchmarking conducted yielded a variety of results. It is important to note that some of this data is incomplete. For example, some provided information about their Community Grants Programs but not for all grant making within their council. Some of the key information that was considered included:

- use of an over-arching policy to guide grant making
- use of guidelines
- resourcing to support grant making
- involvement of officers in both the application and evaluation phases
- involvement of Councillors in decision making
- use of community assessors
- acquittal timeframes
- availability of grants (frequency of rounds), and
- use of software systems to manage grant making.

It was noted that whilst many did not have an existing over-arching policy, many were in development or planned. Some utilised community assessors, but this did not appear to be considered best practice. Councillor involvement in decision making also varied, with some municipalities involving Councillors in both steps of the process and some only providing Councillors with a briefing.

COUNCILLORS ROLE

The recommendation of this review is to move to a process of Councillor briefing only (except for Signature/Iconic Event Grants/MOUs) based on the recommendations of the VAGO report, a strengthening of the evaluation process, and to improve efficiencies in grant making in Council. It is noted, however, that Councillors play an important role in our grant making. Whilst it is recommended that Councillors are given a briefing on the status and outcome of grant applications rather than being involved in the decision, there is an opportunity to enhance the involvement of Councillors in the process by increasing their role in the communications, promotions and media surrounding grant programs, project outcomes, and community benefits.

Councillors would continue to have oversight and decision-making of grant programs through decisions regarding budget allocation, program guidelines and the over-arching Community Funding Policy that is recommended to be developed. These decisions in turn shape the eligibility criteria and evaluation process that each program will adhere to.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2021-2025

A healthy, supported, and empowered community

2.2 Increase the availability and accessibility of services in the Hepburn Shire area to support liveability, health, and wellbeing.

A dynamic and responsive Council

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

Council Fraud Prevention Policy 2021

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

Council grant making involves the disbursement of Council funds to the community. Well-designed and effectively managed grant programs will ensure that funds are allocated and acquitted appropriately. Many of the recommendations made will enhance the financial management of grant making by Council, including clarifying the use of funds, increasing efficiency of processes to evaluate and manage applications, minimising risk of fraud and increase transparency in decision making.

The recommendations include increasing the FTE of the Community Grants Officer role, the annual Community Grants Fund and budget allocation to support the administration and promotion of grant making in council. All these recommendations have a budgetary implication.

RISK IMPLICATIONS

The results from the Victorian Auditor General's review of grant making in local government have been thoroughly considered in this review and incorporated into recommendations. Recommendations will also strengthen policy and processes to guide effective grant making in Council and to minimise risk to the organisation.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council's Community Engagement Policy was utilised to develop the Engagement Plan for this project. Under the Policy this project scored 14, which is the 'Consult or Involve' category.

The following engagement was conducted:

- Consultation with council officers managing each program through the formation of a Project Control Group
- Data analysis relevant to each program (e.g. number of applicants, amount of funds disbursed, total number of groups receiving grant funding etc.)
- Customised surveys conducted with applicants from each grant program
- Project page on Participate Hepburn and survey link available for whole community
- Benchmarking against grant programs in other LGAs
- Desktop review of other relevant documents (reports, policies etc.)

A total of 65 survey responses were received. This included engagement with other LGAs and benchmarking against their grant program. Ten survey responses were from other LGAs.

COUNCIL GRANTS REVIEW – 2022-23

INTRODUCTION

This review has been conducted to gather feedback on Council’s existing grants programs to make recommendations for improvements, ensuring that grant programs are structured effectively and efficiently, meet the needs of the community, and deliver strong outcomes. The review has considered grant making in Council holistically, including the following programs:

- Community Grants
- Event Grants
- Biodiversity Grants
- Landcare Grants
- Towards Zero Grants

A new grant program, Small-scale Artisan Agriculture Grants, was being developed and administered during the review period. This grant program was not formally reviewed as it was being conducted for the first time, although relevant Officers were included in the Project Control Group so that they could provide their feedback.

KEY ISSUES

Overall, it has been found that Council grants are well subscribed, with almost all funds being distributed to a suitable cross-section of community groups and activities. Feedback from grant program applicants and recipients was overwhelmingly positive, and strongly indicated the value and importance of these programs to Hepburn Shire communities. Feedback received indicated that the implementation of SmartyGrants as the software system to manage grant making in Council has increased efficiency and improved the experience for applicants.

The recommendations of this review predominantly focus on reducing administrative burden, increasing efficiency, improving governance, and adjustments that can be made to further meet the needs of our communities.

The current approach to grant making in Council creates a significant administrative burden, particularly due to the lack of centralised processes, policy, evaluation, communications, and the frequency of some programs. The current approach to grantmaking is fragmented, which creates undue pressure on individual Officers, of which grantmaking is only one part of their role. This in turn makes it difficult for Officers to deliver all aspects of grantmaking at a high level, including following up with community groups after grants are disbursed, celebrating successes, promoting the grant program, and meeting all governance and administrative requirements.

The Victorian Auditor General’s Officer (VAGO) conducted an audit in 2022 on Fraud Control Over Local Government Grants that made 9 recommendations. The controls recommended in the audit are important to help councils reduce the risk of fraud and ensure their grant programs are transparent, fair, and benefit the community.

Grant making in Council currently involves the full Executive Team, Council Briefing and Meeting process for decision making. This creates a significant administrative burden on Officers and detracts from their ability to successfully deliver all aspects of their grant programs.

The recommendations in this review address the following key issues:

- Reduce the administrative burden on Officers by increasing administrative support for grant making in Council
- Reduce the administrative burden and fragmented approach to grant making in Council by developing centralised resources, policy, and processes
- Reduce inefficiencies and administrative burden by adjusting the frequency and availability of some grant categories
- Reduce risk to Council and administrative burden of Officers by strengthening and centralising evaluation and decision-making
- Reducing administrative burden by streamlining and clarifying processes (including grant categories, eligibility, and updates to reflect current strategies and plans)

COUNCIL PLAN

COUNCIL PLAN 2021-2025

A healthy, supported, and empowered community

2.2 Increase the availability and accessibility of services in the Hepburn Shire area to support liveability, health, and wellbeing.

A dynamic and responsive Council

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

OTHER STRATEGIES AND PLANS

- Events Strategy
- Sustainable Hepburn Strategy
- Municipal Public Health and Wellbeing Plan

BACKGROUND

A review of the Community Grants program was conducted in October 2020.

The purpose of the review of the Community Grants Program was to:

- Implement continuous quality improvement mechanisms to ensure efficient, equitable and transparent delivery of the Community Grants Program; and
- Encourage active community participation in the Community Grants Program to widely distribute funding across the Shire.

The review included benchmarking of community grants programs in other LGAs, a thorough analysis of the current processes, guidelines, tools, and outcomes. The review made ten recommendations.

A second phase of the review has been conducted during 2022 to include all grant programs that Council provides in addition to the Community Grants Programs. The results of both parts of the review have been combined into this report to make recommendation for grant making in Council.

ENGAGEMENT OVERVIEW

This project was assessed according to Council's Engagement Policy and was given the score of 14, which is the 'Consult and Involve' range. An Engagement and Communications Plan were developed to ensure that the community was engaged appropriately and that all relevant feedback and input was considered in the development of these recommendations.

The review has included the following engagement steps:

- Consultation with Council Officers managing each program through the formation of a Project Control Group, which met regularly throughout several months.
- Data analysis relevant to each program (e.g., number of applicants, amount of funds disbursed, total number of groups receiving grant funding etc)
- Customised surveys conducted with applicants from each grant program
- Project page on Participate Hepburn and survey link available for whole community
- Benchmarking against grant programs in other LGAs
- Desktop review of other relevant documents (reports, policies etc listed below)

STAFFING:

All Council grants programs are currently resourced through separate teams and areas of Council that are responsible for the program. The benefit of this is that the Officers that are subject matter experts provide valuable support to applicants and they are afforded the opportunity to connect with community undertaking activities relevant to their work, keeping them connected to these groups. The challenge is that grant programs often form only one aspect of an Officer’s role and they have limited support or centralised resources available to support the administration of their programs, resulting in a fragmented approach to grant making in Council. This also creates risk that when Council experiences staff turnover, that significant knowledge and ability to maintain existing grant programs is compromised as information is siloed.

Table 1.

| CURRENT EFT STAFFING GRANT PROGRAMS | | | | |
|--|---|---|---|---|
| Community Grants | Event Grants | Biodiversity Grants | Landcare Grants | Towards Zero Grants |
| Community Development Officer | Events Officer | Biodiversity Officer | Biodiversity Officer | Sustainability Officer |
| <i>0.2 EFT (One aspect of a 1.0 EFT role)</i> | <i>0.1 EFT (One aspect of a 0.8 EFT role)</i> | <i>0.1 EFT (One aspect of a 0.8 EFT role)</i> | <i>0.1 EFT (One aspect of 0.8 EFT role)</i> | <i>0.1 EFT (One aspect of 1.0 EFT role)</i> |
| Community Grants Officer | | | | |
| <i>0.2 EFT (Administrative Support)</i> | | | | |
| Total current EFT for all Grant Programs: 0.8 EFT | | | | |

Table 2.

| PROPOSED EFT STAFFING GRANT PROGRAMS | | | | |
|---|---|---|---|---|
| Community Grants | Event Grants | Biodiversity Grants | Landcare Grants | Towards Zero Grants |
| Community Development Officer | Events Officer | Biodiversity Officer | Biodiversity Officer | Sustainability Officer |
| <i>0.2 EFT (One aspect of a 1.0 EFT role)</i> | <i>0.1 EFT (One aspect of a 0.8 EFT role)</i> | <i>0.1 EFT (One aspect of a 0.8 EFT role)</i> | <i>0.1 EFT (One aspect of 0.8 EFT role)</i> | <i>0.1 EFT (One aspect of 1.0 EFT role)</i> |
| Community Grants Officer | Community Grants Officer | Community Grants Officer | Community Grants Officer | Community Grants Officer |
| <i>0.2 EFT (Administrative Support)</i> | <i>0.15 EFT (Administrative Support)</i> | <i>0.15 EFT (Administrative Support)</i> | <i>0.15 EFT (Administrative Support)</i> | <i>0.15 EFT (Administrative Support)</i> |
| Total Proposed EFT for all Grant Programs: 1.4 EFT | | | | |

The recommendations include changes to the level and structure of resources to support grant making in Council, as indicated above in Table 2. It hasn't been estimated that this will reduce Officer time, however the increased administrative support will allow Officers to focus on engaging with community, following up on grant outcomes/success stories, participate in the centralised evaluation process, and ultimately assist the implementation of the recommendation in this report.

PRINCIPLES OF GRANTS:

Current grant programs have varying levels of clarity around the principles that guide each program. Existing guidelines provided rules for the program, but principles help to create the culture around grantmaking. The recommendations from this review include the development of an over-arching Community Funding Policy, and it is recommended that principles are included in this policy.

Principles to be considered include:

- Transparency
- Equity
- Efficiency and Effectiveness

**Please refer to the Community Grants Review 2020 for further details and a definition of these principles*

SUMMARY OF CURRENT GRANT PROGRAM DATA & PROCESSES:

An analysis of the current data and processes for all grant programs has been conducted and findings have been incorporated into the recommendations of this review. The following aspects have been analysed:

- Staffing
- Principles
- Plans & Strategies
- Purpose
- Categories and funding available
- Current Guidelines
- Distribution of Funds
- Number of grants vs application
- Number of groups to receive grants
- Assessment process
- Record keeping
- Decision making
- Community benefit
- Successes
- Challenges

A summary of current program data and processes can be found for each program can be found in the supporting documents – **DOC/22/79666**

APPLICANT SURVEYS & FEEDBACK

Individual surveys conducted yielded the following engagement:

- Event Grants Program – 9 responses
- Biodiversity Grants Program – 9 responses
- Landcare Grants Program – 8 responses
- Towards Zero Grants Program – 4 responses
- Community Grants Program – 25 responses
- Broad Community Survey – 0 responses
- LGA Benchmarking Survey – 10 responses (including benchmarking conducted in 2020)
- **TOTAL: 65**

Overall, surveys indicated strong support for Council grant programs and the benefit they provide to the community. Feedback regarding specific improvements to processes have been included in the recommendations where possible.

The benchmarking conducted with other LGAs yielded a variety of results. It is important to note that some of this data is incomplete. For example, some LGAs provided information about their Community Grants Programs but not for all grant making within their Council. Some of the key information that was considered included:

- Use of an over-arching policy to guide grant making
- Use of guidelines
- Resourcing to support grant making
- Involvement of Officers in both the application and evaluation phases
- Involvement of Councillors in decision making
- Use of Community Assessors
- Acquittal timeframes
- Availability of grants (frequency of rounds)
- Use of software systems to manage grant making

It was noted that whilst many LGAs did not have an existing over-arching policy, many were in development or planned. Some LGAs utilised Community Assessors, but this did not appear to be considered as best practice. The involvement of Councillors in decisions relating to grant funding was mixed, with some LGAs involving Councillors in both steps of the process and some only providing a briefing.

COUNCILLORS ROLE

The recommendation of this review to move to a Council briefing only (except for Signature/Iconic Event Grants/MOUs) has been made based on the recommendations of the VAGO report, recommendations to strengthen the evaluation process, and to improve efficiencies in grant making in Council. It was noted, however, that Councillors play an important role in Council grant making. Whilst it is recommended that Councillors are given a briefing on the status and outcome of grant applications rather than being involved in the decision, there is an opportunity to enhance the involvement of Councillors in the process by increasing their role in the communications, promotions and media surrounding grant programs, project outcomes, and community benefits in Hepburn Shire.

Councillors will continue to have oversight of Council Grant programs, in that they will continue to make decisions regarding budget allocation, program guidelines and the over-arching Community Funding Policy that is recommended to be developed. These decisions in turn shape the eligibility criteria and evaluation process that each program will adhere to.

Full survey feedback and benchmarking with other LGAs can be found in these supporting documents:

- LGA Benchmarking Summary - DOC/22/79980
- Biodiversity Grants Survey Results - DOC/22/79752
- Landcare Grants Survey Results - DOC/22/79753
- Towards Zero Grants Survey Results - DOC/22/79754
- Event Grants Survey Results - DOC/22/79756

RECOMMENDATIONS:

GENERAL RECOMMENDATIONS:

1. Develop a Council Community Funding Policy to guide all grant making within Council
2. Create and document a 'Conflict of Interest' process for Council grants that connects to the existing Council Conflict of Interest process and the HSC Fraud Prevention Policy.
3. Conduct a risk assessment or risk control plan for Council grant making and record it in the risk register.
4. Design, or further strengthen, an evaluation criterion and scoring matrix for each grant program that aligns with the application form and acquittal process (like the process for procurement evaluations). Assess and document each application against them in SmartyGrants and communicate assessment outcomes and reasons to unsuccessful applicants.
5. Evolve the Councillors role to focus on the over-arching design and outcomes of Council Grant Program by moving to updates via briefings rather than Council decisions. Councillors will continue to have oversight of Council Grant programs, in that they will continue to make decisions regarding budget allocation, program guidelines and the over-arching Community Funding Policy that is recommended to be developed. These decisions in turn shape the eligibility criteria and evaluation process that each program will adhere to. The Councillors role in the promotion and marketing of grant programs is also recommended to be enhanced, such as sharing success stories and outcomes for their Ward regularly via media releases, social media, and other channels.
6. Establish an evaluation panel for all grants programs including Officers responsible for other grant programs, Governance and LT/ET representation. Remove the specific program Officer that was involved in the application process from the evaluation panel. Establish a calendar of meetings for the panel to conduct evaluations that maintains responsiveness and meets grant program deadlines.
7. Liaise with the team at SmartyGrants to further optimise Council's use of this software and to align the system with updated guidelines, evaluation processes, and recordkeeping requirements.
8. Officers specific to a grant program will discuss projects and provide technical support during the application process in addition to the Community Grants Officer but will not be involved in the evaluation process. The exception to this may be in Event Grants, who wish to be involved in the evaluation process but not the application process. This approach will still meet requirements for good governance and fraud prevention as long as the Officer is not involved in both steps.
9. Administration of all Council Grants Programs is to be the responsibility of Community Grants Officer, including:
 - Promotion/advertising/communication relating to all grant programs
 - Acting as the subject matter expert for SmartyGrants, including providing staff support and training
 - Document all funding decisions in a consistent and structured way in SmartyGrants to ensure decision making is transparent
 - Administer the Evaluation Panel (scheduling meetings, taking notes etc.)
 - Conduct all grant communications, including outcome letters/emails/calls, sending agreement paperwork, handling general enquiries, running information sessions,

- managing the payment and acquittal processes, reporting, sharing success stories etc
 - Documenting the names of individuals involved in assessing or approving grant applications
 - Documenting if applicants met the eligibility criteria
 - Documenting what assessors and approvers consider determining funding amounts
 - Document reasons why any funding decisions do not align with assessments in addition to the specific grant program Officer
 - Ensure compliant record keeping by regularly saving documents from SmartyGrants into ContentManager
10. Increase the Community Grants Officer role from 0.2 FTE to 0.8 FTE. This will bring overall resourcing in Council for all grants programs from 0.8 EFT to 1.4 EFT (including Officer time). This increase in administrative support will also enable the implementation of the recommendations from this review.
 11. Include an operational budget of \$4,000 annually for the Community Grants Officer to increase promotion, exposure and reach of all Council grant programs, which will increase quality of applications and community engagement for all grant programs.
 12. Include eligibility steps at the commencement of all SmartyGrants application forms to reduce ineligible applications received.
 13. Develop educational resources, including FAQs and 'How To' guides/videos to support applicants.
 14. Document a standardised acquittal process for all grant programs. As per the VAGO Fraud Control over Local Government Grants Report 2022 recommendations, verify that all grant recipients use grant funds for their intended purpose in the acquittal process.
 15. Develop a Hepburn Shire Council Grantmakers Handbook. This will describe all the steps required from establishing a Grant round through to the evaluation process.
 16. Increase evaluation of each grant program, sharing and celebration of grant outcomes. Include metrics to measure value beyond the financial expenditure of each project. Publish grant recipients, projects, and grant amounts online for each grant round.
 17. Align the Community Grants Program and TZG evaluation process with other Council Grant Programs by removing the Community Assessor panel. This approach is not used in evaluating Biodiversity, Landcare, or Events Grant Programs and benchmarking with other LGAs indicated that most other LGAs do not use community assessor panels. This can be accomplished by strengthening the evaluation process by developing evaluation criteria, a scoring matrix and establishing an evaluation panel.
 18. Create an annual evaluation process for grant programs to measure benefit to the community.
 19. Conduct a Gender Impact Assessment (GIA) on Council Grants as part of the development of the over-arching Community Funding Policy.

BIODIVERSITY GRANTS:

1. Establish a multi-year project grant category for on-ground works (2 years, \$8K maximum total)
2. Continue to involve the Biodiversity Officer in the application process as this is highly valued by applicants.
3. Provide additional support to the Biodiversity Officer in administering the program via the Community Grants Officer

4. Update Biodiversity Grant Guidelines to align with the new Sustainable Hepburn Strategy 2022-2028: Biodiversity theme.

LANDCARE GRANTS:

1. Rename grant program to be more inclusive of other groups conducting Landcare or allied flora and fauna conservation activities
2. Create guidelines for the program, including defining eligible groups and activities
3. Update and maintain a centralised contact list for relevant groups that can be shared across the organisation

EVENT GRANTS:

1. Continue to offer Event Grants year-round. This availability was highly appreciated by applicants as it is very responsive to when events are being held.
2. Provide additional support to the Events Officer in administering the program via the Community Grants Officer.
3. Remove Events Officer from either the application process or the evaluation, whilst still maintaining responsiveness to applications.
4. Reduce resource burden on the Events Officer by moving the administration of 'Community Events Grants' into the Community Grants Program, including the corresponding budget (approximately \$25K-\$30K). The Events Officer will still deliver the in-kind components of the funding and participate in the application or evaluation process. Overall responsibility for the grant program will remain with the Events Officer, with the administrative support from the Community Grants Officer

TOWARDS ZERO GRANTS:

1. Continue to offer grants annually and with no maximum dollar limit. This flexibility was supported by the community.
2. Continue to involve the Sustainability Officer in the application process as this is highly valued by the applicants.
3. Provide additional support to the Sustainability Officer in administering the program via the Community Grants Officer.
4. Develop guidance for co-contributions in the grant program guidelines and consideration in an evaluation/scoring matrix. Co-contributions were supported in survey feedback.

COMMUNITY GRANTS:

1. Complete the review of the Community Grants Guidelines 2021-2022 (details below)
2. Community Grants rounds be reduced to twice per year
3. Community Grants maximum amount be increased to \$5,000
4. Introduce a quick-response category of Small Projects Grants to the value of \$1,000, available year-round, assessed monthly
5. Increase Community Grants Fund to \$85,000
6. Annually increase overall Community Grants budget by CPI
7. Annual contribution of \$1,000 to the Daylesford and Creswick Community Band recognising and valuing their contribution and acknowledging their capacity to strengthen the resilience, connectivity and inclusion of all in the Hepburn Shire community.

8. Develop a Neighbourhood House MOU, outlining Council's commitment to supporting Neighbourhood Houses within Hepburn Shire, recognising, and valuing their contribution and acknowledging their capacity to strengthen the resilience, connectivity, and inclusion of the local community. Annual allocation of \$2,500 to Clunes, Creswick, Daylesford, and

Trentham Neighbourhood Centres to deliver projects that align with the Community Grants Program, from the Community Grants Program Fund. CPI to be included only if approved for the overall Program Funds. The Neighbourhood House MOU will also establish and strengthen other aspects of the partnership between Council and Neighbourhood Houses in addition to funding. Determine eligibility for Community Grants in addition to the MOU.

COMMUNITY GRANT GUIDELINES REVIEW – RECOMMENDED UPDATES

1. Update Community Grant Guidelines to align with the priority areas in the 2021-2025 Council Plan and Municipal Public Health & Wellbeing Plan
2. Include a description of the purpose of the Community Grants Program in the guidelines
3. Include a description of the Principles of the Community Grants Program in the guidelines
4. Connect the Community Grants Guidelines to the Community Funding Policy
5. Define grant categories clearly with descriptions that relate to the priority areas in the 2021-2025 Council Plan and Municipal Public Health & Wellbeing Plan, including identified priority groups. Align these definitions with the application and acquittal process.
6. Define the purpose of the 'Welcome to' sessions, which are currently included in 'Active and Engaged communities', however there is no current clarification on what this Grant is for. Evaluate the participation rates and outcomes of this category.
7. Create a definition for 'Community Events' that aligns with the 2020-25 Events Strategy, directing applicants to applying via the Event Grants Program where appropriate.
8. Streamline the availability of funding in each category. Some grants are currently offered quarterly, and some annually.
9. Clarify process in guidelines for requests to an extension to deliver a project and/or finalise the acquittal via a variation process. Include ineligibility for a new grant if an acquittal is outstanding.
10. Clarify the completion/acquittal timeframe to 12 months. There is currently a contradiction as to whether a project should be completed in 6 or 12 months in the guidelines.
11. Clarify the eligibility criteria, there is currently a contradiction in the guidelines as to whether a project must be one off or can be recurring.
12. Review how funds disbursed and being allocated to grant categories in TechOne with the Finance team to ensure this is being reported accurately.
13. Increase focus on Community Benefit – values reflected in Annual Reporting

SUPPORTING DOCUMENTS:

- LGA Benchmarking Summary - DOC/22/79980
- Biodiversity Grants Survey Results - DOC/22/79752
- Landcare Grants Survey Results - DOC/22/79753
- Towards Zero Grants Survey Results - DOC/22/79754
- Event Grants Survey Results - DOC/22/79756
- Community Grants Review Report 2020 DOC/22/58504
- Existing Program Data Overview DOC/22/79666
- Communications Plan DOC/22/69445
- Engagement Plan DOC/22/69445

- Mt Alexander Neighbourhood House Policy - [Policy - Neighbourhood House - Adopted by Council 19 May 2020.PDF \(mountalexander.vic.gov.au\)](#)
- [Hepburn Shire Council Fraud Prevention Policy](#)
- [Fraud Control Over Local Government Grants | Victorian Auditor-General's Office](#)

11 EMBRACING OUR PAST AND PLANNING FOR OUR FUTURE

11.1 ROAD NAMING PROPOSAL - BOUNDARY ROAD WITH CITY OF BALLARAT

Go to 01:09:54 in the meeting recording to view this item.

DIRECTOR ORGANISATIONAL SERVICES

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

ATTACHMENTS

1. Hepburn Notification of Road Naming_-_ Nyaninyuk [11.1.1 - 2 pages]
2. CONFIDENTIAL REDACTED - N P 237 - Unnamed road (also known as Part Coutts Road) ALL [11.1.2 - 11 pages]

EXECUTIVE SUMMARY

In October 2021 City of Ballarat notified Hepburn Shire Council that they received a request to name an unnamed road that forms part of the boundary between City of Ballarat and Hepburn Shire Council in Glendaurel which is located near Mount Beckworth.

The unnamed road runs east from Coghills Creek Road, Glendaurel (opposite Coutts Road) to Fentons Road, and City of Ballarat advise that the last 500 metres to Fentons Road is not trafficable.

The unnamed road has been unofficially known as Coutts Road, however City of Ballarat advise this name is not valid and has only been assigned temporarily for use by Emergency Services and will only remain in place until the official renaming is complete.

The renaming of the unnamed roadway would create a single, unobscured and unobstructed roadway that has a start and end point, with clear and logical numbering. There is one occupied property on the south (City of Ballarat) side of the road, and only vacant land on the north (Hepburn Shire Council) side.

As the naming request was made direct to the City of Ballarat, City of Ballarat has undertaken a road naming process in accordance with the Geographic Place Names Act 1998.

City of Ballarat propose to name the road *Nyaninyuk Road*. *Nyaninyuk* is a Dja Dja Wurrung name for Mt Beckworth, and means 'behind' as in 'back of the neck'. City of Ballarat believe it is an appropriate name, as the road is effectively behind Mount Beckworth, and has received approval from Dja Dja Wurrung Clans Aboriginal Corporation to use the name.

At the City of Ballarat Ordinary Council Meeting held on 28 September 2022, City of Ballarat adopted a resolution:

- 20. That Council:
 - 20.1 Endorse the proposal to name the unnamed road in Glendaurel, as *Nyaninyuk Road*.
 - 20.2 Authorise the Chief Executive Officer to complete all relevant steps pursuant to the Geographic Place Naming Procedures to formalise this change.
- Moved: Cr Belinda Coates
- Seconded: Cr Des Hudson

The naming of a boundary road requires approval by both the City of Ballarat and Hepburn Shire Council with both councils required to pass corresponding resolutions.

RECOMMENDATION

That Council:

1. *Endorse the City of Ballarat proposal to name the unnamed roadway in Glendaruel, as Nyaninyuk Road.*
2. *Notify City of Ballarat of this endorsement of Council to name the unnamed roadway in Glendaruel as Nyaninyuk Road to enable their corresponding resolution.*

MOTION

That Council:

1. *Endorse the City of Ballarat proposal to name the unnamed roadway in Glendaruel, as Nyaninyuk Road.*
2. *Notify City of Ballarat of this endorsement of Council to name the unnamed roadway in Glendaruel as Nyaninyuk Road to enable their corresponding resolution.*

Moved: Cr Tim Drylie

Seconded: Cr Tessa Halliday

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil

Abstained: Nil

BACKGROUND

City of Ballarat is intending to give notice under the *Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities 2022* of a proposal to name an unnamed roadway that runs east from Coghills Creek Road, Glendaurel (opposite Coutts Road) to Fentons Road, though the last 500 metres to Fentons Road is not trafficable.

The unnamed road has been unofficially known as Coutts Road, however this name is not valid and has only been assigned temporarily for use by Emergency Services, and will remain in place until the official renaming is complete.

KEY ISSUES

The renaming of the unnamed roadway would create a single, unobscured and unobstructed roadway that has a start and end point, with clear and logical numbering.

The proposed name Nyaninyuk Road (pronounced Nah-nin-nook) is deemed appropriate as it is the Traditional name for Mt Beckworth in native Dja Dja Wurrung language. The name of the mountain translates to the mountains back of the neck – nyani being ‘neck, nape, back of the neck’ and *nyuk* being ‘his, her, its’.

The proposed name was suggested by a property owner who researched the history of the local area and put their suggestion forward to the City of Ballarat.

The naming proposal is supported by the Dja Dja Wurrung Traditional Owners Aboriginal Corporation.

The road forms the boundary between the City of Ballarat and Hepburn Shire Council.

Naming of a boundary road cannot become official unless both Councils pass corresponding resolutions. As the naming request was submitted to City of Ballarat, City of Ballarat have undertaken the naming process, including advertising, notifying adjoining owners and receiving submissions. Copies of all submissions have been provided to Hepburn Shire Council.

Public notice was undertaken from 12 July to 19 August 2022 in accordance with the *Geographic Place Names Act 1998* inviting comment on the proposal.

11 submissions supporting the proposal were received. One submission included a comment questioning if the name was too literal as the road does not intersect with the back of Mount Beckworth. This submission also made mention that the name was uninspired.

This proposal will remove the potential for confusion for emergency services and other essential services.

Investigation by City of Ballarat officers confirmed that the proposed name is not used elsewhere in the state of Victoria.

If Council endorses the road name of *Nyaninyuk Road*, the naming proposal will be formally lodged by City of Ballarat with Geographic Names Victoria, who will confirm compliance with the naming rules, and if compliant will gazette the name.

Once gazetted, affected property owners and occupiers will be notified and signage will be installed.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2021-2025

Embracing our past and planning for the future

3.1 Partner with and empower our Traditional Owners and broader community to acknowledge, understand, celebrate and preserve our area's cultures, traditions and environs.

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

As the City of Ballarat are undertaking the process, there are no financial implications associated with this report.

RISK IMPLICATIONS

The unnamed road currently provides confusion for emergency services and the naming of the road will improve clarity in an emergency situation.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

All community and stake holder engagements were undertaken by the City of Ballarat on Council's behalf. As required under the *Naming rules for places in Victoria 2022* this included advertising, notification to adjoining owners and receiving submissions.

As required under the *Naming rules for places in Victoria 2022*, the naming proposal was publicly advertised between 12 July and 19 August 2022, inviting submissions. 11 submissions supporting the proposal were received. One submission included a comment questioning if the name was too literal as the road does not intersect with

the back of Mount Beckworth. This submission also made mention that the name was uninspired.

Ballarat City Council also consulted with the Dja Dja Wurrung Clans Aboriginal Corporation who confirmed their support for the name.



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April Ure - City of Ballarat – aprilure@ballarat.vic.gov.au

17th February 2022

RE: Request for use of Dja Dja Wurrung Language

Dear April

Thank you for your request to utilise Dja Dja Wurrung Language.

The CEO has approved the use of the below Dja Dja Wurrung Language, for the purpose of your request.

| Approved Dja Dja Wurrung Language | English Translation (or close too) |
|-----------------------------------|------------------------------------|
| nyaninyuk | Naming of road |

Respect and recognition of the Djaara Community as the Traditional Owners of the land, through the approval use of Dja Dja Wurrung Language and words is an important and much appreciated step in raising awareness of Djaara and places.

Language is one of the most significant aspects of the culture and heritage of any group. Aboriginal culture and knowledge systems are largely expressed verbally, through vocalising place names, stories and songs. Aboriginal languages express not only culture, but also kinship, relationship to the land and water (oceans and rivers) and environmental knowledge. They contain a complex conceptual framework for the living things on the land, the landscape and natural resources. Without language, the link between Aboriginal people and Country would be compromised and the benefit of Aboriginal knowledge may be lost.

If you have any questions or would like to talk further about this letter, please feel free to contact me directly.

Kind regards,

Merinda Dryden
Language Repatriation administration officer
DJAARA
language@djadjawurrung.com.au
0459 915 851

T: (03) 5444 2888 F: (03) 5441 6472
E: info@djadjawurrung.com.au
P.O Box 1026 Bendigo VIC 3552

djadjawurrung.com.au

DJA DJA WURRUNG CLANS ABORIGINAL CORPORATION TRADING AS DJAARA
Located at 13-15 Forest Street, Bendigo Vic 3550
ICN: 4421

11.2 INFLATIONARY PRESSURES

Go to 01:12:40 in the meeting recording to view this item.

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

1. Nil

EXECUTIVE SUMMARY

The purpose of this report is to provide information on the current and potential financial impact on Council of the current inflationary pressure being experienced.

The construction sector is experiencing significant volatility and price increases as a result of a 'perfect storm' of COVID-19, materials supply issues, fuel price increases, and the fastest inflation growth in 40 years.

At the Ordinary Council Meeting in November 2022, Council passed a resolution that responded to the sector challenges known at the time, and:

Approved the amended capital works and special projects program, including carry forwards from 2021/2022 with additional funding to respond to and manage inflationary and construction sector challenges.

Increased costs for projects and access to suitable contractors is resulting in delays of projects, increased costs and the need to approve contract variations greater than normally expected. Efficient contract management practices are crucial to reducing further delays and cost impacts.

OFFICER'S RECOMMENDATION

That Council:

1. *Note the current inflationary pressures being experienced by the sector, especially in relation to the construction of capital works; and*
2. *Authorise Officers to approve future contract variations within their financial delegation for each variation, up to a cumulative total of 30% of the original contract sum, noting that budget impacts will be reported to Council as part of the quarterly financial reports.*

MOTION

That Council notes the current inflationary pressures being experienced by the sector, especially in relation to the construction of capital works.

Moved: Cr Juliet Simpson

Seconded: Cr Don Henderson

Lost

Voted for: Cr Juliet Simpson

Voted against: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Lesley Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Abstained: Nil

MOTION

- 1. Notes the current inflationary pressures being experienced by the sector, especially in relation to the construction of capital works; and*
- 2. Authorises Officers to approve future contract variations within their financial delegation for each variation, up to a cumulative total of 20% of the original contract sum, noting that budget impacts will be reported to Council as part of the quarterly financial reports, and continue to be reported to Councillors at Briefings or via the Councillor Bulletin.*

Moved: Cr Lesley Hewitt

Seconded: Cr Jen Bray

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Lesley Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Cr Juliet Simpson

Abstained: Nil

BACKGROUND

In the development of budgets, a number of assumptions were made in relation to project cost, inflation, and construction price index. Inflation has now hit record highs, and the construction sector is experiencing a confluence of factors that are driving up prices and limiting contractor availability. These factors include COVID-19, materials supply, fuel price increases, and labour shortages. This is affecting every Council's ability to procure qualified contractors to undertake work at reasonable value.

Over the 12 months to the December 2022 quarter, the CPI as published by the Australian Bureau of Statistics rose 7.8%.

Council's capital works delivery for 2021/2022 was the highest of the last five years and based on delivery as of February the delivery for 2022/2023 is on track to eclipse those levels.

Challenges being experienced include:

- Increased levels of contractor management required
- Lack of suitable contractors
- Contractor availability, especially given significant construction work and now flood repairs across Victoria
- Tenderers putting a much higher price on risk
- Some constructions costs are 20-30% higher than expected
- Material supply remain a challenge, which often causes delays and increased prices
- Rescheduling of works often required, and
- Increased contract variations and judgement management required.

Given Councils low unrestricted cash when additional costs are incurred, either the scope of the project needs to reduce, and/or additional funding allocated (from the 2023/2024 budget). Council is managing these challenges on a project-by-project basis.

POLICY AND STATUTORY IMPLICATIONS

Council Plan 2021-2025

A dynamic and responsive Council

5.5 Strong asset management and renewal.

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

As summarised in this report there are financial implications being experienced by Council and the wider construction sector currently. Careful consideration is being given at each stage of our projects to ensure responsible management of the program.

RISK IMPLICATIONS

A number of risks are associated with this report. These include:

- Managing project delivery in the context of a volatile construction sector and considerable financial pressures.
- Managing community expectations of project deliveries.
- Appropriate short and long-term asset management, in particular renewal of existing assets.
- Meeting existing external funding obligations, and accommodating future grant funding opportunities.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no community or stakeholder engagement implications associated with this report. Changes to scope or timing of projects will be communicated to community on a project-by-project basis.

12 A DYNAMIC AND RESPONSIVE COUNCIL

12.1 COUNCILLOR PRIORITIES UPDATE

Go to 01:33:04 in the meeting recording to view this item.

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

1. CONFIDENTIAL REDACTED - Council Priorities Update March 2023 [12.1.1 - 10 pages]

EXECUTIVE SUMMARY

The purpose of this report is for Council to receive an update on the progress and action in relation to the adopted Councillor priorities as required by the Council resolution from the Ordinary Council Meeting in December 2022. Significant progress has been made in relation to all priorities, with many officer hours in the development and action of these.

OFFICER'S RECOMMENDATION

That Council:

1. *Note the progress and action to the adopted Councillor priorities; and*
2. *Request the Chief Executive prepare a further update for the August Council Meeting.*

MOTION

That Council:

1. *Note the progress and action to the adopted Councillor priorities; and*
2. *Request the Chief Executive prepare a further update for the August Council Meeting.*

Moved: Cr Tessa Halliday

Seconded: Cr Jen Bray

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil

Abstained: Nil

BACKGROUND

At the Council Meeting on 20 December 2022, the following motion was passed by Councillors.

While noting its obligations and community commitments as articulated in the Council Plan 2021-2025, Council resolves to request the Chief Executive Officer to prepare a report, for tabling no later than the March 2023 Council Meeting, that outlines current progress and an action plan to respond to a number of emerging priority items as identified by Councillors and Executive. The priorities include:

- *Financial sustainability*
- *Staff accommodation, community facilities and existing land and building assets*
- *Governance, compliance and workplace health and safety*
- *Customer service; ICT capability*
- *Statutory and Strategic Planning*
- *Emergency Management and Storm recovery including road maintenance*
- *Sustainable Hepburn Strategy implementation, and*
- *Commonwealth Games.*

KEY ISSUES

Significant progress has been made against all identified priorities. A detailed update is provided as a confidential attachment. Updates are provided to stakeholders and community as appropriate.

Some major actions include, but are not limited to:

- December financial reports report to Council
- Development of the 2023/2024 budget and update of the ten-year Financial Plan well underway
- Staff accommodation and community facilities project planning well underway, with updates to be provided to community mid-2023
- Customer Service Strategy drafted
- Additional resources allocated to the Statutory Planning unit
- Appointment of contractors to undertake township structure plans
- Hepburn Life continues to increase membership, with great readership rates. There were 3,923 recipients of the last edition
- Audit actions, and Workplace Health and Safety improvements being made

- Improvements made to business continuity, disaster recovery and cyber security
- Circular Economy Officer has commenced employment with Council
- Preparation of a draft Commonwealth Games Strategy Roadmap, and
- Over \$3 million of flood recovery works delivered since the October rain events.

POLICY AND STATUTORY 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

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 have been considerable officer hours spent on projects associated with Councillor priorities, and a number of small (non-material) costs.

RISK IMPLICATIONS

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no community or stakeholder engagement implications associated with this report. Updates are provided to stakeholders and community as appropriate.

12.2 REVISION OF INSTRUMENTS OF DELEGATION FROM COUNCIL TO THE CEO (S5) AND COUNCIL TO COUNCIL STAFF (S6)

Go to 01:36:01 in the meeting recording to view this item.

DIRECTOR ORGANISATIONAL SERVICES

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. DRAFT - S5 Instrument of Delegation Council to CEO January 2023 [12.2.1 - 4 pages]
2. DRAFT - S6 Instrument of Delegation Council to Council Staff January 2023 [12.2.2 - 110 pages]

EXECUTIVE SUMMARY

Instruments of Delegation represent the formal delegation of powers by Council under the *Local Government Act 2020* (the Act) and enable the business of Council to be carried out efficiently and in line with Council approved policies.

The previous Instrument of Delegation to the CEO and the Instrument of Delegation to Members of Council Staff were executed on 20 September 2022.

The revised instruments reflect staffing changes in the organisation, along with legislative changes and amendments suggested by Maddocks as part of their continual review processes.

An update of other Instruments revised as part of the regular maintenance has been provided for information. These Instruments will be authorised by the CEO and the Mayor once the above Instruments have been considered by Council.

OFFICER'S RECOMMENDATION

That Council:

1. *In the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 (the Act), resolves that:*
 - a. *There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument;*
 - b. *The instrument comes into force immediately upon this resolution being made and is to be signed by the Chief Executive Officer and the Mayor;*
 - c. *On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked;*

2. *In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, resolves that:*
- a. *There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;*
 - b. *The instrument comes into force immediately upon resolution of Council and is to be signed by the Council's Chief Executive Officer and the Mayor;*
 - c. *On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked;*
 - d. *The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

Moved: Cr Lesley Hewitt

Seconded: Cr Tessa Halliday

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil

Abstained: Nil

BACKGROUND

Instruments of Delegation represent the formal delegation of powers by Council. Section 11(1)(b) of the *Local Government Act 2020* (the Act) provides for a Council to delegate powers, duties and functions to its CEO under the Act or any other Act, other than certain specified powers.

Delegations enable the business of Council to be carried out effectively, in line with Council approved policies and are assigned to positions within Council, rather than to staff individually. When executing powers under delegation, staff are also limited and bound by Council policies and procedures.

Section 11 of the Act specifies a number of powers, duties and functions that must be specified through Instruments of Delegation, along with a number of exclusions to what can be delegated to the CEO:

(1) A Council may by instrument of delegation delegate to—

(a) the members of a delegated committee; or

(b) the Chief Executive Officer— any power, duty or function of a Council under this Act or any other Act other than a power, duty or function specified in subsection (2).

(2) The following are specified for the purposes of subsection (1)—

(a) the power of delegation;

(b) the power to elect a Mayor or Deputy Mayor;

(c) the power to grant a reasonable request for leave under section 35;

(d) subject to subsection (3), the power to appoint the Chief Executive Officer, whether on a permanent or acting basis;

(e) the power to make any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;

(f) the power to approve or amend the Council Plan;

(g) the power to adopt or amend any policy that the Council is required to adopt under this Act;

(h) the power to adopt or amend the Governance Rules;

(i) the power to appoint the chair or the members to a delegated committee;

(j) the power to make, amend or revoke a local law;

(k) the power to approve the budget or revised budget;

(l) the power to borrow money;

(m) subject to section 181H(1)(b) of the Local Government Act 1989, the power to declare general rates, municipal charges, service rates and charges and special rates and charges;

(n) any power, duty or function prescribed by the regulations for the purposes of this subsection.

(3) A Council may delegate to the Chief Executive Officer the power to appoint an Acting Chief Executive Officer for a period not exceeding 28 days.

(4) A delegation may be made subject to any conditions or limitations specified in the instrument of delegation.

(5) A delegation that includes the power to enter into a contract or make any expenditure must specify a maximum monetary limit that cannot be exceeded.

(6) A member of a delegated committee to whom a delegation is given under subsection (1)(a) can only exercise the delegation while acting as a member of the delegated committee at a meeting of the delegated committee.

(7) A Council must review, within the period of 12 months after a general election, all delegations which have been made under this section and are still in force.

(8) A Council must keep a public register of delegations made under this section

The current Instrument of Delegation to the Chief Executive Officer and Instrument of Delegation to Members of Council Staff were executed on 20 April 2022.

Council subscribes to the Maddocks Authorisations and Delegations Service, which provides advice regarding legislative amendments and template instruments which are then tailored to organisational requirements. Maddocks have informed Council about the legislative changes that affect the powers, duties and functions of Council.

The following table provides an overview of Council's Instruments of Delegation, what powers are delegated, and what approval is required:

Delegation from Council

Require resolution of Council

Schedule 5 – Delegation from Council to the CEO under the *Local Government Act 2020*

Includes delegations required and excluded under the Local Government Act 2020

Schedule 6 – Delegation from Council to Council Staff under various Acts

Powers are delegated direct to officers under the following Acts:

- *Cemeteries and Crematoria Act 2003*
- *Domestic Animals Act 1994*
- *Food Act 1984*
- *Heritage Act 2017*
- *Local Government Act 1989*
- *Planning and Environment Act 1987*
- *Residential Tenancies Act 1997*
- *Road Management Act 2004*
- *Cemeteries and Crematoria Regulations 2015*
- *Planning and Environment Regulations 2015*
- *Planning and Environment (Fees) Regulations 2016*

- *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020*
- *Road Management (General) Regulations 2016*
- *Road Management (Works and Infrastructure) Regulations 2015*

Schedule 18 - New Instrument of Delegation Environment Protection Authority powers from Council to members of Council staff

Allows authorised officer to exercise powers held by the Environment Protection Authority under the Environment Protection Act 2017, specifically relating to:

- *onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and*
- *noise from the construction, demolition or removal of residential premises.*

Delegation from the CEO

To be determined by the CEO

Schedule 7 – Sub-delegation from the CEO to Council Staff under various Acts Powers, as delegated to the CEO by Council or under various Acts, are sub-delegated to Council Staff under various Acts and through administrative powers.

Schedule 13 – delegation directly from the CEO to Council Staff under various Acts

Schedule 14 – delegation from the CEO to Council Staff related to VicSmart applications

Schedule 16 – delegation from the CEO to Council Staff related to bushfire reconstruction

KEY ISSUES

Instrument of Delegation to Chief Executive Officer (S5) – to be adopted by Council

There are expenditure changes for this instrument, s 11(5) of the *Local Government Act 2020* states that a delegation that includes the power to make any expenditure must specify a maximum monetary limit that cannot be exceeded. The Instrument is based upon the Maddocks template, and continues the delegations approved in September 2022.

Instrument of Delegation to Members of Staff (S6) – to be adopted by Council

The revised Instrument of Delegation to Members of Council staff is based upon the previous Instrument considered by Council in April 2022. This revision has also been updated to include recent position changes across the organisation.

The Instrument has been revised to take into account recent legislative changes and to provide further clarity on officer powers.

Amendments to the delegated powers, duties and functions in the revised Instrument of Delegation to Members of Council Staff are largely administrative in nature and will not result in any significant changes to current practices.

The revised instrument, including tracked changes is attached. In summary, the legislative changes to the revised Instrument of Delegation are:

The following changes have been made to the S6:

- Minor amendments to the *Cemeteries and Crematoria Act 2003*;
- Minor amendments to the *Planning and Environment Act 1987* following the passing of the *Planning and Environment Amendment Regulations 2022*.

Instruments of Delegation to be authorised by the CEO

The following instruments will be authorised by the CEO once Council has considered the Instrument of Delegation to the CEO.

Section 47 of the 2020 Act provides the CEO the power to sub-delegate any powers, duties or functions that has been delegated to them to members of Council staff. These powers, duties or functions may be delegated to a named person or to the holder of a specified position.

Instrument of Sub-Delegation by CEO (S7)

The revised Instrument of Delegation to Members of Council staff is based upon the previous Instrument considered by Council in September 2022. This revision has also been updated to include recent position changes across the organisation and recent legislative changes and to provide further clarity on officer powers.

The revised instrument, including tracked changes is attached. In summary, the legislative changes to the revised Instrument of Delegation are:

- Amendments and additions to the *Child Wellbeing and Safety Act 2005* and *Education and Training Reform Act 2006*
- Amendments to the *Valuation of Land Act 1960* by the *Windfall Gains Tax and State Taxation and Other Acts Further Amendment Act 2022*
- Minor amendments to the provisions relating to the *Environment Protection Act 2017* (EPA 2017) in light of the *Environment Legislation Amendment Act*,
- The repeal of the *The Sex Work Act 1994* that the Act on 1 December 2023

- Minor amendments to the *Local Government Act 1989*, amended by the *Local Government Legislation Amendment (Rating and Other Matters) Act 2022*. These changes relate to service rates and charges and will commence in June 2023
- Section 45 of the *Transfer of Land Act 1958* (TLA) has now been amended to clarify that it only applies where Council is the landowner, and otherwise S73B applies.
- Additional provisions in relation to internal administrative processes for the *Emergency Management Act 2013* and *Domestic Animals Act 1994*.

Instrument of Delegation by CEO of CEO powers, duties and functions to Members of Council Staff (S13)

This instrument allows the CEO to delegate powers, duties and functions existing under all Victorian legislation. This differs to the Instrument of Sub-Delegation by CEO (S7) in that it does not relate to *Council* powers, duties and functions, but those vested in the CEO personally.

Amendments have been made to this instrument in line with staffing changes.

POLICY AND STATUTORY 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

Amendments to the delegated powers, duties, and functions in the revised Instrument of Delegation to Members of Council Staff are administrative in nature and will not result in any significant changes to current practices.

It is noted that the instruments provide that a power, duty, or function may only be exercised in accordance with adopted policies of Council.

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

Reviewing Council's delegations ensures Council continues to comply with its obligations under various Acts and Regulations and enables the business of Council to be carried out efficiently.

If the Council did not delegate duties, powers, and functions to members of Council staff and enable the CEO to do the same, Council would not be able to manage the volume of work and decisions that are effectively carried out by officers every day.

Appropriate conferring of powers to positions within Council also enables decisions that are made on a day-to-day basis to be compliant and reduce the opportunity to be challenged from an authorising environment perspective.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The revised Instruments of Delegation have been prepared based on current advice provided by Council's solicitor Maddocks.

Consultation has occurred with Managers, Coordinators, and relevant staff during the preparation of the revised Instruments of Delegation to ensure that appropriate staff delegates have been nominated.

Appropriate communications with the Leadership Group will occur to ensure all staff are made aware of the changes to the Instruments if adopted by Council.

S5 Instrument of Delegation to Chief Executive Officer

Hepburn Shire Council

Instrument of Delegation

to

The Chief Executive Officer

Instrument of Delegation

In exercise of the power conferred by s 11(1) of the *Local Government Act 2020 (the Act)* and all other powers enabling it, the Hepburn Shire Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on <date>
2. the delegation
 - 2.1 comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until Council resolves to vary or revoke it.

Signed by the Chief Executive Officer of Council
in the presence of:

)
) Mr Bradley Thomas

.....
Witness

Date: <date>

Signed by the Mayor in the presence of:

)
) Mayor Cr Brian Hood

.....
Witness

Date: <date>

SCHEDULE

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

1. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 1.1 entering into a contract or making an expenditure exceeding the value of \$330,000, including GST, with approved budget;
 - 1.2 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
 - 1.3 electing a Mayor or Deputy Mayor
 - 1.4 granting a reasonable request for leave under s35 of the Act;
 - 1.5 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
 - 1.6 approving or amending to the Council Plan;
 - 1.7 adopting or amending of any policy that Council is required to adopt under the Act;
 - 1.8 adopting or amending of the Governance Rules
 - 1.9 appointing the chair or the members to a delegated committee;
 - 1.10 making, amending or revoking a local law;
 - 1.11 approving the budget or revised budget;
 - 1.12 approving the borrowing of money;
 - 1.13 subject to section 181H(1)(b) of the Local Government Act 1989, declaring general rates, municipal charges, service rates and charges and specified rates and charges
2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
3. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

4. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 4.1 policy; or
 - 4.2 strategy
adopted by Council
5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
6. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

S6 Instrument of Delegation – Members of Staff

Hepburn Shire Council

Instrument of Delegation

to

Members of Council Staff

January 2023

Instrument of Delegation

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. record that references in the Schedule are as follows:

| | |
|----------------------|--|
| Not Delegated | means not delegated below Chief Executive Officer |
| CEO | means Chief Executive Officer (Including Interim or Acting) |
| DOAS | means Director Organisational Services |
| DCAD | means Director Community and Development |
| DIAD | means Director Infrastructure and Delivery |
| All D | means All Directors |
| All M | means All Managers |
| All S | means All Supervisors with reports |
| All | means All Staff |
| ACC | means Accountant |
| AFPO | means Assistant Fire Prevention Officer |
| AMS | means Asset Management Specialist |
| ASBS | means Assistant Building Surveyor |
| BAS | means Building Administrator Support |
| BCSA | means Building and Community Safety Administration |
| BUI | means Building Inspector |
| CCC | means Coordinator Community Care |
| CCE | means Coordinator Customer Experience |
| CCP | means Coordinator Community Partnerships |
| CED | means Coordinator Economic Development and Visitor Economy |
| CENG | means Coordinator Engineering |
| CEYHC | means Coordinator Early Years and Healthy Communities |

| | |
|-------------|---|
| CF | means Coordinator Facilities |
| CFS | means Coordinator Financial Services |
| CFP | means Coordinator Finance and Procurement |
| CGE | means Coordinator Governance |
| CHCS | means Coordinator Health and Community Safety |
| CIMO | means Senior Information Management Officer |
| CO | means Communications Officer |
| CSAP | means Coordinator Statutory Planning |
| CSR | means Coordinator Strategic Planning |
| CPAC | means Coordinator People and Culture |
| CPOS | means Coordinator Parks and Open Space |
| CSAR | means Coordinator Sport and Active Recreation |
| CWHS | means Coordinator Work Health and Safety |
| CSDE | means Civil and Survey Design Engineer |
| CSO | means Customer Service Officer |
| CSTL | means Customer Service Team Leader |
| CSY | means Community Safety Officer |
| CW | means Coordinator Waste |
| CWK | means Coordinator Works |
| DSEO | means Development Services Enforcement Officer |
| EHO | means Environment Health Officer |
| EHTO | means Environment Health Technical Officer |
| EMMO | means Emergency Management Officer |
| ENGO | means Engineering Officer |
| GAD | means Governance Advisor |
| GPDO | means Grants and Projects Development Officer |
| HO | means Heritage Officer |
| IFO | means Information Officers |
| MBS | means Municipal Building Surveyor |

| | |
|--------------|---|
| MCL | means Manager Community Life |
| MCP | means Manager Culture and Performance |
| MEDR | means Manager Economic Development and Recreation |
| MEEM | means Manager Emergency Management |
| MEMO | means Municipal Emergency Management Officer |
| MFPO | means Municipal Fire Prevention Officer |
| MFS | means Manager Financial Services |
| MGR | means Manager Governance and Risk |
| MICT | means Manager ICT |
| MOPS | means Manager Operations |
| MPS | means Manager Projects |
| MRM | means Municipal Recovery Manager |
| MSTRP | means Manager Strategic Planning |
| MSPB | means Manager Strategic Planning and Building |
| MTL | means Maintenance Team Leaders |
| MWFC | means Manager Waste, Facilities and Community Safety |
| PAO | means Planning Administration Officer |
| PRS | means Procurement Specialist |
| PSP | means Principal Strategic Planner |
| RO | means Revenue Officer |
| SCSR | means Senior Coordinator Storm Recovery |
| SAP | means Statutory Planner |
| SARDO | means Sport and Active Recreation Development Officer |
| SARO | means Sport and Active Recreation Officer |
| SRO | means Senior Rates Officer |
| SRP | means Strategic Planner |
| SSF | means Safety Systems Facilitator |
| SUO | means Subdivision Officer |
| TLCC | means Team Leader Community Care |

- 3. declares that:
 - 3.1 this Instrument of Delegation is authorised by “**a resolution**” or “**resolutions**” of Council passed on <date> and
 - 3.2 the delegation:
 - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 3.2.2 remains in force until varied or revoked;
 - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
 - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 3.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
 - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategyadopted by Council
 - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
 - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

Signed by:

.....
Mayor Cr Brian Hood

.....
Chief Executive Officer Bradley Thomas

SCHEDULE

INDEX

| | |
|--|------------|
| CEMETERIES AND CREMATORIA ACT 2003 | 1 |
| DOMESTIC ANIMALS ACT 1994 | 16 |
| FOOD ACT 1984 | 17 |
| HERITAGE ACT 2017 | 25 |
| LOCAL GOVERNMENT ACT 1989 | 26 |
| PLANNING AND ENVIRONMENT ACT 1987 | 27 |
| RESIDENTIAL TENANCIES ACT 1997 | 77 |
| ROAD MANAGEMENT ACT 2004 | 78 |
| CEMETERIES AND CREMATORIA REGULATIONS 2015 | 90 |
| PLANNING AND ENVIRONMENT REGULATIONS 2015 | 95 |
| PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016 | 96 |
| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 | 97 |
| ROAD MANAGEMENT (GENERAL) REGULATIONS 2016 | 101 |
| ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015 | 103 |

| CEMETERIES AND CREMATORIA ACT 2003 | | | |
|---|---|-----------------|---|
| The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 8(1)(a)(ii) | Power to manage one or more public cemeteries | All D | |
| s 12(1) | Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act | All D | Where Council is a Class B cemetery trust |
| s 12(2) | Duty to have regard to the matters set out in paragraphs (a) – (c) in exercising its functions | All D | Where Council is a Class B cemetery trust |
| s 12A(1) | Function to do the activities set out in paragraphs (a) – (n) | Not applicable | Where Council is a Class A cemetery trust |
| s 12A(2) | Duty to have regard to matters set out in paragraphs (a) – (e) in exercising its functions | Not applicable | Where Council is a Class A cemetery trust |
| s 13 | Duty to do anything necessary or convenient to enable it to carry out its functions | All D | |
| s 14 | Power to manage multiple public cemeteries as if they are one cemetery | All D | |
| s 15(4) | Duty to keep records of delegations | All D, MGR | |
| s 17(1) | Power to employ any persons necessary | Not delegated | |
| s 17(2) | Power to engage any professional, technical or other assistance considered necessary | All D, MGR | |

| CEMETERIES AND CREMATORIA ACT 2003 | | | |
|---|--|-----------------|--|
| The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 17(3) | Power to determine the terms and conditions of employment or engagement | All D, MCP | Subject to any guidelines or directions of the Secretary |
| s 18(3) | Duty to comply with a direction from the Secretary | All D, MGR | |
| s 18B(1) & (2) | Duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time | Not applicable | Where Council is a Class A cemetery trust |
| s 18C | Power to determine the membership of the governance committee | Not applicable | Where Council is a Class A cemetery trust |
| s 18D | Power to determine procedure of governance committee | Not applicable | Where Council is a Class A cemetery trust |
| s 18D(1)(a) | Duty to appoint community advisory committee for the purpose of liaising with communities | Not applicable | Where Council is a Class A cemetery trust |
| s 18D(1)(b) | Power to appoint any additional community advisory committees | Not applicable | Where Council is a Class A cemetery trust |
| s 18D(2) | Duty to establish a community advisory committee under s 18D(1)(a) within 12 months of becoming a Class A cemetery trust. | Not applicable | Where Council is a Class A cemetery trust |
| s 18D(3) | Duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the <i>Financial Management Act 1994</i> | Not applicable | Where Council is a Class A cemetery trust |

| CEMETERIES AND CREMATORIA ACT 2003 | | | |
|---|--|-----------------|---|
| The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 18F(2) | Duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee | Not applicable | Where Council is a Class A cemetery trust |
| s 18H(1) | Duty to hold an annual meeting before 30 December in each calendar year | Not applicable | Where Council is a Class A cemetery trust |
| s 18I | Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting | Not applicable | Where Council is a Class A cemetery trust |
| s 18J | Duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in s 18J(2)) | Not applicable | Where Council is a Class A cemetery trust |
| s 18L(1) | Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust | Not applicable | Where Council is a Class A cemetery trust |
| s 18N(1) | Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d) | Not applicable | Where Council is a Class A cemetery trust |
| s 18N(3) | Duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval | Not applicable | Where Council is a Class A cemetery trust |
| s 18N(5) | Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months | Not applicable | Where Council is a Class A cemetery trust |

| CEMETERIES AND CREMATORIA ACT 2003 The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
|--|--|----------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 18N(7) | Duty to ensure that an approved annual plan is available to members of the public on request | Not applicable | Where Council is a Class A cemetery trust |
| s 18O(1) | Duty to prepare a strategic plan and submit the plan to the Secretary for approval | Not applicable | Where Council is a Class A cemetery trust |
| s 18O(4) | Duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan | Not applicable | Where Council is a Class A cemetery trust |
| s 18O(5) | Duty to ensure that an approved strategic plan is available to members of the public on request | Not applicable | Where Council is a Class A cemetery trust |
| s 18Q(1) | Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year | Not applicable | Where Council is a Class A cemetery trust |
| s 19 | Power to carry out or permit the carrying out of works | All D, MGR | |
| s 20(1) | Duty to set aside areas for the interment of human remains | All D | |
| s 20(2) | Power to set aside areas for the purposes of managing a public cemetery | All D | |
| s 20(3) | Power to set aside areas for those things in paragraphs (a) – (e) | All D | |
| s 24(2) | Power to apply to the Secretary for approval to alter the existing distribution of land | All D | |

| CEMETERIES AND CREMATORIA ACT 2003 The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
|--|--|----------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 36 | Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36 | Not delegated | Subject to the approval of the Minister |
| s 37 | Power to grant leases over land in a public cemetery in accordance with s 37 | Not delegated | Subject to the Minister approving the purpose |
| s 40 | Duty to notify Secretary of fees and charges fixed under s 39 | All D, MGR | |
| ds 47 | Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery | Not applicable | Provided the street was constructed pursuant to the <i>Local Government Act 2020</i> |
| s 52 | Duty to submit a report to the Secretary in relation to any public cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery | All D, MGR | |
| s 57(1) | Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act | All D, MGR | Report must contain the particulars listed in s 57(2) |
| s 59 | Duty to keep records for each public cemetery | All D, MGR | |
| s 60(1) | Duty to make information in records available to the public for historical or research purposes | All D, MGR | |
| s 60(2) | Power to charge fees for providing information | All D, MGR | |
| s 64(4) | Duty to comply with a direction from the Secretary under s 64(3) | All D | |

| CEMETERIES AND CREMATORIA ACT 2003 | | | |
|---|---|-----------------|--|
| The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 64B(d) | Power to permit interments at a reopened cemetery | All D | |
| Fs 66(1) | Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park | Not delegated | The application must include the requirements listed in s 66(2)(a)–(d) |
| s 69 | Duty to take reasonable steps to notify of conversion to historic cemetery park | All D | |
| s 70(1) | Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed | All D | |
| s 70(2) | Duty to make plans of existing place of interment available to the public | All D | |
| s 71(1) | Power to remove any memorials or other structures in an area to which an approval to convert applies | All D | |
| s 71(2) | Power to dispose of any memorial or other structure removed | All D | |
| s 72(2) | Duty to comply with request received under s 72 | All D | |
| s 73(1) | Power to grant a right of interment | All D, MGR | |
| s 73(2) | Power to impose conditions on the right of interment | All D, MGR | |
| s 74(3) | Duty to offer a perpetual right of interment | All D | |

| CEMETERIES AND CREMATORIA ACT 2003 | | | |
|---|--|-----------------|-------------------------------------|
| The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 75 | Power to grant the rights of interment set out in s 75(a) and (b) | All D, MGR | |
| s 76(3) | Duty to allocate a piece of interment if an unallocated right is granted | All D | |
| s 77(4) | Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application | Not delegated | |
| s 80(1) | Function of receiving notification and payment of transfer of right of interment | All D, MGR | |
| s 80(2) | Function of recording transfer of right of interment | All D, MGR | |
| s 82(2) | Duty to pay refund on the surrender of an unexercised right of interment | All D, MGR | |
| s 83(2) | Duty to pay refund on the surrender of an unexercised right of interment | All D, MGR | |
| s 83(3) | Power to remove any memorial and grant another right of interment for a surrendered right of interment | All D, MGR | |
| s 84(1) | Function of receiving notice of surrendering an entitlement to a right of interment | All D, MGR | |

| CEMETERIES AND CREMATORIA ACT 2003 | | | |
|---|--|-----------------|---|
| The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 84F(2)(d) | Function of receiving notice of decision to vary or force the surrender of a right of interment under s 84C(2), (3) or (5) | All D, MGR | |
| s 84H(4) | Power to exercise the rights of a holder of a right of interment | All D, MGR | |
| s 84I(4) | Power to exercise the rights of a holder of a right of interment | All D, MGR | |
| s 84I(5) | Duty to pay refund to the previous holder or holders of the right of interment | All D, MGR | |
| s 84I(6)(a) | Power to remove any memorial on the place of interment | All D, MGR | |
| s 84I(6)(b) | Power to grant right of interment under s 73 | All D, MGR | |
| s 85(1) | Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry | All D, MGR | The notice must be in writing and contain the requirements listed in s 85(2) |
| s 85(2)(b) | Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry | All D, MGR | Does not apply where right of interment relates to remains of a deceased veteran. |

| CEMETERIES AND CREMATORIA ACT 2003 The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
|--|--|---------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| 85(2)(c) | Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; Remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location | Not delegated | May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment |
| s 86 | Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified | Not delegated | |
| s 86(2) | Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment | Not delegated | |
| s 86(3)(a) | Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment | Not delegated | |
| s 86(3)(b) | Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b) | Not delegated | |
| s 86(4) | Power to take action under s 86(4) relating to removing and re-interring cremated human remains | Not delegated | |

| CEMETERIES AND CREMATORIA ACT 2003 The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
|--|---|------------|--------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 86(5) | Duty to provide notification before taking action under s 86(4) | All D | |
| s 86A | Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3) | All D | |
| s 87(3) | Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment | All D | |
| s 88 | Function to receive applications to carry out a lift and re-position procedure at a place of interment | All D | |
| s 91(1) | Power to cancel a right of interment in accordance with s 91 | All D | |
| s 91(3) | Duty to publish notice of intention to cancel right of interment | All D | |
| s 92 | Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment | All D | |
| s 98(1) | Function of receiving application to establish or alter a memorial or a place of interment | All D, MGR | |
| s 99 | Power to approve or refuse an application made under s 98, or to cancel an approval | All D | |

| CEMETERIES AND CREMATORIA ACT 2003 | | | |
|---|---|-----------------|-------------------------------------|
| The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 99(4) | Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested | All D | |
| s 100(1) | Power to require a person to remove memorials or places of interment | All D, MGR | |
| s 100(2) | Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1) | All D | |
| s 100(3) | Power to recover costs of taking action under s 100(2) | All D | |
| s 101 | Function of receiving applications to establish or alter a building for ceremonies in the cemetery | All D | |
| s 102(1) | Power to approve or refuse an application under s 101, if satisfied of the matters in (b) and (c) | Not delegated | |
| s 102(2) & (3) | Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1) | Not delegated | |
| s 103(1) | Power to require a person to remove a building for ceremonies | Not delegated | |
| s 103(2) | Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1) | All D | |
| s 103(3) | Power to recover costs of taking action under s 103(2) | All D | |

| CEMETERIES AND CREMATORIA ACT 2003 The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
|--|--|------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 106(1) | Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs | All D, MGR | |
| s 106(2) | Power to require the holder of the right of interment to provide for an examination | All D, MGR | |
| s 106(3) | Power to open and examine the place of interment if s 106(2) not complied with | All D, MGR | |
| s 106(4) | Power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with | All D, MGR | |
| s 107(1) | Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs | All D, MGR | |
| s 107(2) | Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with | All D, MGR | |
| s 108 | Power to recover costs and expenses | All D, MGR | |
| s 109(1)(a) | Power to open, examine and repair a place of interment | All D, MGR | Where the holder of right of interment or responsible person cannot be found |
| s 109(1)(b) | Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial | All D, MGR | Where the holder of right of interment or responsible person cannot be found |

| CEMETERIES AND CREMATORIA ACT 2003 | | | |
|---|--|-----------------|--|
| The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 109(2) | Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies | All D, MGR | Where the holder of right of interment or responsible person cannot be found |
| s 110(1) | Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder with consent of the Secretary | All D, MGR | |
| s 110(1A) | Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary | All D, MGR | |
| s 110(2) | Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary | All D, MGR | |
| s 110A | Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran | All D, MGR | |
| s 111 | Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment | All D, MGR | |
| s 112 | Power to sell and supply memorials | Not delegated | |
| s 116(4) | Duty to notify the Secretary of an interment authorisation granted | All D, MGR | |

| CEMETERIES AND CREMATORIA ACT 2003 The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
|--|---|----------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 116(5) | Power to require an applicant to produce evidence of the right of interment holder's consent to application | All D, MGR | |
| s 118 | Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met | All D, MGR | |
| s 119 | Power to set terms and conditions for interment authorisations | All D, MGR | |
| s 131 | Function of receiving an application for cremation authorisation | Not applicable | |
| s 133(1) | Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with | Not applicable | Subject to s 133(2) |
| s 145 | Duty to comply with an order made by the Magistrates' Court or a coroner | All D, MGR | |
| s 146 | Power to dispose of bodily remains by a method other than interment or cremation | Not delegated | Subject to the approval of the Secretary |
| s 147 | Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation | Not delegated | |
| s 149 | Duty to cease using method of disposal if approval revoked by the Secretary | All D, MGR | |

| CEMETERIES AND CREMATORIA ACT 2003 The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
|--|--|----------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 150 & 152(1) | Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met | All D, MGR | |
| s 151 | Function of receiving applications to inter or cremate body parts | All D, MGR | |
| s 152(2) | Power to impose terms and conditions on authorisation granted under s 150 | All D, MGR | |
| sch 1 cl 8(3) | Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication | Not delegated | |
| sch 1 cl 8(8) | Power to regulate own proceedings | Not delegated | Subject to cl 8 |
| sch 1A cl 8(3) | Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication | Not applicable | Where Council is a Class A cemetery trust |
| sch 1A cl 8(8) | Power to regulate own proceedings | Not applicable | Where Council is a Class A cemetery trust Subject to cl 8 |

| DOMESTIC ANIMALS ACT 1994 | | | |
|----------------------------------|---|---|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS AND LIMITATIONS |
| s 41A(1) | Power to declare a dog to be a menacing dog | DCAD, MSTRP, MSPB, MWFC, CHCS, CEO, DOAS | Council may delegate this power to a Council authorised officer |

| FOOD ACT 1984 | | | |
|----------------------|---|----------------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 19(2)(a) | Power to direct by written order that the food premises be put into a clean and sanitary condition | CEO, DIAD, MWFC, CHCS, EHO | If s 19(1) applies |
| s 19(2)(b) | Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable | CEO, DIAD, MWFC, CHCS, EHO | If s 19(1) applies |
| s 19(3) | Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process | CEO, DIAD, MWFC, CHCS, EHO | If s 19(1) applies Only in relation to temporary food premises or mobile food premises |
| s 19(4)(a) | Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise | CEO, DIAD, MWFC, CHCS, EHO | If s 19(1) applies |
| s 19(6)(a) | Duty to revoke any order under s 19 if satisfied that an order has been complied with | CEO, DIAD, MWFC, CHCS, EHO | If s 19(1) applies |
| s 19(6)(b) | Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with | CEO, DIAD, MWFC, CHCS, EHO | If s 19(1) applies |
| s 19AA(2) | Power to direct, by written order, that a person must take any of the actions described in (a)-(c). | CEO, DIAD, MWFC, CHCS, EHO | Where Council is the registration authority |

| FOOD ACT 1984 | | | |
|----------------------|--|----------------------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 19AA(4)(c) | Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises | CEO, DIAD, MWFC, CHCS, EHO | Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution |
| s 19AA(7) | Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with | CEO, DIAD, MWFC, CHCS, EHO | Where Council is the registration authority |
| s 19CB(4)(b) | Power to request copy of records | CEO, DIAD, MWFC, CHCS, EHO | Where Council is the registration authority |
| s 19E(1)(d) | Power to request a copy of the food safety program | CEO, DIAD, MWFC, CHCS, EHO, EHTO | Where Council is the registration authority |
| s 19EA(3) | Function of receiving copy of revised food safety program | CEO, DIAD, MWFC, CHCS, EHO, EHTO | Where Council is the registration authority |
| s 19GB | Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor | CEO, DIAD, MWFC, CHCS, EHO, EHTO | Where Council is the registration authority |
| s19IA(1) | Power to form opinion that the food safety requirements or program are non-compliant. | CEO, DIAD, MWFC, CHCS, EHO, EHTO | Where Council is the registration authority |
| s 19IA(2) | Duty to give written notice to the proprietor of the premises | CEO, DIAD, MWFC, CHCS, EHO, EHTO | Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3)) |

| FOOD ACT 1984 | | | |
|----------------------|--|----------------------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 19M(4)(a) & (5) | Power to conduct a food safety audit and take actions where deficiencies are identified | CEO, DIAD, MWFC, CHCS, EHO, EHTO | Where Council is the registration authority |
| s 19N(2) | Function of receiving notice from the auditor | CEO, DIAD, MWFC, CHCS, EHO, EHTO | Where Council is the registration authority |
| s 19NA(1) | Power to request food safety audit reports | CEO, DIAD, MWFC, CHCS, EHO, EHTO | Where Council is the registration authority |
| s 19U(3) | Power to waive and vary the costs of a food safety audit if there are special circumstances | CEO, DIAD, MWFC, CHCS, EHO | |
| s 19UA | Power to charge fees for conducting a food safety assessment or inspection | CEO, DIAD, MWFC, CHCS, EHO | Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39 |
| s 19W | Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB | CEO, DIAD, MWFC, CHCS, EHO, EHTO | Where Council is the registration authority |
| s 19W(3)(a) | Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction | CEO, DIAD, MWFC, CHCS, EHO, EHTO | Where Council is the registration authority |
| s 19W(3)(b) | Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises | CEO, DIAD, MWFC, CHCS, EHO, EHTO | Where Council is the registration authority |

| FOOD ACT 1984 | | | |
|----------------------|--|--|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| --- | Power to register or renew the registration of a food premises | CEO, DIAD, MWFC, CHCS, EHO | Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2)) |
| s 36A | Power to accept an application for registration or notification using online portal | CEO, DIAD, MWFC, CHCS, EHO | Where Council is the registration authority |
| s 36B | Duty to pay the charge for use of online portal | CEO, DIAD, MWFC, CHCS, EHO | Where Council is the registration authority |
| s 38AA(5) | Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt | CEO, DIAD, MWFC, CHCS, EHO, EHTO | Where Council is the registration authority |
| s 38AB(4) | Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1) | CEO, DIAD, MWFC, CHCS, EHO, EHTO | Where Council is the registration authority |
| s 38A(4) | Power to request a copy of a completed food safety program template | CEO, DIAD, MWFC, CHCS, EHO, EHTO | Where Council is the registration authority |
| s 38B(1)(a) | Duty to assess the application and determine which class of food premises under s 19C the food premises belongs | CEO, DIAD, MWFC, CHCS, EHO, EHTO | Where Council is the registration authority |

| FOOD ACT 1984 | | | |
|----------------------|--|----------------------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 38B(1)(b) | Duty to ensure proprietor has complied with requirements of s 38A | CEO, DIAD, MWFC, CHCS, EHO, EHTO | Where Council is the registration authority |
| s 38B(2) | Duty to be satisfied of the matters in s 38B(2)(a)-(b) | CEO, DIAD, MWFC, CHCS, EHO, EHTO | Where Council is the registration authority |
| s 38D(1) | Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39 | CEO, DIAD, MWFC, CHCS, EHO, EHTO | Where Council is the registration authority |
| s 38D(2) | Duty to be satisfied of the matters in s 38D(2)(a)-(d) | CEO, DIAD, MWFC, CHCS, EHO, EHTO | Where Council is the registration authority |
| s 38D(3) | Power to request copies of any audit reports | CEO, DIAD, MWFC, CHCS, EHO, EHTO | Where Council is the registration authority |
| s 38E(2) | Power to register the food premises on a conditional basis | CEO, DIAD, MWFC, CHCS, EHO | Where Council is the registration authority; not exceeding the prescribed time limit defined under s 38E(5) |
| s 38E(4) | Duty to register the food premises when conditions are satisfied | CEO, DIAD, MWFC, CHCS, EHO | Where Council is the registration authority |

| FOOD ACT 1984 | | | |
|----------------------|---|----------------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 38F(3)(b) | Power to require proprietor to comply with requirements of this Act | CEO, DIAD, MWFC, CHCS, EHO | Where Council is the registration authority |
| s 38G | Power to require the proprietor of the food premises to comply with any requirement of the Act | CEO, DIAD, MWFC, CHCS, EHO | Where Council is the registration authority |
| s 38G(1) | Power to require notification of change of the food safety program type used for the food premises | CEO, DIAD, MWFC, CHCS, EHO | Where Council is the registration authority |
| s 38G(2) | Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises | CEO, DIAD, MWFC, CHCS, EHO | Where Council is the registration authority |
| | | | |
| s 39(2) | Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed | CEO, DIAD, MWFC, CHCS, EHO | Where Council is the registration authority |
| s 39A | Power to register or renew the registration of a food premises despite minor defects | CEO, DIAD, MWFC, CHCS, EHO | Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c) |
| s 40(1) | Duty to give the person in whose name the premises is to be registered a certificate of registration | CEO, DIAD, MWFC, CHCS, EHO | Where Council is the registration authority |

| FOOD ACT 1984 | | | |
|----------------------|---|----------------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 40(2) | Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i> | CEO, DIAD, MWFC, CHCS, EHO | |
| s 40C(2) | Power to grant or renew the registration of food premises for a period of less than 1 year | CEO, DIAD, MWFC, CHCS, EHO | Where Council is the registration authority |
| s 40D(1) | Power to suspend or revoke the registration of food premises | CEO, DIAD, MWFC, CHCS, EHO | Where Council is the registration authority |
| s 40E | Duty to comply with direction of the Secretary | CEO, DIAD, MWFC, CHCS, EHO | |
| s 40F | Power to cancel registration of food premises | CEO, DIAD, MWFC, CHCS, EHO | Where Council is the registration authority |
| s 43 | Duty to maintain records of registration | CEO, DIAD, MWFC, CHCS, EHO | Where Council is the registration authority |
| s 43F(6) | Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, or renewing registration of a component of a food business | CEO, DIAD, MWFC, CHCS, EHO | Where Council is the registration authority |

| FOOD ACT 1984 | | | |
|----------------------|---|----------------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 43F(7) | Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements | CEO, DIAD, MWFC, CHCS, EHO | Where Council is the registration authority |
| s 45AC | Power to bring proceedings | CEO, DIAD, MWFC, CHCS, EHO | |
| s 46(5) | Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged | CEO, DIAD, MWFC, CHCS, EHO | Where Council is the registration authority |

| HERITAGE ACT 2017 | | | |
|--------------------------|--|------------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 116 | Power to sub-delegate Executive Director's functions, duties or powers | CEO, DCAD, MSTRP, MSPB | Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation |

| LOCAL GOVERNMENT ACT 1989 | | | |
|----------------------------------|---|------------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 185L(4) | Power to declare and levy a cladding rectification charge | CEO¹ | |

¹ The only member of staff who can be a delegate in Column 3 is the CEO.

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|--|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 4B | Power to prepare an amendment to the Victorian Planning Provisions | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | If authorised by the Minister |
| s 4G | Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 4H | Duty to make amendment to Victorian Planning Provisions available in accordance with public availability requirements | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 4I(2) | Duty to make a copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 8A(2) | Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 8A(3) | Power to apply to Minister to prepare an amendment to the planning scheme | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|--|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 8A(5) | Function of receiving notice of the Minister's decision | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, P, SRP, PSP, SAP | |
| s 8A(7) | Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, P, SRP, PSP, SAP | |
| s 8B(2) | Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, P, SRP, PSP, SAP | |
| s 12(3) | Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, P, SRP, PSP, SAP | |
| s 12B(1) | Duty to review planning scheme | CEO, DCAD, MSTRP, MSPB, SRP, PSP | |
| s 12B(2) | Duty to review planning scheme at direction of Minister | CEO, DCAD, MSTRP, MSPB. SRP, PSP | |
| s 12B(5) | Duty to report findings of review of planning scheme to Minister without delay | CEO, DCAD, MSTRP, MSPB. SRP, PSP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|--|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 14 | Duties of a Responsible Authority as set out in s 14(a) to (d) | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, P, SRP, PSP, SAP | |
| s 17(1) | Duty of giving copy amendment to the planning scheme | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, P, SRP, PSP, SAP, PAO | |
| s 17(2) | Duty of giving copy s 173 agreement | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, P, SRP, PSP, SAP, PAO | |
| s 17(3) | Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, P, SRP, PSP, SAP, PAO | |
| s 18 | Duty to make amendment etc. available in accordance with public availability requirements | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, P, SRP, PSP, SAP, PAO | Until the proposed amendment is approved or lapsed |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|--|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 19 | Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme | CEO, DCAD, MSTRP, MSPB, SRP, PSP, CSAP, CSRP | |
| s 19 | Function of receiving notice of preparation of an amendment to a planning scheme | CEO, DCAD, MSTRP, MSPB, SRP, PSP, CSAP, CSRP | Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority |
| s 20(1) | Power to apply to Minister for exemption from the requirements of s 19 | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP, SRP, PSP, | Where Council is a planning authority |
| s 21(2) | Duty to make submissions available in accordance with public availability requirements | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP, SRP, PSP, SAP, PAO | Until the end of 2 months after the amendment comes into operation or lapses |
| s 21A(4) | Duty to publish notice | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP, SRP, PSP, SAP, PAO | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|---|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 22(1) | Duty to consider all submissions received before the date specified in the notice | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | Except submissions which request a change to the items in s 22(5)(a) and (b) |
| s 22(2) | Power to consider a late submission Duty to consider a late submission, if directed by the Minister | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 23(1)(b) | Duty to refer submissions which request a change to the amendment to a panel | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 23(2) | Power to refer to a panel submissions which do not require a change to the amendment | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 24 | Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D) | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 26(1) | Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP, PAO | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|---|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 26(2) | Duty to keep report of panel available for inspection in accordance with public availability requirements | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP, PAO | During the inspection period |
| s 27(2) | Power to apply for exemption if panel's report not received | CEO, DCAD, MSTRP, MSPB, SRP, PSP | |
| s 28(1) | Duty to notify the Minister if abandoning an amendment | CEO, DCAD, MSTRP, MSPB, SRP, PSP | Note: the power to make a decision to abandon an amendment cannot be delegated |
| s 28(2) | Duty to publish notice of the decision on Internet site | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 28(4) | Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 30(4)(a) | Duty to say if amendment has lapsed | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, | |
| s 30(4)(b) | Duty to provide information in writing upon request | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|---|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 32(2) | Duty to give more notice if required | CEO, DCAD, MSTRP, MSPB, CSAP, CSR SRP, PSP, | |
| s 33(1) | Duty to give more notice of changes to an amendment | CEO, DCAD, MSTRP, MSPB, CSAP, CSR SRP, PSP, | |
| s 36(2) | Duty to give notice of approval of amendment | CEO, DCAD, MSTRP, MSPB, CSAP, CSR SRP, PSP, | |
| s 38(5) | Duty to give notice of revocation of an amendment | CEO, DCAD, MSTRP, MSPB, CSAP, CSR SRP, PSP, | |
| s 39 | Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT | CEO, DCAD, MSTRP, MSPB, CSAP, CSR SRP, PSP, | |
| s 40(1) | Function of lodging copy of approved amendment | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 41(1) | Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|--|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| S 41(2) | Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 42(2) | Duty to make copy of planning scheme available in accordance with public availability requirements | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 46AAA | Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity | Not delegated | Where Council is a responsible public entity and is a planning authority Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils |
| s 46AW | Function of being consulted by the Minister | Not delegated | Where Council is a responsible public entity |
| s 46AX | Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy | Not delegated | Where Council is a responsible public entity |
| s 46AZC(2) | Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity | Not delegated | Where Council is a responsible public entity |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46AZK | Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area | Not delegated | Where Council is a responsible public entity |
| s 46GI(2)(b)(i) | Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction | Not delegated | Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency |
| s 46GJ(1) | Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans | Not delegated | |
| s 46GK | Duty to comply with a Minister's direction that applies to Council as the planning authority | Not delegated | |
| s 46GN(1) | Duty to arrange for estimates of values of inner public purpose land | Not delegated | |
| s 46GO(1) | Duty to give notice to owners of certain inner public purpose land | Not delegated | |
| s 46GP | Function of receiving a notice under s 46GO | Not delegated | Where Council is the collecting agency |
| s 46GQ | Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land | Not delegated | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|-----------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GR(1) | Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO | Not delegated | |
| s 46GR(2) | Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister | Not delegated | |
| s 46GS(1) | Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ | Not delegated | |
| s 46GS(2) | Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general | Not delegated | |
| s 46GT(2) | Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference | Not delegated | |
| s 46GT(4) | Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land | Not delegated | |
| s 46GT(6) | Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5) | Not delegated | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GU | Duty not to adopt an amendment under s 29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met | Not delegated | |
| s 46GV(3) | Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made | Not delegated | Where Council is the collecting agency |
| s 46GV(3)(b) | Power to enter into an agreement with the applicant | Not delegated | Where Council is the collecting agency |
| s 46GV(4)(a) | Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6) | Not delegated | Where Council is the development agency |
| s 46GV(4)(b) | Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6) | Not delegated | Where Council is the collecting agency |
| s 46GV(7) | Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area | Not delegated | |
| s 46GV(9) | Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction | Not delegated | Where Council is the collecting agency |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|-----------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GX(1) | Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable | Not delegated | Where Council is the collecting agency |
| s 46GX(2) | Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan | Not delegated | Where Council is the collecting agency |
| s 46GY(1) | Duty to keep proper and separate accounts and records | Not delegated | Where Council is the collecting agency |
| s 46GY(2) | Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i> | Not delegated | Where Council is the collecting agency |
| s 46GZ(2)(a) | Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs | Not delegated | Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority |
| s 46GZ(2)(a) | Function of receiving the monetary component | Not delegated | Where the Council is the planning authority This duty does not apply where Council is also the collecting agency |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|-----------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GZ(2)(b) | Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities | Not delegated | Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency |
| s 46GZ(2)(b) | Function of receiving the monetary component | Not delegated | Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency |
| s 46GZ(4) | Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5) | Not delegated | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZ(5) | Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency | Not delegated | Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|-----------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GZ(5) | Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land | Not delegated | Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency |
| s 46GZ(7) | Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW | Not delegated | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZ(9) | Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land | Not delegated | If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency |
| s 46GZ(9) | Function of receiving the fee simple in the land | Not delegated | Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|-----------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GZA(1) | Duty to keep proper and separate accounts and records | Not delegated | Where Council is a development agency under an approved infrastructure contributions plan |
| s 46GZA(2) | Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i> | Not delegated | Where Council is a development agency under an approved infrastructure contributions plan |
| s 46GZB(3) | Duty to follow the steps set out in s 46GZB(3)(a) – (c) | Not delegated | Where Council is a development agency under an approved infrastructure contributions plan |
| s 46GZB(4) | Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA | Not delegated | <p>If the VPA is the collecting agency under an approved infrastructure contributions plan</p> <p>Where Council is a development agency under an approved infrastructure contributions plan</p> |
| s 46GZD(2) | Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b) | Not delegated | Where Council is the development agency under an approved infrastructure contributions plan |
| s 46GZD(3) | Duty to follow the steps set out in s 46GZD(3)(a) and (b) | Not delegated | Where Council is the collecting agency under an approved infrastructure contributions plan |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|-----------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GZD(5) | Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b) | Not delegated | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZE(2) | Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires | Not delegated | Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency |
| s 46GZE(2) | Function of receiving the unexpended land equalisation amount | Not delegated | Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency |
| s 46GZE(3) | Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b) | Not delegated | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZF(2) | Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land | Not delegated | Where Council is the development agency under an approved infrastructure contributions plan |
| s 46GZF(3) | Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b) | Not delegated | Where Council is the development agency under an approved infrastructure contributions plan |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|-----------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GZF(3) | Function of receiving proceeds of sale | Not delegated | Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency |
| s 46GZF(4) | Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5) | Not delegated | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZF(6) | Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b) | Not delegated | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZH | Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction | Not delegated | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZI | Duty to prepare and give a report to the Minister at the times required by the Minister | Not delegated | Where Council is a collecting agency or development agency |
| s 46GZK | Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council | Not delegated | Where Council is a collecting agency or development agency |
| s 46LB(3) | Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2) | Not delegated | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|--|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46N(1) | Duty to include condition in permit regarding payment of development infrastructure levy | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 46N(2)(c) | Function of determining time and manner for receipt of development contributions levy | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 46N(2)(d) | Power to enter into an agreement with the applicant regarding payment of development infrastructure levy | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 46O(1)(a) & (2)(a) | Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 46O(1)(d) & (2)(d) | Power to enter into agreement with the applicant regarding payment of community infrastructure levy | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 46P(1) | Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 46P(2) | Power to accept provision of land, works, services or facilities in part or full payment of levy payable | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|--|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46Q(1) | Duty to keep proper accounts of levies paid | CEO, DCAD, DOAS, MFS, MSTRP, MSPB | |
| s 46Q(1A) | Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency | CEO, DCAD, DOAS, MFS, MSTRP, MSPB | |
| s 46Q(2) | Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 46Q(3) | Power to refund any amount of levy paid if it is satisfied the development is not to proceed | CEO, All D, MFS, MSTRP, MSPB | Only applies when levy is paid to Council as a 'development agency' |
| s 46Q(4)(c) | Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a) | CEO, All D, MFS, MSTRP, MSPB | Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister |
| s 46Q(4)(d) | Duty to submit to the Minister an amendment to the approved development contributions plan | CEO, DCAD, MSTRP, MSPB | Must be done in accordance with Part 3 |
| s 46Q(4)(e) | Duty to expend that amount on other works etc. | CEO, All D, MFS, MSTRP, MSPB | With the consent of, and in the manner approved by, the Minister |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|--|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46QC | Power to recover any amount of levy payable under Part 3B | CEO, All D, MSTRP, MSPB | |
| s 46QD | Duty to prepare report and give a report to the Minister | CEO | Where Council is a collecting agency or development agency |
| s 46V(3) | Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the public availability requirements, during the inspection period | Not delegated | |
| s 46V(5) | Duty to keep a copy of the approved strategy plan incorporating all amendments to it | CEO, All D, MSTRP, MSPB | |
| s 46V(6) | Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements | CEO, All D, MSTRP, MSPB | |
| s 46Y | Duty to carry out works in conformity with the approved strategy plan | CEO, All D, MSTRP, MSPB | |
| s 47 | Power to decide that an application for a planning permit does not comply with that Act | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP | |
| s 49(1) | Duty to keep a register of all applications for permits and determinations relating to permits | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP, SAP, SUO, PAO | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|--|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 49(2) | Duty to make register available for inspection in accordance with public availability requirements | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, SUO, PAO | |
| s 50(4) | Duty to amend application | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 50(5) | Power to refuse to amend application | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 50(6) | Duty to make note of amendment to application in register | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, SUO, PAO | |
| s 50A(1) | Power to make amendment to application | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 50A(3) | Power to require applicant to notify owner and make a declaration that notice has been given | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|--|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 50A(4) | Duty to note amendment to application in register | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP, SAP, PAO | |
| s 51 | Duty to make copy of application available for inspection in accordance with public availability requirements | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP, SAP, SUO, | |
| s 52(1)(a) | Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP, SAP, PAO | |
| s 52(1)(b) | Duty to give notice of the application to other municipal council where appropriate | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP, SAP, PAO | |
| s 52(1)(c) | Duty to give notice of the application to all persons required by the planning scheme | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP, SAP, PAO | |
| s 52(1)(ca) | Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP, SAP, PAO | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|---|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 52(1)(cb) | Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, PAO | |
| s 52(1)(d) | Duty to give notice of the application to other persons who may be detrimentally effected | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, PAO | |
| s 52(1AA) | Duty to give notice of an application to remove or vary a registered restrictive covenant | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, PAO | |
| s 52(3) | Power to give any further notice of an application where appropriate | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, PAO | |
| s 53(1) | Power to require the applicant to give notice under s 52(1) to persons specified by it | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, PAO | |
| s 53(1A) | Power to require the applicant to give the notice under s 52(1AA) | CEO | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|---|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 54(1) | Power to require the applicant to provide more information | CEO, DCAD, MSTRP, MSPB, CSAP, CSRП, SAP, PAO | |
| s 54(1A) | Duty to give notice in writing of information required under s 54(1) | CEO, DCAD, MSTRP, MSPB, CSAP, CSRП, SAP, PAO | |
| s 54(1B) | Duty to specify the lapse date for an application | CEO, DCAD, MSTRP, MSPB, CSAP, CSRП, SAP, PAO | |
| s 54A(3) | Power to decide to extend time or refuse to extend time to give required information | CEO, DCAD, MSTRP, MSPB, CSAP, CSRП, SAP | |
| s 54A(4) | Duty to give written notice of decision to extend or refuse to extend time under s 54A(3) | CEO, DCAD, MSTRP, MSPB, CSAP, CSRП, SAP | |
| s 55(1) | Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme | CEO, DCAD, MSTRP, MSPB, CSAP, CSRП, SAP, PAO | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|---|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 57(2A) | Power to reject objections considered made primarily for commercial advantage for the objector | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | |
| s 57(3) | Function of receiving name and address of persons to whom notice of decision is to go | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, PAO | |
| s 57(5) | Duty to make a copy of all objections in accordance with public availability requirements | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, PAO | |
| s 57A(4) | Duty to amend application in accordance with applicant's request, subject to s 57A(5) | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | |
| s 57A(5) | Power to refuse to amend application | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 57A(6) | Duty to note amendments to application in register | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, PAO | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|---|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 57B(1) | Duty to determine whether and to whom notice should be given | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, PAO | |
| s 57B(2) | Duty to consider certain matters in determining whether notice should be given | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, PAO | |
| s 57C(1) | Duty to give copy of amended application to referral authority | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, PAO | |
| s 58 | Duty to consider every application for a permit | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, PAO | |
| s 58A | Power to request advice from the Planning Application Committee | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 60 | Duty to consider certain matters | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, PAO | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 60(1A) | Duty to consider certain matters | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | |
| s 60(1B) | Duty to consider number of objectors in considering whether use or development may have significant social effect | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | |
| s 61(1) | Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, PAO | <p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i> or a conservation management plan under the <i>Flora and Fauna Guarantee Act</i></p> <p>More than 5 objections must be referred to Council</p> <p>Development applications in excess of \$2m must be referred to Council</p> <p>Refusals must be referred to Council unless a Council officer determines that insufficient information has been provided with the application or the application is prohibited under the Hepburn Planning Scheme</p> |
| s 61(2) | Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|--|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 61(2A) | Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | |
| s 61(3)(a) | Duty not to decide to grant a permit to use coastal Crown land without Minister's consent | Not delegated | |
| s 61(3)(b) | Duty to refuse to grant the permit without the Minister's consent | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | |
| s 61(4) | Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | |
| s 62(1) | Duty to include certain conditions in deciding to grant a permit | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | |
| s 62(2) | Power to include other conditions | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|--|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 62(4) | Duty to ensure conditions are consistent with paragraphs (a),(b) and (c) | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | |
| s 62(5)(a) | Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan | CEO | |
| s 62(5)(b) | Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement | CEO | |
| s 62(5)(c) | Power to include a permit condition that specified works be provided or paid for by the applicant | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | |
| s 62(6)(a) | Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5) | CEO, DCAD, MSTRP, MSPB | |
| s 62(6)(b) | Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a) | CEO, DCAD, MSTRP, MSPB | |
| s 63 | Duty to issue the permit where made a decision in favour of the application (if no one has objected) | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 64(1) | Duty to give notice of decision to grant a permit to applicant and objectors | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | This provision applies also to a decision to grant an amendment to a permit – see s 75 |
| s 64(3) | Duty not to issue a permit until after the specified period | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | This provision applies also to a decision to grant an amendment to a permit – see s 75 |
| s 64(5) | Duty to give each objector a copy of an exempt decision | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | This provision applies also to a decision to grant an amendment to a permit – see s 75 |
| s 64A | Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | This provision applies also to a decision to grant an amendment to a permit – see s 75A |
| s 65(1) | Duty to give notice of refusal to grant permit to applicant and person who objected under s 57 | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | |
| s 66(1) | Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|---|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 66(2) | Duty to give a recommending referral authority notice of its decision to grant a permit | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority |
| s 66(4) | Duty to give a recommending referral authority notice of its decision to refuse a permit | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, PAO | If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit |
| s 66(6) | Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65 | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, PAO | If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit |
| s 69(1) | Function of receiving application for extension of time of permit | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, PAO | |
| s 69(1A) | Function of receiving application for extension of time to complete development | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, PAO | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|--|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 69(2) | Power to extend time | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP, SAP, PAO | |
| s 70 | Duty to make copy permit available in accordance with public availability requirements | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP, SAP, SUO, PAO | |
| s 71(1) | Power to correct certain mistakes | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP, SAP | |
| s 71(2) | Duty to note corrections in register | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP, SAP, PAO | |
| s 73 | Power to decide to grant amendment subject to conditions | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP, SAP | <p>More than 5 objections must be referred to Council</p> <p>Development applications in excess of \$2m must be referred to Council</p> <p>Refusals must be referred to Council unless a Council officer determines that insufficient information has been provided with the application or the application is prohibited under the Hepburn Planning Scheme</p> |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|---|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 74 | Duty to issue amended permit to applicant if no objectors | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | <p>More than 5 objections must be referred to Council</p> <p>Development applications in excess of \$2m must be referred to Council</p> <p>Refusals must be referred to Council unless a Council officer determines that insufficient information has been provided with the application or the application is prohibited under the Hepburn Planning Scheme</p> |
| s 76 | Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | |
| s 76A(1) | Duty to give relevant determining referral authorities copy of amended permit and copy of notice | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, PAO | |
| s 76A(2) | Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, PAO | If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority |
| s 76A(4) | Duty to give a recommending referral authority notice of its decision to refuse a permit | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, PAO | If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|--|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 76A(6) | Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76 | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, PAO | If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit |
| s 76D | Duty to comply with direction of Minister to issue amended permit | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, SUO, PAO | |
| s 83 | Function of being respondent to an appeal | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, SUO | |
| s 83B | Duty to give or publish notice of application for review | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | |
| s 84(1) | Power to decide on an application at any time after an appeal is lodged against failure to grant a permit | CEO, DCAD, MSTRP, MSPB | |
| s 84(2) | Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit | CEO, DCAD, MSTRP, MSPB | |
| s 84(3) | Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|--|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 84(6) | Duty to issue permit on receipt of advice within 3 business days | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, SUO, PAO | |
| s 84AB | Power to agree to confining a review by the Tribunal | CEO, DCAD, MSTRP, MSPB, | |
| s 86 | Duty to issue a permit at order of Tribunal within 3 business days | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, SUO, PAO | |
| s 87(3) | Power to apply to VCAT for the cancellation or amendment of a permit | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 90(1) | Function of being heard at hearing of request for cancellation or amendment of a permit | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, DSEO | |
| s 91(2) | Duty to comply with the directions of VCAT | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, DSEO | |
| s 91(2A) | Duty to issue amended permit to owner if Tribunal so directs | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|--|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 92 | Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90 | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, DSEO | |
| s 93(2) | Duty to give notice of VCAT order to stop development | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, DSEO | |
| s 95(3) | Function of referring certain applications to the Minister | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, DSEO | |
| s 95(4) | Duty to comply with an order or direction | CEO, DCAD, MSTRP, MSPB | |
| s 96(1) | Duty to obtain a permit from the Minister to use and develop its land | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP | |
| s 96(2) | Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|--|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 96A(2) | Power to agree to consider an application for permit concurrently with preparation of proposed amendment | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP | |
| s 96C | Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, SRP, PSP | |
| s 96F | Duty to consider the panel's report under s 96E | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, SRP, PSP | |
| s 96G(1) | Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>) | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, SRP, PSP | |
| s 96H(3) | Power to give notice in compliance with Minister's direction | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, SRP, PSP | |
| s 96J | Duty to issue permit as directed by the Minister | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, SRP, PSP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|---|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 96K | Duty to comply with direction of the Minister to give notice of refusal | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, SRP, PSP | |
| s 96Z | Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SAP, SRP, PSP, SUO | |
| s 97C | Power to request Minister to decide the application | CEO, DCAD, MSTRP, MSPB | |
| s 97D(1) | Duty to comply with directions of Minister to supply any document or assistance relating to application | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 97G(3) | Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 97G(6) | Duty to make a copy of permits issued under s 97F available in accordance with public availability requirements | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP, PAO | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|---|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 97L | Duty to include Ministerial decisions in a register kept under s 49 | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP, PAO | |
| s 97MH | Duty to provide information or assistance to the Planning Application Committee | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 97MI | Duty to contribute to the costs of the Planning Application Committee or subcommittee | CEO, DCAD, MSTRP, MSPB | |
| s 97O | Duty to consider application and issue or refuse to issue certificate of compliance | CEO, DCAD, MSTRP, MSPB | |
| s 97P(3) | Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 97Q(2) | Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 97Q(4) | Duty to comply with directions of VCAT | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|---|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 97R | Duty to keep register of all applications for certificate of compliance and related decisions | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP | |
| s 98(1)&(2) | Function of receiving claim for compensation in certain circumstances | CEO, DCAD, MSTRP, MSPB | |
| s 98(4) | Duty to inform any person of the name of the person from whom compensation can be claimed | CEO, DCAD, MSTRP, MSPB | |
| s 101 | Function of receiving claim for expenses in conjunction with claim | CEO, DCAD, MSTRP, MSPB | |
| s 103 | Power to reject a claim for compensation in certain circumstances | CEO, DCAD, MSTRP, MSPB | |
| s 107(1) | Function of receiving claim for compensation | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, SRP, PSP, SAP, SUO | |
| s 107(3) | Power to agree to extend time for making claim | CEO, DCAD, MSTRP, MSPB | |
| s 113(2) | Power to request a declaration for land to be proposed to be reserved for public purposes | CEO, DCAD, MSTRP, MSPB | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|---|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 114(1) | Power to apply to the VCAT for an enforcement order | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP, DSEO | |
| s 117(1)(a) | Function of making a submission to the VCAT where objections are received | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP, DSEO SAP | |
| s 120(1) | Power to apply for an interim enforcement order where s 114 application has been made | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP, DSEO | |
| s 123(1) | Power to carry out work required by enforcement order and recover costs | CEO, DCAD, MSTRP, MSPB | |
| s 123(2) | Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1) | CEO, DCAD, MSTRP, MSPB | Except Crown Land |
| s 129 | Function of recovering penalties | CEO, DCAD, MSTRP, MSPB | |
| s 130(5) | Power to allow person served with an infringement notice further time | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP, DSEO | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|--|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 149A(1) | Power to refer a matter to the VCAT for determination | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, DSEO, SAP | |
| s 149A(1A) | Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement | CEO, DCAD, MSTRP, MSPB, CSAP, CSR, DSEO | |
| s 156 | Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4) | CEO, DCAD, MSTRP, MSPB | Where Council is the relevant planning authority |
| s 171(2)(f) | Power to carry out studies and commission reports | DCAD, MSTRP, MSPB, CSAP, CSR, SAP | |
| s 171(2)(g) | Power to grant and reserve easements | CEO, DCAD, MSTRP, MSPB, MOPS, CSAP, CSR | |
| s 172C | Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan | Not delegated | Where Council is a development agency specified in an approved infrastructure contributions plan |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 172D(1) | Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4) | Not delegated | Where Council is a collecting agency specified in an approved infrastructure contributions plan |
| s 172D(2) | Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4) | Not delegated | Where Council is the development agency specified in an approved infrastructure contributions plan |
| s 173(1) | Power to enter into agreement covering matters set out in s 174 | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP | |
| s 173(1A) | Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP | Where Council is the relevant responsible authority |
| --- | Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP | Where Council is the relevant responsible authority |
| --- | Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority | DCAD, MSTRP, MSPB, CSAP, CSRP | Where Council is the relevant responsible authority |
| s 177(2) | Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9 | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP | Where Council is the relevant responsible authority |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|-----------------------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 178 | Power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9 | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 178A(1) | Function of receiving application to amend or end an agreement | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 178A(3) | Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1) | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 178A(4) | Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 178A(5) | Power to propose to amend or end an agreement | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 178B(1) | Duty to consider certain matters when considering proposal to amend an agreement | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 178B(2) | Duty to consider certain matters when considering proposal to end an agreement | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 178C(2) | Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 178C(4) | Function of determining how to give notice under s 178C(2) | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 178E(1) | Duty not to make decision until after 14 days after notice has been given | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 178E(2)(a) | Power to amend or end the agreement in accordance with the proposal | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | If no objections are made under s 178D Must consider matters in s 178B |
| s 178E(2)(b) | Power to amend or end the agreement in a manner that is not substantively different from the proposal | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | If no objections are made under s 178D Must consider matters in s 178B |
| s 178E(2)(c) | Power to refuse to amend or end the agreement | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | If no objections are made under s 178D Must consider matters in s 178B |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|------------------------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 178E(3)(a) | Power to amend or end the agreement in accordance with the proposal | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP | After considering objections, submissions and matters in s 178B |
| s 178E(3)(b) | Power to amend or end the agreement in a manner that is not substantively different from the proposal | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP | After considering objections, submissions and matters in s 178B |
| s 178E(3)(c) | Power to amend or end the agreement in a manner that is substantively different from the proposal | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP | After considering objections, submissions and matters in s 178B |
| s 178E(3)(d) | Power to refuse to amend or end the agreement | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP | After considering objections, submissions and matters in s 178B |
| s 178F(1) | Duty to give notice of its decision under s 178E(3)(a) or (b) | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP | |
| s 178F(2) | Duty to give notice of its decision under s 178E(2)(c) or (3)(d) | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|-----------------------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 178F(4) | Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 178G | Duty to sign amended agreement and give copy to each other party to the agreement | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 178H | Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 178I(3) | Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 179(2) | Duty to make a copy of each agreement in accordance with public availability requirements | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 181 | Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 181(1A)(a) | Power to apply to the Registrar of Titles to record the agreement | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|-----------------------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 181(1A)(b) | Duty to apply to the Registrar of Titles, without delay, to record the agreement | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 182 | Power to enforce an agreement | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 183 | Duty to tell Registrar of Titles of ending/amendment of agreement | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 184F(1) | Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 184F(2) | Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 184F(3) | Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 184F(5) | Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision | CEO | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
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| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 184G(2) | Duty to comply with a direction of the Tribunal | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP | |
| s 184G(3) | Duty to give notice as directed by the Tribunal | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP | |
| s 185B(1) | Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP | |
| s 198(1) | Function to receive application for planning certificate | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP, SAP, PAO | |
| s 199(1) | Duty to give planning certificate to applicant | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP, SAP, PAO | |
| s 201(1) | Function of receiving application for declaration of underlying zoning | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP, SAP | |
| s 201(3) | Duty to make declaration | CEO, DCAD, MSTRP, MSPB, CSAP, CSRP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|-----------------------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| - | Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| | Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| | Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| - | Power to give written authorisation in accordance with a provision of a planning scheme | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 201UAB(1) | Function of providing the Victoria Planning Authority with information relating to any land within municipal district | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |
| s 201UAB(2) | Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible | CEO, DCAD, MSTRP, MSPB, CSAP, CSR | |

| RESIDENTIAL TENANCIES ACT 1997 | | | |
|---------------------------------------|---|----------------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 518F | Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements | CEO, DIAD, MWFC, CHCS, EHO | |
| s 522(1) | Power to give a compliance notice to a person | CEO, DIAD, MWFC CHCS, EHO | |
| s 525(2) | Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case) | CEO, DIAD, MWFC | |
| s 525(4) | Duty to issue identity card to authorised officers | DIAD, MWFC | |
| s 526(5) | Duty to keep record of entry by authorised officer under s 526 | DIAD, MWFC, CHCS, EHO | |
| s 526A(3) | Function of receiving report of inspection | DIAD, MWFC, CHCS | |
| s 527 | Power to authorise a person to institute proceedings (either generally or in a particular case) | DIAD, MWFC, CHCS | |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|---|--------------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 11(1) | Power to declare a road by publishing a notice in the Government Gazette | CEO, All D, MGR, MOPS | Obtain consent in circumstances specified in s 11(2) |
| s 11(8) | Power to name a road or change the name of a road by publishing notice in Government Gazette | CEO, All D, | |
| s 11(9)(b) | Duty to advise Registrar | CEO, All D, MOPS | |
| s 11(10) | Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc. | CEO, All D, MOPS | Subject to s 11(10A) |
| s 11(10A) | Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person | CEO, All D, MOPS | Where Council is the coordinating road authority |
| s 12(2) | Power to discontinue road or part of a road | CEO, All D, MOPS | Where Council is the coordinating road authority |
| s 12(4) | Duty to publish, and provide copy, notice of proposed discontinuance | CEO, All D, MOPS | Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies |
| s 12(5) | Duty to consider written submissions received within 28 days of notice | CEO, All D, MOPS | Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies |
| s 12(6) | Function of hearing a person in support of their written submission | CEO, All D, MOPS | Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 12(7) | Duty to fix day, time and place of meeting under s 12(6) and to give notice | CEO, All D, MOPS | Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies |
| s 12(10) | Duty to notify of decision made | CEO, All D, MOPS | Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister |
| s 13(1) | Power to fix a boundary of a road by publishing notice in Government Gazette | CEO, All D, MOPS | Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate |
| s 14(4) | Function of receiving notice from the Head, Transport for Victoria | CEO, All D | |
| s 14(7) | Power to appeal against decision of the Head, Transport for Victoria | CEO, All D | |
| s 15(1) | Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport | CEO, All D | |
| s 15(1A) | Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority | CEO, All D | |
| s 15(2) | Duty to include details of arrangement in public roads register | CEO, DIAD, MOPS | |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|---|----------------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 16(7) | Power to enter into an arrangement under s 15 | CEO, All D | |
| s 16(8) | Duty to enter details of determination in public roads register | CEO, DIAD, MOPS | |
| s 17(2) | Duty to register public road in public roads register | CEO, DIAD, MOPS | Where Council is the coordinating road authority |
| s 17(3) | Power to decide that a road is reasonably required for general public use | CEO, DIAD, MOPS | Where Council is the coordinating road authority |
| s 17(3) | Duty to register a road reasonably required for general public use in public roads register | CEO, DIAD, MOPS | Where Council is the coordinating road authority |
| s 17(4) | Power to decide that a road is no longer reasonably required for general public use | CEO, DCAD, MOPS | Where Council is the coordinating road authority |
| s 17(4) | Duty to remove road no longer reasonably required for general public use from public roads register | CEO, DIAD, MOPS | Where Council is the coordinating road authority |
| s 18(1) | Power to designate ancillary area | CEO, DIAD | Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2) |
| s 18(3) | Duty to record designation in public roads register | CEO, DIAD, MOPS, CENG, AMS | Where Council is the coordinating road authority |
| s 19(1) | Duty to keep register of public roads in respect of which it is the coordinating road authority | CEO, DIAD, MOPS, CENG, AMS | |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|----------------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 19(4) | Duty to specify details of discontinuance in public roads register | CEO, DIAD, MOPS, CENG, AMS | |
| s 19(5) | Duty to ensure public roads register is available for public inspection | CEO, DIAD, MOPS, CENG, AMS | |
| s 21 | Function of replying to request for information or advice | CEO, DIAD, MOPS | Obtain consent in circumstances specified in s 11(2) |
| s 22(2) | Function of commenting on proposed direction | CEO, DIAD, MOPS | |
| s 22(4) | Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report. | CEO, All D, MOPS | |
| s 22(5) | Duty to give effect to a direction under s 22 | CEO, All D, MOPS | |
| s 40(1) | Duty to inspect, maintain and repair a public road. | CEO, All D, MOPS | |
| s 40(5) | Power to inspect, maintain and repair a road which is not a public road | CEO, All D, MOPS | |
| s 41(1) | Power to determine the standard of construction, inspection, maintenance and repair | CEO, All D, MOPS | |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 42(1) | Power to declare a public road as a controlled access road | CEO, All D, MOPS | Power of coordinating road authority and sch 2 also applies |
| s 42(2) | Power to amend or revoke declaration by notice published in Government Gazette | CEO, All D | Power of coordinating road authority and sch 2 also applies |
| s 42A(3) | Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified | CEO, All D, MOPS | Where Council is the coordinating road authority If road is a municipal road or part thereof |
| s 42A(4) | Power to approve Minister's decision to specify a road as a specified freight road | CEO, All D | Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road |
| s 48EA | Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport) | CEO, All D, MOPS | Where Council is the responsible road authority, infrastructure manager or works manager |
| s 48M(3) | Function of consulting with the relevant authority for purposes of developing guidelines under s 48M | CEO, All D, MOPS | |
| s 49 | Power to develop and publish a road management plan | CEO, All D, MOPS | |
| s 51 | Power to determine standards by incorporating the standards in a road management plan | CEO, All D, MOPS | |
| s 53(2) | Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan | CEO, All D, MOPS | |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 54(2) | Duty to give notice of proposal to make a road management plan | CEO, All D, MOPS | |
| s 54(5) | Duty to conduct a review of road management plan at prescribed intervals | CEO | |
| s 54(6) | Power to amend road management plan | CEO, All D, MOPS | |
| s 54(7) | Duty to incorporate the amendments into the road management plan | CEO, All D, MOPS | |
| s 55(1) | Duty to cause notice of road management plan to be published in Government Gazette and newspaper | CEO, All D, MOPS | |
| s 63(1) | Power to consent to conduct of works on road | CEO, All D, MOPS | Where Council is the coordinating road authority |
| s 63(2)(e) | Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency | CEO, All D, MOPS | Where Council is the infrastructure manager |
| s 64(1) | Duty to comply with cl 13 of sch 7 | CEO, All D | Where Council is the infrastructure manager or works manager |
| s 66(1) | Power to consent to structure etc | CEO, All D | Where Council is the coordinating road authority |
| s 67(2) | Function of receiving the name & address of the person responsible for distributing the sign or bill | CEO, DIAD, MOPS | Where Council is the coordinating road authority |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|-----------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 67(3) | Power to request information | CEO, DIAD, MOPS, CHCS | Where Council is the coordinating road authority |
| s 68(2) | Power to request information | CEO, DIAD, MOPS, CHCS | Where Council is the coordinating road authority |
| s 71(3) | Power to appoint an authorised officer | CEO, All D | |
| s 72 | Duty to issue an identity card to each authorised officer | CEO, All D | |
| s 85 | Function of receiving report from authorised officer | CEO, DIAD, CHCS, MOPS | |
| s 86 | Duty to keep register re s 85 matters | CEO, DIAD, CHCS, MOPS | |
| s 87(1) | Function of receiving complaints | CEO, DIAD, MOPS, CHCS | |
| s 87(2) | Duty to investigate complaint and provide report | CEO, DIAD, MOPS, CHCS | |
| s 96 | Power to authorise a person for the purpose of instituting legal proceedings | CEO, DIAD, MOPS, CHCS | |
| s 112(2) | Power to recover damages in court | CEO, DIAD, MOPS, CHCS | |
| s 116 | Power to cause or carry out inspection | CEO, DIAD, MOPS, CHCS | |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|-----------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 119(2) | Function of consulting with the Head, Transport for Victoria | CEO, DIAD, MOPS | |
| s 120(1) | Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria) | CEO, DIAD, MOPS | |
| s 120(2) | Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1) | CEO, DIAD, MOPS | |
| s 121(1) | Power to enter into an agreement in respect of works | CEO, DIAD, MOPS | |
| s 122(1) | Power to charge and recover fees | CEO DIAD, MOPS | |
| s 123(1) | Power to charge for any service | CEO DIAD, MOPS | |
| sch 2 cl 2(1) | Power to make a decision in respect of controlled access roads | CEO All D | |
| sch 2 cl 3(1) | Duty to make policy about controlled access roads | CEO, All D | |
| sch 2 cl 3(2) | Power to amend, revoke or substitute policy about controlled access roads | CEO, All D | |
| sch 2 cl 4 | Function of receiving details of proposal from the Head, Transport for Victoria | CEO, DIAD, MOPS | |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|----------------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| sch 2 cl 5 | Duty to publish notice of declaration | CEO, All D | |
| sch 7 cl 7(1) | Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve | CEO, DIAD, MOPS, CWK, CENG | Where Council is the infrastructure manager or works manager |
| sch 7 cl 8(1) | Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road | CEO, DIAD, MOPS, CWK, CENG | Where Council is the infrastructure manager or works manager |
| sch 7 cl 9(1) | Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works | CEO, DIAD, MOPS, CWK, CENG | Where Council is the infrastructure manager or works manager responsible for non-road infrastructure |
| sch 7 cl 9(2) | Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance | CEO, DIAD, MOPS, CWK, CENG | Where Council is the infrastructure manager or works manager |
| sch 7 cl 10(2) | Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected | CEO, DIAD, MOPS, CWK, CENG | Where Council is the infrastructure manager or works manager |
| sch 7 cl 12(2) | Power to direct infrastructure manager or works manager to conduct reinstatement works | CEO, DIAD, MOPS | Where Council is the coordinating road authority |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|---|----------------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| sch 7 cl 12(3) | Power to take measures to ensure reinstatement works are completed | CEO, DIAD, MOPS, CWK, CENG | Where Council is the coordinating road authority |
| sch 7 cl 12(4) | Duty to ensure that works are conducted by an appropriately qualified person | CEO, DIAD, MOPS, CWK, CENG | Where Council is the coordinating road authority |
| sch 7 cl 12(5) | Power to recover costs | CEO, DIAD, MOPS | Where Council is the coordinating road authority |
| sch 7 cl 13(1) | Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2) | CEO, DIAD, MOPS, CWK, CENG | Where Council is the works manager |
| sch 7 cl 13(2) | Power to vary notice period | CEO, DIAD, MOPS | Where Council is the coordinating road authority |
| sch 7 cl 13(3) | Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1) | CEO, DIAD, MOPS | Where Council is the infrastructure manager |
| sch 7 cl 16(1) | Power to consent to proposed works | CEO, DIAD, MOPS, CWK, CENG | Where Council is the coordinating road authority |
| sch 7 cl 16(4) | Duty to consult | CEO, DIAD, MOPS, CWK, CENG | Where Council is the coordinating road authority, responsible authority or infrastructure manager |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|----------------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| sch 7 cl 16(5) | Power to consent to proposed works | CEO, DIAD, MOPS, CWK, CENG | Where Council is the coordinating road authority |
| sch 7 cl 16(6) | Power to set reasonable conditions on consent | CEO, DIAD, MOPS, CWK, CENG | Where Council is the coordinating road authority |
| sch 7 cl 16(8) | Power to include consents and conditions | CEO, DIAD, MOPS, CKW, CENG | Where Council is the coordinating road authority |
| sch 7 cl 17(2) | Power to refuse to give consent and duty to give reasons for refusal | CEO, DIAD, MOPS, CKW, CENG | Where Council is the coordinating road authority |
| sch 7 cl 18(1) | Power to enter into an agreement | CEO, DIAD, MOPS, | Where Council is the coordinating road authority |
| sch 7 cl 19(1) | Power to give notice requiring rectification of works | CEO, DIAD, MOPS, | Where Council is the coordinating road authority |
| sch 7 cl 19(2) & (3) | Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred | CEO, All D | Where Council is the coordinating road authority |
| sch 7 cl 20(1) | Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure | CEO, DIAD, MOPS | Where Council is the coordinating road authority |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|---|-----------------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| sch 7A cl 2 | Power to cause street lights to be installed on roads | CEO, DIAD, MOPS | Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road |
| sch 7A cl 3(1)(d) | Duty to pay installation and operation costs of street lighting - where road is not an arterial road | CEO, DIAD, MOPS, CENG | Where Council is the responsible road authority |
| sch 7A cl 3(1)(e) | Duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas | CEO, DIAD, MOPS, CENG | Where Council is the responsible road authority |
| sch 7A cl (3)(1)(f) | Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4 | CEO, DIAD, MOPS, CENG | Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs) |

| CEMETERIES AND CREMATORIA REGULATIONS 2015 | | | |
|--|---|-----------------|-------------------------------------|
| These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 24 | Duty to ensure that cemetery complies with depth of burial requirements | CEO, All D, MGR | |
| r 25 | Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves | CEO, DIAD, MOPS | |
| r 27 | Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b) | CEO, All D, MGR | |
| r 28(1) | Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator | Not applicable | |
| r 28(2) | Duty to ensure any fittings removed of are disposed in an appropriate manner | Not applicable | |
| r 29 | Power to dispose of any metal substance or non-human substance recovered from a cremator | Not applicable | |
| r 30(2) | Power to release cremated human remains to certain persons | Not applicable | Subject to any order of a court |

| CEMETERIES AND CREMATORIA REGULATIONS 2015 | | | |
|--|--|-----------------|-------------------------------------|
| These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 31(1) | Duty to make cremated human remains available for collection within 2 working days after the cremation | Not applicable | |
| r 31(2) | Duty to hold cremated human remains for at least 12 months from the date of cremation | Not applicable | |
| r 31(3) | Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation | Not applicable | |
| r 31(4) | Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period | Not applicable | |
| r 32 | Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d) | Not applicable | |
| r 33(1) | Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c) | Not applicable | |
| r 33(2) | Duty to ensure that remains are interred in accordance with paragraphs (a)-(b) | Not applicable | |
| r 34 | Duty to ensure that a crypt space in a mausoleum is sealed in accordance with paragraphs (a)-(b) | Not applicable | |

| CEMETERIES AND CREMATORIA REGULATIONS 2015 | | | |
|--|---|-----------------------|-------------------------------------|
| These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 36 | Duty to provide statement that alternative vendors or supplier of monuments exist | CEO All D, MGR | |
| r 40 | Power to approve a person to play sport within a public cemetery | CEO, All D | |
| r 41(1) | Power to approve fishing and bathing within a public cemetery | Not applicable | |
| r 42(1) | Power to approve hunting within a public cemetery | CEO, All D | |
| r 43 | power to approve camping within a public cemetery | CEO, All D | |
| r 45(1) | Power to approve the removal of plants within a public cemetery | CEO, DIAD, MOPS, CPOS | |
| r 46 | Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c) | CEO, All D | |
| r 47(3) | Power to approve the use of fire in a public cemetery | CEO, All D | |
| r 48(2) | Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area | CEO, All D | |
| Note: sch 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules | | | |

| CEMETERIES AND CREMATORIA REGULATIONS 2015 | | | |
|--|--|------------------|--------------------------------------|
| These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| sch 2 cl 4 | Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2 | CEO All D, MGR | See note above regarding model rules |
| sch 2 cl 5(1) | Duty to display the hours during which pedestrian access is available to the cemetery | CEO, All D, MGR, | See note above regarding model rules |
| sch 2 cl 5(2) | Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours | CEO, All D, MGR, | See note above regarding model rules |
| sch 2 cl 6(1) | Power to give directions regarding the manner in which a funeral is to be conducted | CEO, All D, MGR, | See note above regarding model rules |
| sch 2 cl 7(1) | power to give directions regarding the dressing of places of interment and memorials | CEO, All D, MGR, | See note above regarding model rules |
| sch 2 cl 8 | Power to approve certain mementos on a memorial | CEO, All D, MGR, | See note above regarding model rules |
| sch 2 cl 11(1) | Power to remove objects from a memorial or place of interment | CEO, All D, MGR, | See note above regarding model rules |
| sch 2 cl 11(2) | duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner | CEO, All D, MGR, | See note above regarding model rules |
| sch 2 cl 12 | Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies | CEO, All D, MGR, | See note above regarding model rules |

| CEMETERIES AND CREMATORIA REGULATIONS 2015 | | | |
|--|---|-----------------|--------------------------------------|
| These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| sch 2 cl 14 | Power to approve an animal to enter into or remain in a cemetery | CEO, All D, MGR | See note above regarding model rules |
| sch 2 cl 16(1) | Power to approve construction and building within a cemetery | CEO, All D, MGR | See note above regarding model rules |
| sch 2 cl 17(1) | Power to approve action to disturb or demolish property of the cemetery trust | CEO, All D, MGR | See note above regarding model rules |
| sch 2 cl 18(1) | Power to approve digging or planting within a cemetery | CEO, All D, MGR | See note above regarding model rules |

| PLANNING AND ENVIRONMENT REGULATIONS 2015 | | | |
|--|---|--|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS AND LIMITATIONS |
| r 6 | Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme | CEO DCAD, MSTRP, MSPB, CSAP, CSRP | Where Council is not the planning authority and the amendment affects land within its municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority. |
| r 21 | Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act | CEO DCAD, MSTRP, MSPB, CSAP, CSRP, SAP, SUO | |
| r 25(a) | Duty to make copy of matter considered under s 60(1A)(g) in accordance with the public availability requirements | CEO DCAD, MSTRP, MSPB, CSAP, CSRP, SAP, SUO, PAO | Where Council is the responsible authority |
| r 25(b) | Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available in accordance with the public availability requirements | CEO DCAD, MSTRP, MSPB, CSAP, CSRP, SAP, SUO, PAO | Where Council is not the responsible authority but the relevant land is within Council's municipal district |
| r 42 | Function of receiving notice under s 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application | CEO DCAD, MSTRP, MSPB, CSAP, CSRP | Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority. |

| PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016 | | | |
|---|---|--|-----------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS AND LIMITATIONS |
| r 19 | Power to waive or rebate a fee relating to an amendment of a planning scheme | Not delegated | |
| r20 | Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme | Not delegated | |
| r 21 | Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r19 or 20 | CEO DCAD, MSTRP, MSPB, CSAP, CSR | |

| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 | | | |
|--|---|----------------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 7 | Power to enter into a written agreement with a caravan park owner | CEO, DIAD, MWFC, CHCS, EHO | |
| r 10 | Function of receiving application for registration | CEO, DIAD, MWFC, CHCS, EHO | |
| r 11 | Function of receiving application for renewal of registration | CEO, DIAD, MWFC, CHCS, EHO | |
| r 12(1) | Duty to grant the registration if satisfied that the caravan park complies with these regulations | CEO, DIAD, MWFC, CHCS, EHO | |
| r 12(1) | Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations | CEO, DIAD, MWFC, CHCS, EHO | |
| r 12(2) | Duty to renew the registration if satisfied that the caravan park complies with these regulations | CEO, DIAD, MWFC, CHCS, EHO | |
| r 12(2) | Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations | CEO, DIAD, MWFC, CHCS, EHO | |
| r 12(3) | Duty to have regard to matters in determining an application for registration or an application for renewal of registration | CEO DIAD, MWFC, CHCS, EHO | |

| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 | | | |
|--|---|----------------------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 12(4) & (5) | Duty to issue certificate of registration | CEO, DIAD, MWFC, CHCS, EHO | |
| r 14(1) | Function of receiving notice of transfer of ownership | CEO, DIAD, MWFC, CHCS, EHO | |
| r 14(3) | Power to determine where notice of transfer is displayed | CEO, DIAD, MWFC, CHCS, EHO | |
| r 15(1) | Duty to transfer registration to new caravan park owner | CEO, DIAD, MWFC, CHCS, EHO | |
| r 15(2) | Duty to issue a certificate of transfer of registration | CEO, DIAD, MWFC, CHCS, EHO | |
| r 15(3) | Power to determine where certificate of transfer of registration is displayed | CEO, DIAD, MWFC, CHCS, EHO | |
| r 16(1) | Power to determine the fee to accompany applications for registration or applications for renewal of registration | CEO, DIAD, MWFC, CHCS, EHO | |
| r 17 | Duty to keep register of caravan parks | CEO, DIAD, MWFC, CHCS, EHO | |

| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 | | | |
|--|--|----------------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 18(4) | Power to determine where the emergency contact person's details are displayed | CEO, DIAD, MWFC, CHCS, EHO | |
| r 18(6) | Power to determine where certain information is displayed | CEO, DIAD, MWFC, CHCS, EHO | |
| r 22(1) | Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner | CEO, DIAD, MWFC, CHCS, EHO | |
| r 22(2) | Duty to consult with relevant emergency services agencies | CEO, DIAD, MWFC, CHCS, EHO | |
| r 23 | Power to determine places in which caravan park owner must display a copy of emergency procedures | CEO, DIAD, MWFC, CHCS, EHO | |
| r 24 | Power to determine places in which caravan park owner must display copy of public emergency warnings | CEO, DIAD, MWFC, CHCS, EHO | |
| r 25(3) | Duty to consult with relevant floodplain management authority | CEO, DIAD, MWFC, CHCS, EHO | |
| r 26 | Duty to have regard to any report of the relevant fire authority | CEO, DIAD, MWFC, CHCS, EHO | |

| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 | | | |
|--|--|----------------------------------|-------------------------------------|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 28(c) | Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling | CEO, DIAD, MWFC, CHCS, EHO | |
| r 40 | Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe | CEO, DIAD, MWFC, CHCS, EHO | |
| r 40(b) | Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe | CEO, DIAD, MWFC, CHCS, EHO | |
| r 41(4) | Function of receiving installation certificate | CEO, DIAD, MWFC, CHCS, EHO | |
| r 43 | Power to approve use of a non-habitable structure as a dwelling or part of a dwelling | CEO, DIAD, MWFC, CHCS, EHO | |
| Sch 3 cl 4(3) | Power to approve the removal of wheels and axles from unregistrable movable dwelling | CEO, DIAD, MWFC, CHCS, EHO | |

| ROAD MANAGEMENT (GENERAL) REGULATIONS 2016 | | | |
|---|--|-----------------------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 8(1) | Duty to conduct reviews of road management plan | CEO, DIAD, MOPS | |
| r 9(2) | Duty to produce written report of review of road management plan and make report available | CEO, DIAD, MOPS | |
| r 9(3) | Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required) | CEO, DIAD, MOPS | Where Council is the coordinating road authority |
| r 10 | Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act | CEO, DIAD, MOPS | |
| r 13(1) | Duty to publish notice of amendments to road management plan | CEO, DIAD, MOPS | Where Council is the coordinating road authority |
| r 13(3) | Duty to record on road management plan the substance and date of effect of amendment | CEO, DIAD, MOPS | |
| r 16(3) | Power to issue permit | CEO, DIAD, MOPS, CENG, ENGO | Where Council is the coordinating road authority |
| r 18(1) | Power to give written consent re damage to road | CEO, DIAD, MOPS, CENG, ENGO | Where Council is the coordinating road authority |
| r 23(2) | Power to make submission to Tribunal | CEO, DIAD, MOPS, CHCS | Where Council is the coordinating road authority |

| ROAD MANAGEMENT (GENERAL) REGULATIONS 2016 | | | |
|---|--|--|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 23(4) | Power to charge a fee for application under s 66(1) Road Management Act | CEO, DIAD | Where Council is the coordinating road authority |
| r 25(1) | Power to remove objects, refuse, rubbish or other material deposited or left on road | CEO, DIAD, MOPS, CWK, CHCS, CSY. CENG, ENGO | Where Council is the responsible road authority |
| r 25(2) | Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3)) | CEO, DIAD, MWFC, CHCS | Where Council is the responsible road authority |
| r 25(5) | Power to recover in the Magistrates' Court, expenses from person responsible | CEO, DIAD, MWFC, CHCS | |

| ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015 | | | |
|--|---|-----------------|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 15 | Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works | CEO, All D | Where Council is the coordinating road authority and where consent given under s 63(1) of the Act |
| r 22(2) | Power to waive whole or part of fee in certain circumstances | CEO, All D | Where Council is the coordinating road authority |

12.3 INSTRUMENTS OF APPOINTMENT TO AUTHORISED OFFICERS UNDER THE PLANNING AND ENVIRONMENT ACT 1987

Go to 01:38:10 in the meeting recording to view this item.

DIRECTOR ORGANISATIONAL SERVICES

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

ATTACHMENTS

1. S11A Instrument of appointment authorisation - Planning and Environment Act [12.3.1 - 1 page]

EXECUTIVE SUMMARY

The appointment of authorised officers enables appropriate staff within the organisation to administer and enforce various Acts, Regulations or Council local laws in accordance with the powers granted to them under legislation or a local law.

Instruments of Appointment and Authorisation are prepared based on advice from the Maddocks Authorisations and Delegations Service, which Council subscribes to.

Whilst the appointment and authorisation of authorised officers under other relevant legislation is executed by the Chief Executive Officer under delegation, Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* be authorised by Council resolution.

This instrument is being updated to reflect staffing changes.

OFFICER'S RECOMMENDATION

That Council, in the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, resolves that:

- a. The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument.*
- b. The instrument comes into force immediately it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.*

MOTION

That Council, in the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, resolves that:

- a. The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument.*

- b. *The instrument comes into force immediately it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.*

Moved: Cr Don Henderson

Seconded: Cr Tessa Halliday

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil

Abstained: Nil

BACKGROUND

Instruments of Appointment and Authorisation empower relevant staff to exercise the powers granted to authorised officers by legislation or a local law.

The Instruments of Appointment and Authorisation prepared for Council's consideration are based on advice from the Maddocks Authorisations and Delegations Service.

Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* be authorised by Council resolution and that Instruments of Appointment and Authorisation be refreshed on a regular basis.

The instruments have been prepared by the Governance Team after consultation with the internal departments of Council and have been recently updated to ensure new employees have been added to the S11a Instrument of Appointment.

The Instruments of Appointment to Authorised Officers that do not relate to the *Planning and Environment Act 1987* will be executed by the Chief Executive Officer as per legislation.

KEY ISSUES

Planning and Environment Act 1987

There are no legislative changes to the authorisation under the *Planning and Environment Act 1987*. The instrument has been updated in line with staff appointments.

Powers are delegated to individuals, not positions.

POLICY AND STATUTORY 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

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

There are no risk implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council subscribes to the Maddocks Authorisations and Delegations Service, and relevant advice has been considered in the preparation of this report.

This Instrument of Appointment and Authorisation has been prepared following feedback from Development and Community Services Department. There are no other community or stakeholder engagement implications or requirements associated with this report.

For transparency purposes, Council is required to prepare a register of Instruments of Appointment to Authorised Officers and Delegations on Council's website.

S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

Hepburn Shire Council

**Instrument of Appointment and Authorisation
(*Planning and Environment Act 1987* only)**

In this Instrument 'officer' means –

**Bruce Lucas – Interim Director Community and Development
Ransce Salan – Acting Manager Planning and Building
Wallie Cron – Coordinator Statutory Planning
Chris Hu – Statutory Planner
Lipi Patel – Statutory Planner
Bronwyn Southee – Manager Strategic Planning
Damien Kennedy – Acting Manager Strategic Planning
Allicia Cooper-Wallis - Administration Support Statutory Planning
Peter Ford – Development Services Enforcement Officer**

By this instrument of appointment and authorisation Hepburn Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officers either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Hepburn Shire Council on 19 September 2022

This Instrument is made by the Chief Executive Officer of Hepburn Shire Council in the exercise of his authority to act on Council's behalf, which includes the authority conferred by resolution of Council made on 21 March 2023.

**Bradley Thomas
Chief Executive Officer
Hepburn Shire Council**

Date: March 2023

12.4 RECORDS OF COUNCILLOR ATTENDANCE - MARCH 2023

Go to 01:41:00 in the meeting recording to view this item.

DIRECTOR ORGANISATIONAL SERVICES

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 - 13 September 2022 [12.4.1 - 4 pages]
2. Record of Councillor Attendance - Disability Advisory Committee Meeting - 14 November 2022 [12.4.2 - 3 pages]
3. Record of Councillor Attendance - LGBTIQ A+ Advisory Committee Meeting - 5 December 2022 [12.4.3 - 3 pages]
4. Record of Councillor Attendance - Mineral Springs Reserve Advisory Committee - 12 December 2022 [12.4.4 - 3 pages]
5. Record of Councillor Attendance - Councillor Briefing - 13 December 2022 [12.4.5 - 5 pages]
6. Record of Councillor Attendance - Municipal Emergency Management Planning Committee - 15 December 20 [12.4.6 - 3 pages]
7. Record of Councillor Attendance - Pre-Council Meeting Briefing - 20 December 2022 [12.4.7 - 2 pages]
8. Record of Councillor Attendance - Reconciliation Advisory Committee Meeting - 30 January 2023 [12.4.8 - 4 pages]
9. Record of Councillor Attendance - Councillor Briefing - 7 February 2023 [12.4.9 - 5 pages]
10. Record of Councillor Attendance - Mineral Springs Reserve Advisory Committee - 13 February 2023 [12.4.10 - 3 pages]
11. Record of Councillor Attendance - Mineral Springs Reserve Advisory Committee Site Tour - 13 February 2023 [12.4.11 - 2 pages]
12. Record of Councillor Attendance - Strategic Councillor Briefing - 14 February 2023 [12.4.12 - 5 pages]
13. Record of Councillor Attendance - Pre-Council Meeting Briefing - 21 February 2023 [12.4.13 - 1 page]
14. Record of Councillor Attendance - Councillor Planning Briefing - 28 February 2023 [12.4.14 - 3 pages]

EXECUTIVE SUMMARY

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

OFFICER'S RECOMMENDATION

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

MOTION

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

Moved: Cr Juliet Simpson

Seconded: Cr Tim Drylie

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil

Abstained: Nil

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 |
|-------------|-------------------------------|-----------------|
|-------------|-------------------------------|-----------------|

| | | |
|--------------------------|---|---|
| 13 September 2022 | Councillor Briefing | Council Chamber |
| 14 November 2022 | Disability Advisory Committee | Doug Lindsay Recreation Reserve |
| 5 December 2022 | LGBTIQA+ Advisory Committee | Council Chamber |
| 12 December 2022 | Mineral Springs Reserve Advisory Committee | Council Chamber |
| 13 December 2022 | Councillor Briefing | Council Chamber |
| 15 December 2022 | Municipal Emergency Management Planning Committee | Clunes Warehouse |
| 20 December 2022 | Pre-Council Meeting Briefing | Doug Lindsay Recreation Reserve |
| 30 January 2023 | Reconciliation Advisory Committee | Daylesford Historical Museum |
| 7 February 2023 | Councillor Briefing | Daylesford Town Hall |
| 13 February 2023 | Mineral Springs Reserve Advisory Committee | Council Chamber |
| 13 February 2023 | Mineral Springs Reserve Advisory Committee Site Tour | Hepburn Mineral Springs and Jubilee Lake Reserves |
| 14 February 2023 | Councillor Strategic Briefing | Council Chamber |
| 21 February 2023 | Pre-Council Meeting Briefing | Council Chamber |
| 28 February 2023 | Councillor Briefing | Council Chamber |

POLICY AND STATUTORY IMPLICATIONS

The report full fills Council's requirements under the Governance Rules.

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

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.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK 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.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

▶ RECORD OF COUNCILLOR ATTENDANCE

| | | | |
|----------------------------|---|-------------|-----------------------------|
| MEETING | Confidential Councillor Briefing | DATE | Tuesday, September 13, 2022 |
| LOCATION | <input checked="" type="checkbox"/> Council Chamber <input type="checkbox"/> Video Conference <input checked="" type="checkbox"/> Other: Teams and Senior Citizens Centre for PA3417 | TIME | 10:16am |
| COUNCILLORS PRESENT | <input checked="" type="checkbox"/> Cr Jen Bray <input checked="" type="checkbox"/> Cr Tim Drylie <input checked="" type="checkbox"/> Cr Tessa Halliday <input checked="" type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input checked="" type="checkbox"/> Cr Brian Hood <input checked="" type="checkbox"/> Cr Juliet Simpson | | |
| OFFICERS PRESENT | <input checked="" type="checkbox"/> CEO – Bradley Thomas <input checked="" type="checkbox"/> Director Infrastructure and Delivery – Bruce Lucas <input type="checkbox"/> Director Organisational Services – Andrew Burgess <input checked="" type="checkbox"/> Director Community and Development – Natalie Walker Others (Position Title and Name): Manager Statutory Planning and Building – Rick Traficante Coordinator Planning – Wallie Cron Manager Financial Services – Kathy Fulton Senior Accountant – Blake Pagent Planning Speakers PA3417: David Merrett – Applicant Andrew McMaster – Objector Justin Weller – Objector Janice Bragg – Objector Caitlyn Bragg – Objector | | |

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/22/56160

OR

List matters considered:

Click or tap here to enter text.

CONFLICT OF INTEREST DISCLOSURES

| Declared by | Item being considered | Time left meeting | Time Returned |
|-----------------|----------------------------------|----------------------------------|----------------------------------|
| Choose an item. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
| Choose an item. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |

NOTES:

Andrew Burgess arrived at 10:30am

▶ RECORD OF COUNCILLOR ATTENDANCE

RECORD COMPLETED BY

- CEO – Bradley Thomas
- Director Infrastructure and Delivery – Bruce Lucas
- Director Organisational Services – Andrew Burgess
- Director Community and Development – Natalie Walker

Other:

Dannielle Kraak

Signed: 

Tuesday 13 September 2022
Council Chamber, 76 Vincent Street Daylesford VIC 3460
10:15am – 12:45pm

Councillors, I advise that I have assessed the following information in the briefing papers and associated attachments as being confidential information.

The information is considered to be confidential information under section 3(1) of the Local Government Act 2020 because it is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (Section 3(1)(a)).

BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

| | | |
|----------|-------------|--|
| INVITED: | Councillors | Councillor Jen Bray, Birch Ward Councillor Tim Drylie, Creswick Ward Councillor Tessa Halliday, Cameron Ward Councillor Don Henderson, Creswick Ward Councillor Lesley Hewitt, Birch Ward Councillor Brian Hood, Coliban Ward Councillor Juliet Simpson, Holcombe Ward |
| | Officers | Bradley Thomas – Chief Executive Officer Andrew Burgess – Director Organisational Services Bruce Lucas – Director Infrastructure and Delivery Natalie Walker – Director Community and Development |
| CHAIR: | | Councillor Tim Drylie - Mayor Bradley Thomas – Chief Executive Officer |

APOLOGIES:

| No | Time | Type | Agenda Item | Presenter | Page No |
|-----|---------|---------------|--|--|---------|
| 1.1 | 10:15am | Briefing Only | PA 3417 – Use and development of land for group accommodation, associated works including; demolition of an existing building, alteration of access to a road in a Road Zone, Category 1, reduction of car parking, and removal of vegetation – 40 Vincent | Coordinator Statutory Planning Manager Statutory Planning and Building | 4 |
| 1.2 | 11:45am | Report | Annual Financial and Performance Statements 2021/2022 | Manager Financial Services | 94 |
| 2 | 12:45pm | | Close of Meeting | | 180 |
| | 12:45pm | | Lunch | | |

▶ RECORD OF COUNCILLOR ATTENDANCE

| | | | |
|----------------------------|---|-------------|---------------------------|
| MEETING | Disability Advisory Committee Meeting | DATE | Monday, November 14, 2022 |
| LOCATION | <input type="checkbox"/> Council Chamber <input type="checkbox"/> Video Conference <input type="checkbox"/> Other: Doug Lindsay Reserve, Creswick | TIME | 11:30am |
| COUNCILLORS PRESENT | <input type="checkbox"/> Cr Jen Bray <input type="checkbox"/> Cr Tim Drylie <input type="checkbox"/> Cr Tessa Halliday <input type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input type="checkbox"/> Cr Brian Hood <input type="checkbox"/> Cr Juliet Simpson | | |
| OFFICERS PRESENT | <input type="checkbox"/> CEO – Bradley Thomas <input type="checkbox"/> Director Infrastructure and Delivery – Bruce Lucas <input type="checkbox"/> Director Organisational Services – Andrew Burgess <input type="checkbox"/> Director Community and Development – Natalie Walker Others (Position Title and Name): Brett Dunlop – Inclusion Officer | | |

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/22/69904

OR

List matters considered:

Click or tap here to enter text.

CONFLICT OF INTEREST DISCLOSURES

| Declared by | Item being considered | Time left meeting | Time Returned |
|-----------------|----------------------------------|----------------------------------|----------------------------------|
| Choose an item. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
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| Choose an item. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |

NOTES:

<Record late arrivals or early departures>

RECORD COMPLETED BY

- Director Organisational Services – Andrew Burgess
- Director Infrastructure and Delivery – Bruce Lucas
- Director Community and Development – Natalie Walker
- CEO – Bradley Thomas

▶ RECORD OF COUNCILLOR ATTENDANCE

Other:

Kathleen Burns - Administration

Signed:

AGENDA

▶ DISABILITY ADVISORY COMMITTEE

Date: 14 November 2022
Time: 11.30am-2.30pm
Location: Doug Lindsay Recreation Reserve, Lindsay Park Drive, Creswick
Chair: Cr L Hewitt

AGENDA ITEMS:

1. ACKNOWLEDGEMENT OF CUSTODIANS OF THE LAND

2. ATTENDEES

Committee Members: Andrew Brown, John Condon, Graham Downey, Kaylene Howell, Steve Kelly, Darren Manning, Peter Waters, Fiona Porter

Hepburn Shire Council Representatives: Cr Leslie Hewitt, Brett Dunlop

3. APOLOGIES

David Moten (may arrive late), Lainey Curr

4. MINUTES OF THE PREVIOUS MEETING

5. ACTIONS ARISING FROM PREVIOUS MEETING

5.1. INTERNATIONAL DAY FOR PEOPLE WITH DISABILITY

6. OTHER ITEMS OF BUSINESS

6.1. DISABILITY ACCESS & INCLUSION PLAN 2023-2026

6.2. TERMS OF APPOINTMENT OF MEMBERS

7. NEXT MEETING

Meeting dates for 2023 are yet to be confirmed.

Proposed dates and towns:

- Monday 13 February 2023, Daylesford
- Monday 15 May 2023, Clunes
- Monday 14 August 2023, Trentham
- Monday 13 November 2023, Creswick

Proposed time: 11.30am – 2.30pm

▶ RECORD OF COUNCILLOR ATTENDANCE

| | | | |
|----------------------------|---|-------------|---------------------------|
| MEETING | LGBTIQA+ Advisory Committee Meeting | DATE | Monday, December 05, 2022 |
| LOCATION | <input type="checkbox"/> Council Chamber <input type="checkbox"/> Video Conference <input type="checkbox"/> Other: Koukla/Hotel Frangos, Daylesford | TIME | 10:00am |
| COUNCILLORS PRESENT | <input type="checkbox"/> Cr Jen Bray <input type="checkbox"/> Cr Tim Drylie <input checked="" type="checkbox"/> Cr Tessa Halliday <input type="checkbox"/> Cr Don Henderson <input type="checkbox"/> Cr Lesley Hewitt <input type="checkbox"/> Cr Brian Hood <input type="checkbox"/> Cr Juliet Simpson | | |
| OFFICERS PRESENT | <input type="checkbox"/> CEO – Bradley Thomas <input type="checkbox"/> Director Infrastructure and Delivery – Bruce Lucas <input type="checkbox"/> Director Organisational Services – Andrew Burgess <input type="checkbox"/> Director Community and Development – Natalie Walker Others (Position Title and Name): Brett Dunlop – Inclusion Officer | | |

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/22/74644

OR

List matters considered:

Click or tap here to enter text.

CONFLICT OF INTEREST DISCLOSURES

| Declared by | Item being considered | Time left meeting | Time Returned |
|-----------------|----------------------------------|----------------------------------|----------------------------------|
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| Choose an item. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
| Choose an item. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |

NOTES:

<Record late arrivals or early departures>

RECORD COMPLETED BY

- Director Organisational Services – Andrew Burgess
- Director Infrastructure and Delivery – Bruce Lucas
- Director Community and Development – Natalie Walker
- CEO – Bradley Thomas

▶ RECORD OF COUNCILLOR ATTENDANCE

Other:

Kathleen Burns - Administration

Signed:

AGENDA

▶ LGBTIQA+ ADVISORY COMMITTEE

Date: Monday 5 December 2022
Time: 10am – 12noon
Location: Council Chambers, Daylesford Town Hall
Chair: Cr Tessa Halliday

AGENDA ITEMS:

1. ACKNOWLEDGEMENT OF CUSTODIANS OF THE LAND

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. ATTENDEES

Committee Members: Lyall Brooks, Belinda Brain, Grace Lee, Ian McKnight, Tass Mousaferiadis, Jac Nancarrow, Trish Power, Max Primmer, Dean Whelan
Hepburn Shire Council Representatives: Cr Tessa Halliday, Brett Dunlop

3. APOLOGIES

4. MINUTES OF THE PREVIOUS MEETING

That the Committee adopts the minutes of the previous meeting held on 5 September 2022.

5. ACTIONS ARISING FROM PREVIOUS MEETING

5.1. UPDATE ON BIG RAINBOW PROJECT

6. OTHER ITEMS OF BUSINESS

6.1. RAINBOW READY ROADMAP

Using the RRR framework for our Rainbow Action Plan

6.2. CALENDAR OF COUNCIL'S LGBTIQA+ EVENTS FOR 2023

6.3. COMMITTEE MEETING DATES AND VENUES FOR 2023

6.4. ANY OTHER BUSINESS

7. NEXT MEETING

To be determined in Agenda Item 6.4

▶ RECORD OF COUNCILLOR ATTENDANCE

| | | | |
|----------------------------|---|-------------|---------------------------|
| MEETING | Mineral Springs Reserve Advisory Committee Meeting | DATE | Monday, December 12, 2022 |
| LOCATION | <input checked="" type="checkbox"/> Council Chamber <input checked="" type="checkbox"/> Video Conference <input type="checkbox"/> Other: The Daylesford Town Hall | TIME | 1.00 – 3.00pm |
| COUNCILLORS PRESENT | <input checked="" type="checkbox"/> Cr Jen Bray <input type="checkbox"/> Cr Tim Drylie <input type="checkbox"/> Cr Tessa Halliday <input type="checkbox"/> Cr Don Henderson <input type="checkbox"/> Cr Lesley Hewitt <input type="checkbox"/> Cr Brian Hood <input type="checkbox"/> Cr Juliet Simpson | | |
| OFFICERS PRESENT | <input type="checkbox"/> CEO – Bradley Thomas <input checked="" type="checkbox"/> Director Infrastructure and Delivery – Bruce Lucas <input type="checkbox"/> Director Organisational Services – Andrew Burgess <input type="checkbox"/> Director Community and Development – Natalie Walker Others (Position Title and Name): Paulette Pleasance – EA to Director Infrastructure and Delivery Sean Ludeke – Coordinator Parks and Open Space | | |

MATTERS CONSIDERED

Agenda attached – Doc/22/74677 Minutes – Doc/22/76667

NOTES:

RECORD COMPLETED BY

- CEO – Bradley Thomas
- Director Infrastructure and Delivery – Bruce Lucas
- Director Organisational Services – Andrew Burgess
- Director Community and Development – Natalie Walker

Other:

Paulette Pleasance



Signed:

MINERAL SPRINGS RESERVE ADVISORY COMMITTEE

Monday 12 December – Council Chambers or Teams – 1.00pm – 3.00pm

Attendees: Cr Jen Bray, Bruce Lucas, Bill Guest, Lisa Rodier, Nathan Lundmark, Brenden Loton, Sean Ludeke, Paulette Pleasance,

Apology:

| No | Time | Agenda Item | Presenter |
|----|--------|---|-------------|
| 1 | 1.00pm | <p>Welcome and Apologies</p> <p>ACKNOWLEDGEMENT OF TRADITIONAL OWNERS</p> <p>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.</p> <p>We also acknowledge the neighbouring Traditional Owners, the Wurundjeri to our Southeast 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.</p> | Cr Jen Bray |
| 2 | 1.05pm | Adoption of Minutes –10 October 2022 | Cr Jen Bray |
| 3 | 1.10pm | Flood Damage in Reserves | Sean Ludeke |
| 4 | 1.20pm | Letter from Gary Lawrence re Gold Mining Threat | |
| 5 | 1.30pm | Update on current FY 2022/23 Projects | Sean Ludeke |
| 6 | 1.45pm | <p>Proposed projects for FY 2023/24 Budget:</p> <ul style="list-style-type: none"> Central Springs Master Plan/Management Plan, | All |

AGENDA

| | | | |
|--|--------|---|-------------|
| | | including bore replacement. <ul style="list-style-type: none"> • HMSR west bank stabilisation landscape and path improvement concept plan. • Any other proposals. | |
| 7 | 2.00pm | Hepburn Bathhouse Lease Update | Bruce Lucas |
| 8 | 2.15pm | Caretakers Cottage Update | |
| 9 | 2.30pm | General Business <ul style="list-style-type: none"> • Meeting Dates for 2023 | |
| | | Meeting Close | |
| Attachments Sent with Agenda <ul style="list-style-type: none"> • Minutes – 10 October 2022 • Updated Action Register • Proposed Meeting Dates for 2023 • Letter from Gary Lawrence | | | |
| Next meeting – TBC for 2023 | | | |

▶ RECORD OF COUNCILLOR ATTENDANCE

| | | | |
|----------------------------|---|-------------|----------------------------|
| MEETING | Councillor Briefing | DATE | Tuesday, December 13, 2022 |
| LOCATION | <input checked="" type="checkbox"/> Council Chamber <input checked="" type="checkbox"/> Video Conference <input type="checkbox"/> Other: <i>Click or tap here to enter text.:</i> | TIME | 10:15am – 1:45pm |
| COUNCILLORS PRESENT | <input checked="" type="checkbox"/> Cr Jen Bray <input checked="" type="checkbox"/> Cr Tim Drylie <input checked="" type="checkbox"/> Cr Tessa Halliday <input checked="" type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input checked="" type="checkbox"/> Cr Brian Hood <input checked="" type="checkbox"/> Cr Juliet Simpson | | |
| OFFICERS PRESENT | <input checked="" type="checkbox"/> CEO – Bradley Thomas <input checked="" type="checkbox"/> Director Infrastructure and Delivery – Bruce Lucas <input checked="" type="checkbox"/> Director Organisational Services – Andrew Burgess <input checked="" type="checkbox"/> Director Community and Development – Natalie Walker Others (Position Title and Name): Manager Operations – Tristan May Coordinator Sport and Active Recreation – Kathie Schnur Manager Economic Development and Recreation – Kendall Sinclair Acting Manager Strategic Planning – Damien Kennedy Manager Planning and Building – Rick Traficante Manager Emergency Management – Michelle McDonald Emergency Management Officer, Fire – Ben Burgess | | |

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/22/75718

OR

List matters considered:

As per agenda

CONFLICT OF INTEREST DISCLOSURES

| Declared by | Item being considered | Time left meeting | Time Returned |
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NOTES:

▶ RECORD OF COUNCILLOR ATTENDANCE

RECORD COMPLETED BY

- Director Organisational Services – Andrew Burgess
- Director Infrastructure and Delivery – Bruce Lucas
- Director Community and Development – Natalie Walker
- CEO – Bradley Thomas

Other:

Coordinator Governance – Dannielle Kraak

Signed:



| No | Time | Type | Agenda Item | Presenter | Page No |
|-----|---------|---------------------|--|---|---------|
| 1.1 | 10:15am | Discussion | Councillor Priorities Discussion | Chief Executive Officer | 5 |
| 1.2 | 10:45am | Report | Infrastructure Update - Annual Road Maintenance Programs & Storm Recovery Program | Manager Operations | 20 |
| 1.3 | 11:15am | Report | Hepburn Shire Council Indoor Aquatics Provision Feasibility Study and Business Case - Project Introduction | Manager Economic Development and Recreation Coordinator Sport and Active Recreation Solucio Pty Ltd The OCD | 26 |
| 1.4 | 11:45am | Report Presentation | Strategic Planning Program Road Map | Director Community and Development Acting Manager Strategic Planning | 38 |
| | 12:15pm | | Lunch | | |
| 1.5 | 12:45pm | Report | Service Review and customer led improvement to the Statutory Planning Service | Director Community and Development | 59 |

| | | | | | |
|-----|--------|------------------|---|--|----|
| 1.6 | 1:15pm | Report | Briefing on the fire season for 2022/2023 and the Emergency Management Team | Manager Emergency Management Emergency Management Officer - Fire | 66 |
| 2 | 1:45pm | Close of Meeting | | | 67 |

▶ RECORD OF COUNCILLOR ATTENDANCE

| | | | |
|----------------------------|--|-------------|-----------------------------|
| MEETING | Municipal Emergency Management Planning Committee Meeting | DATE | Thursday, December 15, 2022 |
| LOCATION | <input type="checkbox"/> Council Chamber <input type="checkbox"/> Video Conference <input checked="" type="checkbox"/> Other: Clunes Warehouse | TIME | 10-12.00pm |
| COUNCILLORS PRESENT | <input type="checkbox"/> Cr Jen Bray <input checked="" type="checkbox"/> Cr Tim Drylie <input type="checkbox"/> Cr Tessa Halliday <input type="checkbox"/> Cr Don Henderson <input type="checkbox"/> Cr Lesley Hewitt <input type="checkbox"/> Cr Brian Hood <input type="checkbox"/> Cr Juliet Simpson | | |
| OFFICERS PRESENT | <input type="checkbox"/> CEO – Bradley Thomas <input checked="" type="checkbox"/> Director Infrastructure and Delivery – Bruce Lucas <input type="checkbox"/> Director Organisational Services – Andrew Burgess <input type="checkbox"/> Director Community and Development – Natalie Walker Others (Position Title and Name): Michelle McDonald – Manager Emergency Management Ben Burgess – Emergency Management Officer – Fire Paulette Pleasance – EA to Director Infrastructure and Delivery | | |

MATTERS CONSIDERED

Agenda attached – doc/22/74806

NOTES:

RECORD COMPLETED BY

- CEO – Bradley Thomas
- Director Infrastructure and Delivery – Bruce Lucas
- Director Organisational Services – Andrew Burgess
- Director Community and Development – Natalie Walker

Other:

Paulette Pleasance



Signed:

Municipal Emergency Management Planning

Hepburn Shire



ATTACHMENT 12.4.6

Agenda – MEMPC Meeting

Thursday 15 December 2022 – 10.00am–12.00pm

Council Chambers, 76 Vincent Street Daylesford or via Teams

Attendees: Bruce Lucas (HSC), Cr Tim Drylie (HSC), Michelle McDonald (HSC), Ben Burgess (HSC), Paulette Pleasance (HSC), Ryan Newman (VicPol), Fiona Robertson (ERV), Tonie Duffin (Red Cross), Mark Grace (DFFH), Gavin Kelly (SES), Jane Patton (SES), Luke Kneebone (CFA), Crystal Clark (DELWP), Andrew Banks (VCC Emergencies Ministry), Dylan Birthisel (Ambulance Victoria), Nathan Durbridge (Dept of Health),

Guest: Angela Clough (DJPR)

| | | |
|---|---|-------------|
| 1 | <p>Welcome members and apologies noted.</p> <p>ACKNOWLEDGEMENT OF TRADITIONAL OWNERS</p> <p>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.</p> <p>We also acknowledge the neighbouring Traditional Owners, the Wurundjeri to our Southeast 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.</p> | Bruce Lucas |
| 2 | <p>Introduction of new members and acknowledgement of previous members</p> <p>New: Cr Tim Drylie, Michelle McDonald, Ben Burgess</p> <p>Previous: Cr Brian Hood, Rebecca Stacey (DJPR)</p> <p>Visitor: Dr Angela Clough (DJPR)</p> | Bruce Lucas |
| 3 | <p>Adoption of Minutes from 29 September 2022</p> | Bruce Lucas |
| 4 | <p>Review of Actions Register</p> | Bruce Lucas |

| | | |
|---|--|-------------------------------|
| 5 | <p>Incoming Correspondence:</p> <ul style="list-style-type: none"> Letter from Dept of Justice & Community Safety re Change of Control for funding agreement. <p>Outgoing Correspondence: TBA</p> | Paulette Pleasance |
| 6 | <p>Municipal Recovery Working Group (June 2021 Storm) Update</p> <ul style="list-style-type: none"> Assessment of the ongoing need for this group and future direction (discuss possibility of working this program into the MEMPC) | Michelle McDonald |
| 7 | <p>Municipal Emergency Management Plan (MEMPC) – final feedback and vote. Next steps.</p> | Michelle McDonald/Bruce Lucas |
| 8 | <p>Community Emergency Risk Assessment (CERA) – plan for full review in 2023</p> | Michelle McDonald/Gavin Kelly |
| 9 | <p>Annual review of membership and Terms of Reference</p> | Bruce Lucas |
| 10 | <p>Agency Updates</p> | All |
| | <p>Meeting Closed</p> | |
| <p>Attachments Circulated with Agenda</p> <ul style="list-style-type: none"> Minutes 29 September 2022 Proposed Meeting dates for 2023 Updated Action Register November 2023 MEMPC Terms of Reference 2022-2024 Hepburn Shire MEMPC (Draft) Controlled Version v2 | | |
| <p>Next Meeting – March 2022 (TBC)</p> | | |

▶ RECORD OF COUNCILLOR ATTENDANCE

| | | | |
|----------------------------|---|-------------|----------------------------|
| MEETING | Pre-Council Meeting Briefing | DATE | Tuesday, December 20, 2022 |
| LOCATION | <input type="checkbox"/> Council Chamber <input type="checkbox"/> Video Conference <input checked="" type="checkbox"/> Other: Doug Lindsay Rec Reserve, Creswick | TIME | 2:30pm – 4:30pm |
| COUNCILLORS PRESENT | <input checked="" type="checkbox"/> Cr Jen Bray <input checked="" type="checkbox"/> Cr Tim Drylie <input checked="" type="checkbox"/> Cr Tessa Halliday <input checked="" type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input checked="" type="checkbox"/> Cr Brian Hood <input checked="" type="checkbox"/> Cr Juliet Simpson | | |
| OFFICERS PRESENT | <input checked="" type="checkbox"/> CEO – Bradley Thomas <input checked="" type="checkbox"/> Director Infrastructure and Delivery – Bruce Lucas <input checked="" type="checkbox"/> Director Organisational Services – Andrew Burgess <input checked="" type="checkbox"/> Director Community and Development – Natalie Walker Others (Position Title and Name): Manager Planning & Building – Rick Traficante Coordinator Planning – Wallie Cron Manager Community Life – Fran Fogarty Manager Projects – Ben Grounds Manager Governance and Risk – Rebecca Smith Coordinator Governance – Dannielle Kraak Acting Executive Assistant to the CEO – Monica De Luzio Manager Waste, Facilities & Community – Simon Mennie Property Officer – Karen Menne | | |

MATTERS CONSIDERED

List matters considered:

As per Council Meeting agenda

CONFLICT OF INTEREST DISCLOSURES

| Declared by | Item being considered | Time left meeting | Time Returned |
|------------------|----------------------------|-------------------|---------------|
| Natalie Walker* | Confidential 1.1 – The Rex | 3:36pm | 3:43pm |
| Wallie Cron* | Confidential 1.1 – The Rex | 3:36pm | 3:43pm |
| Rick Traficante* | Confidential 1.1 – The Rex | 3:36pm | 3:43pm |

NOTES: Natalie Walker, Rick Traficante, and Wallie Cron left the meeting for the discussion of Confidential Item 1.1 – Sale of the Rex – for probability reasons in anticipation of a future planning application for the site.

▶ RECORD OF COUNCILLOR ATTENDANCE

RECORD COMPLETED BY

Manager Governance and Risk – Rebecca Smith

Signed:



▶ RECORD OF COUNCILLOR ATTENDANCE

| | | | |
|----------------------------|---|-------------|--------------------------|
| MEETING | <Reconciliation Advisory Committee> | DATE | Monday, January 30, 2023 |
| LOCATION | <input type="checkbox"/> Council Chamber <input type="checkbox"/> Video Conference <input checked="" type="checkbox"/> Other: Museum, 100 Vincent St Daylesford: | TIME | 09:30am |
| COUNCILLORS PRESENT | <input type="checkbox"/> Cr Jen Bray <input type="checkbox"/> Cr Tim Drylie <input type="checkbox"/> Cr Tessa Halliday <input type="checkbox"/> Cr Don Henderson <input type="checkbox"/> Cr Lesley Hewitt <input checked="" type="checkbox"/> Cr Brian Hood <input type="checkbox"/> Cr Juliet Simpson | | |
| OFFICERS PRESENT | <input type="checkbox"/> CEO – Bradley Thomas <input type="checkbox"/> Director Infrastructure and Delivery – Bruce Lucas <input type="checkbox"/> Director Organisational Services – Andrew Burgess <input type="checkbox"/> Director Community and Development – Natalie Walker Others (Position Title and Name): Donna Spiller – Reconciliation Officer | | |

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/23/4449

OR

List matters considered:

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CONFLICT OF INTEREST DISCLOSURES

| Declared by | Item being considered | Time left meeting | Time Returned |
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NOTES:

<Record late arrivals or early departures>

RECORD COMPLETED BY

- Director Organisational Services – Andrew Burgess
- Director Infrastructure and Delivery – Bruce Lucas
- Director Community and Development – Natalie Walker
- CEO – Bradley Thomas

▶ RECORD OF COUNCILLOR ATTENDANCE

Other:

Kathleen Burns – Community Life Administration

Signed:

Reconciliation Advisory Committee



Monday 30 January 2023

Daylesford Historical Museum
 100 Vincent St, Daylesford
 9.30am -11am

Invitees: Mayor Brian Hood (Chair), Dale McDonald, Erica Higgins, Rod Poxon, Gary Lawrence, Barry Golding, Jason Boston, Craig Barrett, Noah Tyler, Nola Orr, Donna Spiller (Reconciliation Officer)
 Kathleen Burns (Minutes), Jason Boston

Apologies: Tentative – Erica Higgins

| Item | Time | Agenda Item | Presenter RAP Action |
|---|------|---|--|
| 1 | 9.30 | <ul style="list-style-type: none"> Acknowledgement of Country Welcome, apologies and introductions Acceptance of minutes from previous meeting. | Chair |
| 2 Actions and Outcomes from Previous Minutes | 9.50 | <ul style="list-style-type: none"> Letter of Appointment altered to reflect 3 year term for previous members Annual reporting C80 Planning Amendment – RFQ for Aboriginal Cultural Values Assessment Using Arts and Culture to tell cultural stories and truth telling: Coranderrk portraits. Cultural Safety in Community and Council buildings: Clydesdale Hall January 26 Uluru Statement of the Heart endorsement from Council RAP development: Agenda Item 3 Larni Barramal Yaluk: Agenda Item 3 - Confidentiality Agreement - TOR language: Unactioned - Djaara Map on signage: unactioned item: Defer to new RAP - Plaques: Unactioned item: Defer to new RAP | Officer Barry Erica/Officer Officer |

▶ MEETING AGENDA

| | | | |
|---|-------|--|---|
| 3 Project status update | 10.25 | <u>Larni Barramal Yaluk</u> <u>RAP development</u> <ul style="list-style-type: none"> - <u>IWG</u> - <u>Advisory Group</u> - <u>Consultation</u> | Officer RAP Action 7 RAP Action 1 |
| 4 Agenda Item from Committee | 10.45 | Mining Exploration – the protection of aquifer and flow systems. | Gary RAP Action 6 |
| 5 Communication with DDWCAC | 11.00 | Aboriginal Cultural Values Assessment Master Plans: Glenlyon Recreation Reserve Arts and Culture Strategy Cultural Awareness Training for staff | Officer Action 6 Action 8 |
| 6. Internal Working Group | 11.10 | (keeping this line item in agenda for future reference) IWG to be re-established asap with new RAP as per agenda item 3 | Officer Action 1 |
| 7 Central Victorian Local Govt. Reconciliation Network | 11.10 | Meeting Held 14 December Castlemaine Agenda: <ul style="list-style-type: none"> - Reconciliation updates from each Council - VALGS - Reconciliation Victoria Update - Tour of Boorp Boorp Boondyil | Officer Action 5 |
| 8 Other Business | 11.15 | Reconciliation Week 27 may – 3 June Theme: Be a Voice for Generations NAIDOC Week July 2-9 Theme: For Our Elders Begin Planning | |
| 10. Review of Recommendations From Meeting -Next meeting -Close Meeting | 11.25 | | |

▶ RECORD OF COUNCILLOR ATTENDANCE

| | | | |
|----------------------------|--|-------------|----------------------------|
| MEETING | Councillor Briefing | DATE | Tuesday, February 07, 2023 |
| LOCATION | <input type="checkbox"/> Council Chamber <input type="checkbox"/> Video Conference <input checked="" type="checkbox"/> Other: Daylesford Town Hall | TIME | 10am – 2:23pm |
| COUNCILLORS PRESENT | <input checked="" type="checkbox"/> Cr Jen Bray <input checked="" type="checkbox"/> Cr Tim Drylie <input checked="" type="checkbox"/> Cr Tessa Halliday <input checked="" type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input checked="" type="checkbox"/> Cr Brian Hood <input checked="" type="checkbox"/> Cr Juliet Simpson | | |
| OFFICERS PRESENT | <input checked="" type="checkbox"/> CEO – Bradley Thomas <input checked="" type="checkbox"/> Director Infrastructure and Delivery – Bruce Lucas <input checked="" type="checkbox"/> Director Organisational Services – Andrew Burgess <input checked="" type="checkbox"/> Director Community and Development – Natalie Walker Others (Position Title and Name): Manager Governance and Risk – Rebecca Smith Coordinator Governance – Dannielle Kraak Manager Financial Services – Kathy Fulton Sustainability Officer – Manny Pasqualini Health and Wellbeing Officer – George Martin Coordinator Early Years and Healthy Communities – Kate Procter Grants and Corporate Reporting Officer – Kelly Lewis | | |

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/23/5873

OR

List matters considered:

Click or tap here to enter text.

CONFLICT OF INTEREST DISCLOSURES

| Declared by | Item being considered | Time left meeting | Time Returned |
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| Choose an item. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |

NOTES:

Cr Simpson did not return from lunch (which started at 12:15pm) until 1:03pm

▶ RECORD OF COUNCILLOR ATTENDANCE

Planning Matters discussion toward end of meeting. Time meeting complete: 2.23 pm

RECORD COMPLETED BY

- Director Organisational Services – Andrew Burgess
- Director Infrastructure and Delivery – Bruce Lucas
- Director Community and Development – Natalie Walker
- CEO – Bradley Thomas

Other:

Governance Administration Officer – Brigitte Longmore

Signed:



| No | Time | Type | Agenda Item | Presenter | Page No |
|-----|---------|------------|--|---|---------|
| 1.0 | 9:00am | Discussion | Councillor Only Time | N/A | |
| | 10:00am | | Break | | |
| 1.1 | 10:15am | Discussion | Councillor "Burning Issues" Discussion, Executive Issues Update and External Committees Update | Chief Executive Officer | 5 |
| 1.2 | 10:45am | Discussion | Update on the Electoral Structure Review | Manager Governance and Risk | 6 |
| 1.3 | 11:15am | Report | Quarterly Finance Reports - Quarter 2 2022/2023 | Manager Financial Services | 8 |
| 1.4 | 11:45am | Report | Solar Savers 2022-2023 - Intention to Declare a Special Rates Charge | Sustainability Officer | 46 |
| | 12:15pm | | Lunch | | |
| 1.5 | 12:45pm | Report | Gender Equity Committee Terms of Reference | Health and Wellbeing Officer Coordinator Early Years and Healthy Communities | 63 |

| | | | | | |
|-----|--------|--------|--|--|-----|
| 1.6 | 1:15pm | Report | Annual Plan 2022/2023 - Quarter 2 Progress Report | Director Organisational Services Grants and Corporate Reporting Officer | 77 |
| 1.7 | 1:45pm | Report | Corporate Performance Report 2022/2023 - Quarter 2 | Director Organisational Services Grants and Projects Officer | 96 |
| 2 | 2:15pm | | Close of Meeting | | 146 |

▶ RECORD OF COUNCILLOR ATTENDANCE

| | | | |
|----------------------------|---|-------------|---------------------------|
| MEETING | Mineral Springs Reserve Advisory Committee Meeting | DATE | Monday, February 13, 2023 |
| LOCATION | <input checked="" type="checkbox"/> Council Chamber <input type="checkbox"/> Video Conference <input type="checkbox"/> Other: The Daylesford Town Hall | TIME | 1.00-3.00pm |
| COUNCILLORS PRESENT | <input checked="" type="checkbox"/> Cr Jen Bray <input type="checkbox"/> Cr Tim Drylie <input type="checkbox"/> Cr Tessa Halliday <input type="checkbox"/> Cr Don Henderson <input type="checkbox"/> Cr Lesley Hewitt <input type="checkbox"/> Cr Brian Hood <input type="checkbox"/> Cr Juliet Simpson | | |
| OFFICERS PRESENT | <input type="checkbox"/> CEO – Bradley Thomas <input checked="" type="checkbox"/> Director Infrastructure and Delivery – Bruce Lucas <input type="checkbox"/> Director Organisational Services – Andrew Burgess <input type="checkbox"/> Director Community and Development – Natalie Walker Others (Position Title and Name): Paulette Pleasance – EA to Director Infrastructure and Delivery Sean Ludeke – Coordinator Parks and Open Space | | |

MATTERS CONSIDERED

Agenda attached – Doc/23/5622 – Minutes – Doc/23/8266

NOTES:

RECORD COMPLETED BY

- CEO – Bradley Thomas
- Director Infrastructure and Delivery – Bruce Lucas
- Director Organisational Services – Andrew Burgess
- Director Community and Development – Natalie Walker

Other:

Paulette Pleasance



Signed:

MINERAL SPRINGS RESERVE ADVISORY COMMITTEE

Monday 13 February 2023 – Council Chambers or Teams – 1.00pm – 3.00pm

Attendees: Cr Jen Bray, Bruce Lucas, Bill Guest, Lisa Rodier, Nathan Lundmark, Sean Ludeke, Paulette Pleasance,

Guest: David Hale (RMCG) – via Teams

| No | Time | Agenda Item | Presenter |
|----|--------|---|-------------------|
| 1 | 1.00pm | <p>Welcome and Apologies</p> <p>ACKNOWLEDGEMENT OF TRADITIONAL OWNERS</p> <p>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.</p> <p>We also acknowledge the neighbouring Traditional Owners, the Wurundjeri to our Southeast 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.</p> | Cr Jen Bray |
| 2 | 1.05pm | Adoption of Minutes –12 December 2022 | Cr Jen Bray |
| 3 | 1.10pm | Preliminary Draft – Victorian Mineral Springs Master Plan 2023-2032 | David Hale (RMCG) |
| 4 | 1.45pm | Update on Current FY Projects | Sean Ludeke |
| 5 | 2.00pm | Priority Projects Review following Site Visit | All |

AGENDA

| | | | |
|---|--------|------------------|--|
| 6 | 2.30pm | General Business | |
| | 3.00pm | Meeting Close | |
| <p>Attachments Sent with Agenda</p> <ul style="list-style-type: none"> • Minutes – 12 December 2022 • Updated Action Register • Maintenance Update • Mullock Heap Weed Control Project – Lake Daylesford <p>Note for Committee Mineral Springs Reserve Fund Balance</p> <ul style="list-style-type: none"> • Opening Balance 1/7/22 - \$1.272 Mil • Closing Balance 30/6/23 - \$826k | | | |
| <p>Next meeting – Monday 17 April 2023 – Council Chambers</p> | | | |

▶ RECORD OF COUNCILLOR ATTENDANCE

| | | | |
|----------------------------|---|-------------|---------------------------|
| MEETING | Mineral Springs Reserve Advisory Committee Meeting – Site Tour of HMSR & Jubilee Lake Reserve | DATE | Monday, February 13, 2023 |
| LOCATION | <input type="checkbox"/> Council Chamber <input type="checkbox"/> Video Conference <input checked="" type="checkbox"/> Other: HMSR and Jubilee Lake Reserve | TIME | 11.00am – 1.00pm |
| COUNCILLORS PRESENT | <input checked="" type="checkbox"/> Cr Jen Bray <input type="checkbox"/> Cr Tim Drylie <input type="checkbox"/> Cr Tessa Halliday <input type="checkbox"/> Cr Don Henderson <input type="checkbox"/> Cr Lesley Hewitt <input type="checkbox"/> Cr Brian Hood <input type="checkbox"/> Cr Juliet Simpson | | |
| OFFICERS PRESENT | <input type="checkbox"/> CEO – Bradley Thomas <input checked="" type="checkbox"/> Director Infrastructure and Delivery – Bruce Lucas <input type="checkbox"/> Director Organisational Services – Andrew Burgess <input type="checkbox"/> Director Community and Development – Natalie Walker Others (Position Title and Name): Paulette Pleasance – EA to Director Infrastructure and Delivery Sean Ludeke – Coordinator Parks and Open Space | | |

MATTERS CONSIDERED

Agenda attached – Doc/23/5627

NOTES:

RECORD COMPLETED BY

- CEO – Bradley Thomas
- Director Infrastructure and Delivery – Bruce Lucas
- Director Organisational Services – Andrew Burgess
- Director Community and Development – Natalie Walker

Other:

Paulette Pleasance



Signed:

MINERAL SPRINGS RESERVE ADVISORY COMMITTEE

Site Tour - Monday 13 February –11.00am – 1.00pm

Attendees: Cr Jen Bray, Bruce Lucas, Bill Guest, Lisa Rodier, Nathan Lundmark, Sean Ludeke, Paulette Pleasance,

Apology: Brenden Loton

| No | Time | Agenda Item |
|----|---------|--|
| 1 | 11.00am | <p>Meet at Hepburn Mineral Springs Reserve Pavilion Café.</p> <p>The purpose of visiting the 2 sites below is to assist the Committee in understanding both projects so that they can be prioritized.</p> <ul style="list-style-type: none"> • Eastern Carpark Embankment & Accessible Footpath Project • HMSR West Bank Stabilisation and Landscape /Path Improvements. |
| 2 | 11.45am | Drive to Lake Jubilee and meet in the main car park. |
| 3 | 12.00pm | <p>Visit Lake Jubilee Signage Project</p> <ul style="list-style-type: none"> • Visit the new path from the carpark to the Elm Walk • Inspect new signage at the Mineral Springs Site |
| 4 | 12.45pm | Travel to Council Chambers for meeting at 1.00pm |

▶ RECORD OF COUNCILLOR ATTENDANCE

| | | | |
|----------------------------|--|-------------|----------------------------|
| MEETING | Councillor Strategic Briefing | DATE | Tuesday, February 14, 2023 |
| LOCATION | <input type="checkbox"/> Council Chamber <input type="checkbox"/> Video Conference <input type="checkbox"/> Other: Click or tap here to enter text.: | TIME | 10:22am – 2:30pm |
| COUNCILLORS PRESENT | <input checked="" type="checkbox"/> Cr Jen Bray <input checked="" type="checkbox"/> Cr Tim Drylie <input checked="" type="checkbox"/> Cr Tessa Halliday <input checked="" type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input checked="" type="checkbox"/> Cr Brian Hood <input checked="" type="checkbox"/> Cr Juliet Simpson | | |
| OFFICERS PRESENT | <input checked="" type="checkbox"/> CEO – Bradley Thomas <input checked="" type="checkbox"/> Director Infrastructure and Delivery – Bruce Lucas <input checked="" type="checkbox"/> Director Organisational Services – Andrew Burgess <input checked="" type="checkbox"/> Director Community and Development – Natalie Walker Others (Position Title and Name): Manager Governance and Risk – Rebecca Smith Inclusion Officer – Brett Dunlop Manager Community Life – Fran Fogarty Manager Economic Development and Recreation – Kendall Sinclair Coordinator Economic Development and Visitor Economy – Hugh Fitzpatrick Mach2 Consultant – Mark Davies | | |

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/23/7406

OR

List matters considered:

[Click or tap here to enter text.](#)

CONFLICT OF INTEREST DISCLOSURES

| Declared by | Item being considered | Time left meeting | Time Returned |
|-----------------|--|--|--|
| Choose an item. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
| Choose an item. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
| Choose an item. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |

NOTES:

Meeting started 7 mins late at 10:22am

Meeting ran overtime by 30 mins and finished at 2:30pm

▶ RECORD OF COUNCILLOR ATTENDANCE

RECORD COMPLETED BY

- Director Organisational Services – Andrew Burgess
- Director Infrastructure and Delivery – Bruce Lucas
- Director Community and Development – Natalie Walker
- CEO – Bradley Thomas

Other:

Governance Administration Officer – Brigitte Longmore

Signed:



Tuesday 14 February 2023
Council Chamber, 76 Vincent Street Daylesford VIC 3460
10:15am – 2:00pm

Councillors, I advise that I have assessed the following information in the briefing papers and associated attachments as being confidential information.

The information is considered to be confidential information under section 3(1) of the Local Government Act 2020 because it is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (Section 3(1)(a)).

BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

| | | |
|----------|-------------|--|
| INVITED: | Councillors | Councillor Jen Bray, Birch Ward Councillor Tim Drylie, Creswick Ward Councillor Tessa Halliday, Cameron Ward Councillor Don Henderson, Creswick Ward Councillor Lesley Hewitt, Birch Ward Councillor Brian Hood, Coliban Ward Councillor Juliet Simpson, Holcombe Ward |
| | Officers | Bradley Thomas – Chief Executive Officer Andrew Burgess – Director Organisational Services Bruce Lucas – Director Infrastructure and Delivery Natalie Walker – Director Community and Development |
| CHAIR: | | Councillor Brian Hood - Mayor Bradley Thomas – Chief Executive Officer |

APOLOGIES:

| No | Time | Type | Agenda Item | Presenter | Page No |
|-----|---------|---------------|---|---|---------|
| 1.1 | 10:15am | Report | Recommendations from ARC from December meeting including Annual Assessment and Appointment of New Chair | Manager Governance and Risk | 5 |
| 1.2 | 10:35am | Discussion | Consideration of submission to the Electoral Structure Review | Manager Governance and Risk | 97 |
| 1.3 | 11:05am | Briefing Only | Draft Disability Action Plan 2023-2026 | Inclusion Officer Manager Community Life | 99 |
| 1.4 | 11:35am | Report | Commonwealth Games Roadmap | Manager Economic Development and Recreation Coordinator Economic Development and Visitor Economy | 130 |
| | 12:20pm | | Lunch | | |
| 1.5 | 12:50pm | Presentation | Service Review Update | Director Organisational Services | 148 |
| 1.6 | 1:20pm | Discussion | Councillor "Burning Issues" Discussion, Executive Issues Update and External Committees Update | Chief Executive Officer | 149 |

| | | | |
|---|--------|------------------|-----|
| 2 | 2:00pm | Close of Meeting | 150 |
|---|--------|------------------|-----|

▶ RECORD OF COUNCILLOR ATTENDANCE

| | | | |
|----------------------------|--|-------------|----------------------------|
| MEETING | Pre-Council Meeting Briefing | DATE | Tuesday, February 21, 2023 |
| LOCATION | <input checked="" type="checkbox"/> Council Chamber <input type="checkbox"/> Video Conference <input type="checkbox"/> Other: Click or tap here to enter text.: | TIME | 3:00pm – 3:30pm |
| COUNCILLORS PRESENT | <input checked="" type="checkbox"/> Cr Jen Bray <input checked="" type="checkbox"/> Cr Tim Drylie <input checked="" type="checkbox"/> Cr Tessa Halliday <input checked="" type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input checked="" type="checkbox"/> Cr Brian Hood <input checked="" type="checkbox"/> Cr Juliet Simpson | | |
| OFFICERS PRESENT | <input checked="" type="checkbox"/> CEO – Bradley Thomas <input checked="" type="checkbox"/> Director Infrastructure and Delivery – Bruce Lucas <input checked="" type="checkbox"/> Director Organisational Services – Andrew Burgess <input checked="" type="checkbox"/> Director Community and Development – Natalie Walker Others (Position Title and Name): Manager Governance and Risk – Rebecca Smith Manager Projects – Ben Grounds | | |

MATTERS CONSIDERED

As per Council Meeting Agenda – CM Reference: DOC/23/9060

CONFLICT OF INTEREST DISCLOSURES

Nil.

NOTES:

<Record late arrivals or early departures>

RECORD COMPLETED BY

Manager Governance and Risk – Rebecca Smith

Signed: 

▶ RECORD OF COUNCILLOR ATTENDANCE

| | | | |
|----------------------------|---|-------------|----------------------------|
| MEETING | Councillor Briefing | DATE | Tuesday, February 28, 2023 |
| LOCATION | <input checked="" type="checkbox"/> Council Chamber <input type="checkbox"/> Video Conference <input type="checkbox"/> Other: Click or tap here to enter text.: | TIME | 10:15 am – 3:00pm |
| COUNCILLORS PRESENT | <input checked="" type="checkbox"/> Cr Jen Bray <input checked="" type="checkbox"/> Cr Tim Drylie <input checked="" type="checkbox"/> Cr Tessa Halliday <input checked="" type="checkbox"/> Cr Don Henderson <input checked="" type="checkbox"/> Cr Lesley Hewitt <input checked="" type="checkbox"/> Cr Brian Hood <input checked="" type="checkbox"/> Cr Juliet Simpson | | |
| OFFICERS PRESENT | <input checked="" type="checkbox"/> CEO – Bradley Thomas <input checked="" type="checkbox"/> Director Infrastructure and Delivery – Bruce Lucas <input type="checkbox"/> Director Organisational Services – Andrew Burgess <input checked="" type="checkbox"/> Director Community and Development – Natalie Walker Others (Position Title and Name): Coordinator Sport and Active Recreation – Kathie Schnur Manager Economic Development and Recreation – Kendall Sinclair | | |

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/23/10439

CONFLICT OF INTEREST DISCLOSURES

| Declared by | Item being considered | Time left meeting | Time Returned |
|-----------------|----------------------------------|----------------------------------|----------------------------------|
| Choose an item. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
| Choose an item. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
| Choose an item. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |

NOTES:

<Record late arrivals or early departures>

RECORD COMPLETED BY

Governance Advisor – Catherine Nurse



Signed:

Tuesday 28 February 2023
Council Chamber, 76 Vincent Street Daylesford VIC 3460
10:15am – 2:00pm

Councillors, I advise that I have assessed the following information in the briefing papers and associated attachments as being confidential information.

The information is considered to be confidential information under section 3(1) of the Local Government Act 2020 because it is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (Section 3(1)(a)).

BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

| | | |
|----------|-------------|--|
| INVITED: | Councillors | Councillor Jen Bray, Birch Ward Councillor Tim Drylie, Creswick Ward Councillor Tessa Halliday, Cameron Ward Councillor Don Henderson, Creswick Ward Councillor Lesley Hewitt, Birch Ward Councillor Brian Hood, Coliban Ward Councillor Juliet Simpson, Holcombe Ward |
| | Officers | Bradley Thomas – Chief Executive Officer Andrew Burgess – Director Organisational Services Bruce Lucas – Director Infrastructure and Delivery Natalie Walker – Director Community and Development |
| CHAIR: | | Councillor Brian Hood - Mayor Bradley Thomas – Chief Executive Officer |

APOLOGIES:

| No | Time | Type | Agenda Item | Presenter | Page No |
|-----|---------|-----------------------|--|--|---------|
| 1.1 | 10:15am | Report | Indoor Aquatics Provision Feasibility Study and Business Case. Community and Stakeholder Engagement Plan | Coordinator Sport and Active Recreation Manager Economic Development and Recreation | 4 |
| 1.2 | 11:00am | Presentation | Goulburn Murray Water Presentation | Groundwater and Streams Manager - GMW | 29 |
| | 12:30pm | | Lunch | | |
| 1.3 | 1:00pm | External Presentation | Victoria to New South Wales Interconnector (VNI) - Project update by AEMO | Group Manager, Victorian Planning, AEMO Principal Stakeholder Engagement Advisor, Victorian Planning, AEMO | 30 |
| 2 | 2:00pm | | Close of Meeting | | 32 |

13 GENERAL BUSINESS

13.1 LEAVE OF ABSENCE FOR CR TIM DRYLIE

Go to 01:42:02 in the meeting recording to view this item.

Cr Tim Drylie left the meeting at 07:12pm due to a conflict of interest.

OFFICER'S RECOMMENDATION:

That Council grants Cr Tim Drylie a leave of absence from 12 April 2023 to 17 April 2023 inclusive, noting that Cr Drylie will be an apology for Briefings and Council Meetings that may be scheduled during his leave.

MOTION

That Council grants Cr Tim Drylie a leave of absence from 12 April 2023 to 17 April 2023 inclusive, noting that Cr Drylie will be an apology for Briefings and Council Meetings that may be scheduled during his leave.

Moved: Cr Jen Bray

Seconded: Cr Don Henderson

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley Hewitt and Cr Tessa Halliday

Voted against: Nil

Abstained: Nil

Cr Tim Drylie returned to the meeting at 07:14pm.

14 CONFIDENTIAL ITEMS

14.1 CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

Go to 01:44:19 in the meeting recording to view this item.

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:

2.1 BOREALIS 2023

This agenda item is confidential information for the purposes of section 3(1) of the Local Government 2020:

- a) Because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released. Event funding is commercially appropriate to consider in the confidential section of a Council Meeting.

MOTION

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:

2.1 BOREALIS 2023

This agenda item is confidential information for the purposes of section 3(1) of the Local Government 2020:

- a) Because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released. Event funding is commercially appropriate to consider in the confidential section of a Council Meeting.

Moved: Cr Juliet Simpson

Seconded: Cr Tessa Halliday

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil

Abstained: Nil

15 CLOSE OF MEETING

The Public Meeting closed at 7:15pm for the hearing of confidential items and did not reopen to the public.

The confidential meeting opened at 7:18pm

The Council determined to release the information to the public for the following confidential item:

2.1 BOREALIS 2023

This item is to remain confidential as it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released. This information will remain confidential until negotiations have been finalised, at such time this motion will be released publicly.

The confidential Meeting closed at 8:03pm.