



***HEPBURN SHIRE COUNCIL
ORDINARY MEETING OF COUNCIL
MINUTES***

TUESDAY 16 AUGUST 2011

**DAYLESFORD SENIOR CITIZENS ROOM
VINCENT STREET
DAYLESFORD
5:30PM**

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**Hepburn Shire Council
Ordinary Meeting of
Council**



MINUTES

TUESDAY 16 AUGUST 2011

**Daylesford Senior Citizens Room
Vincent Street, Daylesford
Commencing 5:30PM**

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Hepburn Shire Council Ordinary Meeting of Council



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KAYLENE CONRICK
CHIEF EXECUTIVE OFFICER
16 AUGUST 2011

1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We would like to acknowledge we are meeting on Jaara people country, of which members and elders of the Dja Dja Wurrung community and their forebears have been custodians for many centuries.

On this land, the Jaara people have performed age old ceremonies of celebration, initiation and renewal.

We acknowledge their living culture and their unique role in the life of this region.

2. OPENING OF MEETING

PRESENT: Mayor Councillor Rod May, Deputy Mayor Councillor Sebastian Klein, Birch Ward Councillor Jon Barrell, Cameron Ward Councillor Neil Newitt, Creswick Ward Councillor Don Henderson, Holcombe Ward Councillor Bill McClenaghan.

IN ATTENDANCE: Chief Executive Officer Kaylene Conrick; General Manager Corporate Services Evan King; General Manager Infrastructure Jeff Saker; General Manager Sustainable Development Barry Green; Acting General Manager Community Services Kathleen Brannigan.

STATEMENT OF COMMITMENT

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

3. APOLOGIES

Creswick Ward Councillor Janine Booth

4. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Don Henderson declared an indirect conflict of interest in Item No. 9.10 Licence – Council Property Creswick – The ‘Cube’ 12704R due to his spouse being an office bearer of Creswick & District Residents Association Inc (CADRA)

5. CONFIRMATION OF MINUTES

OFFICER’S RECOMMENDATION

5.1.1. That the Minutes of the Ordinary Meeting held 19 July 2011 be confirmed as required under Section 93 (2) of the Local Government Act 1989.

MOTION

5.1.1. That the Minutes of the Ordinary Meeting held 19 July 2011 be amended to include the confidential Items in 12.2 as follows:

*Item no. 11.2.1 – **Jubilee Lake Holiday Park Lease Assignment***

That Council consents to the assignment of the lease to Jubilee Lake Cooperative Ltd, subject to conditions.

*Item no. 11.3.1 – **Cleaning of Public Conveniences – Contract H252-2011***

That Council award the tender for Contract H252-2011 for Cleaning of Public Conveniences to Australian Commercial Maintenance Pty Ltd for the estimated value of \$132,260.50 plus 10% variation (excl GST).

*Item no. 11.4.1 – **Supply and Cartage of Hooklift Bins – Contract H263-2011***

That Council award the tender for Contract H263-2011 for the Supply and Cartage of Hooklift Bins to SITA Australia Pty Ltd for the estimated value of \$219,701 plus 10% variation (excl GST).

Moved: Councillor Bill McClenaghan

Seconded: Councillor Don Henderson

Carried.

6. NOTICES OF MOTION

Nil received.

8. PUBLIC PARTICIPATION TIME

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

- Responding to questions that have been submitted by members of the community.
- Allowing members of the community to address Council.

Community members are invited to submit written questions to the CEO by 12 noon on the day of the Council meeting. If you wish to address Council you must provide a brief synopsis of your address in writing to the CEO by 12 noon on the day of the Council meeting.

Questions may be taken on notice and responded to later. Likewise, 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.

****That Council Changed the Order of Business on the Agenda to bring forward Item No. 8.2, 8.1, 7 and 8.3 in this order.***

8.2. PETITIONS

A Petition from V.I.S.D.A Inc requesting renewal of the Lease for the Speedway Reserve.

That the Petition lay on the table for one month and be brought to the Council Meeting on 20 September 2011.

8.1. VICTORIAN STATE EMERGENCY SERVICES – PRESENTATION OF CERTIFICATE OF AUDIT TO COUNCIL – MR STEPHEN WARREN, REGIONAL MANAGER VICTORIA SES

The Mayor accepted the Certificate of Audit on behalf of Council from Mr. Stephen Warren Regional Manager Victorian SES

7. PRESENTATION OF COUNCILLOR REPORTS

MAYOR'S REPORT

Since the last meeting I have attended the following

- Libraries for East Timor.
- Committee for Creswick.
- MAV Councillor Training.
- New Residents meeting
- Daylesford Football Club Sustainability Launch
- Central Highlands Regional Library Corporation meeting
- Environmental Sustainability Committee
- Loddon Highlands Water Steering Committee
- Daylesford Community Plan
- Loddon Highland Water Public meeting
- Creswick Flood Mitigation Committee meeting
- Opened Words for Winter
- BATA meeting
- Flood Mitigation Public meeting
- CHAF meeting

COUNCILLOR REPORTS

Councillor Don Henderson, Creswick Ward

I attended the CWCC last night and although not quorum some discussions took place regarding the need to review the plan in the light of changes. Some projects and opportunities have changed the focus somewhat and this is vital to take opportunities when they arise.

The Minister for Environment recently visited Creswick to announce funding of 2.3 million dollars for the raising of the bank of St Georges Lake by 1.7 metres. The bank will also be strengthened. The water level will stay at the current level to allow a buffer in case of heavy rains. There will also be some upgrading of facilities and surrounds. I took the opportunity of thanking parks staff for all of their good work

We were recently informed by a meeting conducted by NCCMA at Creswick about options for flood mitigation in Creswick. I thank our mayor and Cr McClenaghan for attending to show support. A well attended public meeting had outlined proposals to protect the town. Further meetings are planned. The chair of the steering group Mal Brown commended the excellent work and report of the Flood Management Think Tank Action Group which was set up by the Creswick and District Residents Association and included

representatives from Clunes who had a very vital input to ensure that works required in Clunes are to take place.

On Sunday members and friends of the Creswick Railway Workshops Association held a show and tell activity at the Goods Shed in Creswick. Artists and artisans all agreed that this was a community space to be enjoyed and indeed envied by other centres. People were invited to bring along examples of their work and a great display was the result. Many people commented on the excellent restoration to date of the station buildings and the cleaning up of the area. A great deal of hard work and planning is still to happen. The first serious exhibition, Ballarat International Foto Biennale will commence next weekend and this will be the homeless gallery section and will be open for a month on Friday Saturday and Sunday. This will be on the worldwide web so Creswick will get plenty of exposure.

Our mountain bike enthusiasts are working hard on their plans to create Creswick trails and will be organising the Brackenberry Classic in October. The group are currently being assisted by Committee for Creswick.

I attended a function on Friday night with a French cabaret flavour and despite going well dressed up Parisienne style and doing an impromptu Can Can went home empty handed. I guess some judges do not recognise true talent when it presents itself. In any event the Magic Pudding playground will benefit from the event. Creswick people seem happy to raise funds to assist in getting projects completed.

Councillor Bill McClenaghan, Holcombe Ward

It is pleasing to have received tonight from the S.E.S. their official three year Audit report for our revised Municipal Emergency Management Plan. The new MEMP can now be referred on by the Committee and be adopted by Council. As it is a controlled document, all old copies must be recalled and the new Plan promulgated to all approved recipients so that there is no confusion with the now defunct old Plan.

On Thursday 11 Aug, I attended a public meeting at the Creswick Senior Citizens Centre to help formulate the Creswick (and Clunes) Flood Emergency Plan that will sit as a sub-plan in our Municipal Emergency Management Plan. The meeting was largely run by the North Central Catchment Management Authority and flood modelling of the three separate and distinctive flood events was presented by a consulting hydrologist. The community was engaged to provide useful feedback on the floods with a view to mitigate the effects of any future flood. Mitigation strategies like deepening the creek channel through the town and/or erecting levee banks were also discussed in detail. The community needs to have the confidence that

Hepburn Shire and all emergency services and supporting agencies are well prepared and that there will be plenty of pre-flood warning given, a swift response, an efficient relief effort and an effective recovery. We need the community to know exactly what will happen if....it all happens again and what the total preparations will be. A similar meeting is coming up on Thursday 25th August in Clunes.

In the past month I have attended community planning meetings of the Jim Crow Planning Group at Clydesdale Hall and the Glenlyon Action Group at the Glenlyon Store. Unfortunately we still don't have any resolution on a transport strategy for Glenlyon.

On Saturday 23rd July, I attended a New Residents Session at the Daylesford Neighbourhood. Although attendance numbers were well down this time. On Thursday 28th July, I accompanied the CEO, the General Manager of Infrastructure and several other staff members on a Holcombe Ward tour to Glenlyon and Drummond. At Glenlyon, we inspected the Recreation Reserve, which is under the control of a Special (Sect. 86) Committee and planned some flood recovery works and other infrastructure upgrades. Two members of the Special Committee were present. We also inspected the area around the re-opened Glenlyon Store and new works are planned to make this area of town more functional and appealing than ever by creating a sense of "place". At Drummond Hall, we met a member of the Special Committee for the hall and discussed needed works on the hall and the refurbishment of the adjacent tennis court where wet weather has held up works proposed for last financial year.

Lastly, I attended another M.A.V. Rural South Central Forum held in Beaufort at the Pyrenees Shire Office. All delegates reported recent activities from their member Councils and two important matters were raised for discussion. Firstly, on the issue of library funding, there has been good news received that the MAV's "Save Our Libraries – Fair Funding Campaign" has succeeded with the State Government's back down on proposed cuts to library funding. There has been \$6.4 million allocated in recurrent library funding plus a Ministerial Advisory Committee established to review the situation. Secondly, there is considerable angst in local government regarding the Fire Services Levy Committee Review. As part of the Bushfire Royal Commission's recommendations, it is proposed that the fire services levy be collected from all property owners as a property based tax added to council rates. This would replace the current collection method of adding the levy to insurance premiums where properties that aren't insured do not pay. A State Government Options Paper is out but the feeling in the local government sector is that whoever spends the levy should collect the levy. This would be the State Revenue Office and not local government as it would be an added burden on already struggling councils. I plan to attend an MAV forum on this issue in Melbourne next week to represent Hepburn Shire.

Councillor Jon Barrell, Birch Ward

ARC Advisory Committee & WHBGAC are in recess pending new terms of reference / appointments

Councillor Sebastian Klein, Coliban Ward

In the Past month I have attended the Trentham CFA annual dinner and an Environmental Sustainability Advisory Committee Meeting.

RECOMMENDATION

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

MOTION

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

Moved: Councillor Jon Barrell
Seconded: Councillor Bill McClenaghan
Carried.

8.3. QUESTIONS

Question 1: Submitted by Loretta Little

What is the purpose behind setting up a consultants' panel? Why can't the various employed managers etc perform the tasks as outlined in the "Courier" advertisement?

Answered by the Mayor

Part 1 What is the purpose behind setting up a consultants' panel?

- The purpose of setting up a Consultants Panel is to identify and pre qualify those available consultants with the specific skills for potential use by Council, if required.
- Listing of a consultant on a preferred supplier listing does not guarantee any work commitment or possible use by Council
- As part of setting up the panel we ensure an understanding of the following:
 - Schedule of rates (established through this competitive process)
 - Required Insurances Professional and Public liability
 - Key staff experience, background
 - Previous work completed
 - References
 - Understanding of Contractor Site Safety Rules Agreement between the parties
 - Contractor Induction Checklist for ongoing reference for compliance
- The establishment of a panel of pre-qualified service providers is a common and effective Procurement process across all Local Government. Council currently has several Panels of pre-qualified potential service providers/suppliers:
 - Plumbers
 - Electricians
 - Painters
 - Plant hire providers
 - Others
- Council is part of the State Government Contract Panel Suppliers

Part 2 Why can't the various employed managers etc perform the tasks as outlined in the "Courier" advertisement?

There are no specific "tasks" outlined in the Courier advertisement but to establish a Panel of compliant consultants and project support services for occasional if required use by Hepburn Shire Council.

Question 2: Submitted by Anne Wilson

As the Daylesford speedway pays rent and rates in the Shire do they propose to inject that back into the reserve and how and when?

Answered by the Mayor

The lease of part of the Basin Reserve to VISDA will be considered at item 9.4 of tonight's agenda. Over the life of the previous lease money has been spent on the following:

- Lease preparation and administration – managing the renewal of the lease/reports/site meetings, including the recent review of the reserve by Community Services.
- Inspections and local law involvement about rubbish and persons illegally camping at the reserve
- Request to extend meeting times
- 2 years ago \$5k+ was spent on improvements to access at the reserve.

- When it comes to Crown land reserves, there are over 70 properties for which Council is responsible and there are only 5 from which any substantial income is derived and 3 which provide smaller sums like and including the Basin Reserve. So it does not leave substantial amounts to be returned and spent over some 70 properties

- While the legislation under which the Council operates in these circumstances provides for Council to manage, control, improve and maintain reserves for which it is responsible, the legislation only requires that Council "may expend or apply any revenue from the land..." for these purposes.

- Meaning that the general policy has been to treat all Crown land reserves on a total basis and allocate funds across a range of reserves according to need and not just those where funds might arise from.

- On the question of rates - VISDA receives a 50% discount via the recreation land rate, and rates are never allocated to properties in accordance with where they are raised from, but on a total range of services and activities the Council provides - including to Crown land reserves to make up the shortfall from amounts received in rent.

Question 3: Submitted by Bob Kennedy

I would like answers on my submissions to the Council, on matters concerning the “Glenlyon” reserve.

Over the last six months plus I have sent it several forms concerning the condition of the reserve. The forms I use are the one supplied to me, by the council, when the “Committee of Management” was formed under “section 86” of the council.

Some of the items are safety matters others are maintenance matters. It seems to me, I submit the paper work then it disappears (most likely under a bin) I rarely get answers or action unless I keep pushing.

The communication I feel are only one way, that is I submit the paperwork then it goes into a black hole, I receive nothing back. This does not help the committee in the running of the reserve, sometimes we get abuse for doing nothing when we have submitted the paperwork. Please explain.

Answered by the Mayor

- We are aware of a number of outstanding issues at the Glenlyon Reserve including the two raised by you on 1 June 2011 relating to the foot bridge and soil erosion.
- On the 28 July 2011 Council Officers, Cr McClenaghan, Neil Bruce and Des Leonard met at the Reserve to discuss the outstanding issues.
- A list of outstanding issues was developed with agreed actions
Given you (Bob) were not able to attend this meeting we propose that this list be sent to you to ensure that it covers any concerns you have regarding the reserve

Question 4: Submitted by Joshua Gilligan (not present)

**What is the interest rate charged on borrowings undertaken by Council?
Are these figures fixed? If not, how are they calculated?**

Answered by the Mayor

- When Council borrows money it requests quotes from a number of banks and selects the best rate on the day.
- Budgeted Council borrowings are undertaken at different times during the year depending on the specific need for the funds.
- Interest rates are fixed for the life of the loan which is usually 10 years
- Over recent times interest rates on borrowings have ranged from 7.58 to 7.89
- Council currently has \$4.3 million in borrowings
- In the 2011-12 financial year Council will repay \$473 in principal and \$271 in interest

9. OFFICERS' REPORTS

9.1. PROPOSED AMENDMENT TO GENERAL LOCAL LAW NO 2 (BIRDS) GENERAL MANAGER SUSTAINABLE DEVELOPMENT AND COMPLIANCE COORDINATOR

In providing this advice to Council as the Compliance Coordinator, I Eric Wright, have no interests to disclose in this report.

PURPOSE

The purpose of this report is to conclude the proposal of an amendment to Council's General Local Law No 2 (birds) by a recommendation following thorough investigation and consultation processes.

BACKGROUND

As Council have previously been fully briefed on the background of the matter and subsequent proposed amendment to General Local Law No 2 (Birds), a bullet point background is provided.

- 2009: Complaint received - crowing rooster effecting amenity. Outcome of investigation, EHO Unit determined rooster to be removed under nuisance provisions of Health Act. Rooster was removed by owner.
- 2010: Further complaint received – rooster returned to property. Outcome of investigation, matter to be dealt with under the provisions of General Local Law No 2 which prohibits the keeping of roosters in a residential zoned area. Discussions with the rooster owner resulted in the rooster having to be removed, which was carried out.
- 2011: Complainant advised that rooster had been returned to property again. Outcome of investigation established that this was correct and a penalty notice was issued to the rooster owner.
- 2011: Following the lodgment of a petition from the property owners of 46 Coomoora School Road, Coomoora, which was received by Council at its Ordinary Meeting held on 15 March 2011, Council considered the matter and subsequently proposed to amend the appropriate section of the Local Law and gave notice that written submissions would be received by effected persons up to 27 May 2011.
- 2011: Three submissions were received and were heard by Council on 28 July 2011.

ISSUE/DISCUSSION

The following is a summary of the points raised by the submissioners:

Submission 1. - "The hen pen owned by the rooster owner is within 3 metres of the neighbour's boundary fence".

Officer comment: *Inspection carried out on 29 June 2011, established that hen pen was 3.5 metres from neighbours boundary fence.*

"The Local Law should limit the amount of poultry pens per property".

Officer comment: *The number of poultry pens has no impact on the amount of poultry that may be kept.*

"At what age are birds considered in the numbers allowed?"

Officer comment: *Birds are not considered in the allowed allocation until they have attained the age of breeding.*

Submission 2 - "Keepers of rare breed poultry should be exempt from the Local Law"

Officer comment: *A consistent approach must be taken in administrating legislation and for the purposes of this section of the Local Law, rare breed poultry should be treated the same as any other poultry.*

"Rare breed poultry owners should be administered by their association"

Officer comment: *This would be an inconsistent approach and unenforceable, it would also create potential for other groups to be exempted from the legislation.*

"Rare breed poultry will die out if owners are made to comply with these types of Local Laws"

Officer comment: *Whilst rare breed poultry owners will be restricted in township areas, it is unlikely that this will cause extinction.*

Submission 3 - "A 50 metre exclusion zone between roosters and neighbouring residences will not allow roosters to be kept in some rural areas"

Officer comment: *The proposed 50 metre exclusion zone will provide a noise intensity reduction to reduce the*

impact of crowing on neighbours. The buffer zone will allow a rooster to be kept on large residential allotments but will prohibit the activity on smaller residential properties.

“The proposed Local Law will reduce people’s interest in sustainable living and raising their own food”.

Officer comment: *The proposed amendment to the Local Law will provide an element of amenity protection but will also allow for restricted animal husbandry practices in built up areas.*

The administering of this proposed Local Law for authorised officers is clear and is conducive to procedural fairness.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

General Local Law No 2 – Community Amenity and Municipal Places (Part 7, Birds) – 17 November 2009.

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

During the making of this Local Law, a risk management approach was taken. The principles were to identify a risk followed by an assessment of likelihood and consequence; this then established the need for intervention in the form of a Local Law. In this particular case, the amenity and noise risk has been assessed as being moderate and with the enforcement of the current Local Law the risk was eliminated with no concern given to other matters such as land size, sustainability or standard animal keeping practices.

The recommendation of an amended Local Law would potentially appease both interested parties and importantly would reduce the risk level from moderate to minor.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

All practices, policies and procedures should reflect the needs of the community, particularly at a local level. It is important that significant thought is given to regulation, particularly in smaller communities so that residents are not unduly affected by what is considered to be normal practice but amenity issues are also considered.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

A full community engagement process took place in mid 2009 as a part of the process in development of the General Local Law No 2. No submissions were received in regard to the keeping of roosters.

The Local Government Act requires the advertisement of proposed Local Laws which provides an opportunity for community members to make written submissions if they feel affected by the proposal; this has been achieved.

CONCLUSION

During the making of General Local Law No.2, Maddocks Lawyers advised that the prohibiting of roosters in residential zoned areas and the 3 metre setback for bird enclosures from adjoining boundary fencing (Parts 7.1 and 7.2 of General Local Law No 2) did not breach the provisions of making a Local Law.

Advice was also received that these prohibitions were consistent with a majority of Victorian Municipal Local Laws. The proposal for bird enclosures to be a minimum of fifty metres from an adjoining dwelling is based on discussions with acoustic engineers, Environment Protection Authority and operational experience.

The majority of Victorian Council Local Laws either prohibit roosters in residential zoned areas or allow them under a series of awkward and over encumbering conditions that are rarely adhered to once a permit has been granted.

This proposal would allow roosters but will clearly identify a prerequisite (Must be in a bird enclosure and must be a minimum of fifty metres from an adjoining dwelling). This will determine the ability to consider an application in the first instance rather than completely prohibiting roosters in residential zones regardless of the property size.

OFFICER'S RECOMMENDATION

That Council

- 9.1.1. Approve an amendment to Part 7.1 and 7.2 (Birds) of **General Local Law No 2 – Community Amenity and Municipal Places** as follows:

Numbers (Poultry)

7.1(1) on residential zoned properties the following restrictions apply to the keeping of poultry:

- (a) poultry can only be kept in an appropriate enclosure;
- (b) no more than ten head of poultry are to be kept;
- (c) all roosters must be kept under the provision of clause 7.1(2);
- (d) 1 rooster is permitted per property.

Siting of Bird Enclosures

7.1(2) Rooster enclosures must be a minimum of fifty metres from any existing adjoining dwelling

- 9.1.2. Advertise the amendment pursuant to Sections 119(3) and 119(4) of the Local Government Act 1989.

- 9.1.3. Advise in writing all parties who made submissions to proposed changes to Local Law No 2.

MOTION

That Council

- 9.1.1. *Propose an amendment to Part 7.1 and 7.2 (Birds) of **General Local Law No 2 – Community Amenity and Municipal Places** as follows:*

Numbers(Poultry)

7.1(1) on residential zoned properties the following restrictions apply to the keeping of poultry:

- (a) poultry can only be kept in an appropriate enclosure;*
- (b) no more than ten head of poultry are to be kept;*
- (c) all roosters must be kept under the provision of clause 7.1(2);*
- (d) 1 rooster is permitted per property.*

Siting of Bird Enclosures

7.1(2) Bird enclosures containing roosters must be a minimum of fifty metres from any adjoining dwelling.

- 9.1.2. *Advertise the amendment pursuant to Sections 119(3) and 119(4) of the Local Government Act 1989.*
- 9.1.3. *Advise in writing all parties who made submissions to proposed changes to Local Law No 2.*

Moved: Councillor Bill McClenaghan

Seconded: Councillor Don Henderson

Carried.

MOTION

9.1.1 Siting of Bird Enclosures

7.1 (2) Bird enclosures must be a minimum of thirty metres from the boundary of any adjoining premises

Moved: Councillor Jon Barrell

Seconded: None

Lost.

**9.2. AMENDMENT TO RE-ZONE LAND FROM PUBLIC PARK AND RECREATION ZONE TO RESIDENTIAL 1 ZONE
GENERAL MANAGER SUSTAINABLE DEVELOPMENT AND MANAGER PLANNING**

In providing this advice to Council as the Manager Planning, I Barry Green have no interests to disclose in this report.

PURPOSE

To re-zone part of 2 Jory Street, Creswick from Public Park and Recreation Zone (PPRZ) to Residential 1 Zone (R1Z).

BACKGROUND

A landowner in Hepburn Shire is seeking an amendment through council to re-zone a parcel of land in their ownership from PPRZ to R1Z. An amendment has been lodged with council, as land cannot be re-zoned without going through an amendment process.

The amendment applies to Crown Allotment 6 Section 41C Township and Parish of Creswick also known as 2 Jory Street, Creswick.

(Map of the subject site attached as Attachment 1)

Council officers have agreed to proceed with the amendment being sought and seek Council approval.

ISSUE/DISCUSSION

Privately owned land should not be shown in the Planning Scheme and on the Planning Scheme maps as public land. Section 7 (5) of the Planning and Environment Act 1987, clause 12 states “A planning scheme may only include land in a Public Use Zone, a Public Park and Recreation Zone or a Public Conservation and Resource Zone if the land is Crown Land, or is owned by, vested in or controlled by a Minister, government department, public authority or municipal council.”

The land for which the amendment is being sought is privately owned land and therefore should be rezoned R1Z. This will correctly apply the Victorian Planning Provisions to this parcel of land. The land abutting this parcel and is in the same ownership and zoned R1Z.

Under delegation from the Minister for Planning, the Department of Planning and Community Development has authorised council to approve the amendment under Section 35B of the Planning and Environment Act 1987.

Council is seeking exemption from giving notice of the amendment under Section 20 (2) of the Act, as the amendment affects a single parcel of land, and is intending to rectify an anomaly on the zoning maps.

The re-zoning of the land will not adversely affect any adjoining or nearby landowners.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Under delegation from the Minister for Planning, the DPCD authorise council to approve the amendment under Section 35B of the Planning and Environment Act 1987.

FINANCIAL IMPLICATIONS

All costs to be borne by the applicant.

RISK IMPLICATIONS

There are no risk implications evident.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

There are no adverse social, economic or environmental effects arising from this amendment.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council is seeking exemption from giving notice of the amendment under Section 20 (2) of the Act, as the amendment affects a single parcel of land and is intending to rectify an anomaly on the zoning maps.

The amendment seeks to better apply the Victorian Planning Provisions by applying a more appropriate zone to a privately owned parcel of land.

CONCLUSION

Council has received authorisation from the Minister for Planning to approve the amendment under section 35B of the Planning and Environment Act 1987.

Land in private ownership should not be zoned Public Park and Recreation Zone. The amendment seeks to re-zone the parcel of land to Residential 1 Zone to correctly apply the Victorian Planning Provisions. Further to this the amendment seeks to rectify an anomaly to the zoning maps.

OFFICER'S RECOMMENDATION

That Council:

- 9.2.1. Resolve to approve the amendment to re-zone land at Crown Allotment 6 Section 41C Township and Parish of Creswick also

known as 2 Jory Street, Creswick from Public Park and Recreation Zone (PPRZ) to Residential 1 Zone (R1Z).

- 9.2.2. Resolve to seek an exemption from giving Notice of the Amendment under Section 20 (2) of the Planning and Environment Act 1987.

MOTION

That Council:

- 9.2.1. *Resolve to approve the amendment to re-zone land at Crown Allotment 6 Section 41C Township and Parish of Creswick also known as 2 Jory Street, Creswick from Public Park and Recreation Zone (PPRZ) to Residential 1 Zone (R1Z).*
- 9.2.2. *Resolve to seek an exemption from giving Notice of the Amendment under Section 20 (2) of the Planning and Environment Act 1987.*

Moved: Councillor Don Henderson

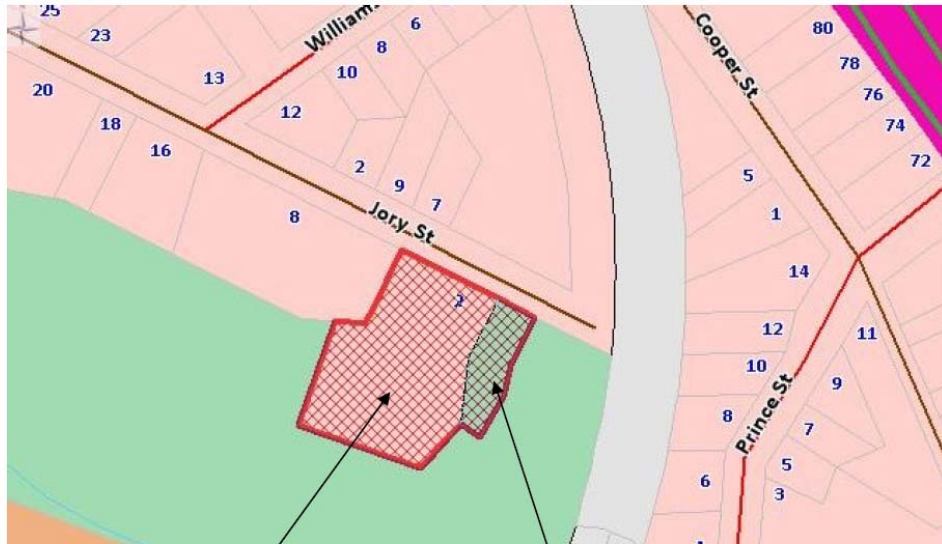
Seconded: Councillor Sebastian Klein

Carried.

ATTACHMENT 1 - LAND TO BE REZONED

Land at:

CA 6, Sec 41C, Township and Parish of Creswick



Subject Site

Parcel to be re-zoned from PPRZ to R1Z

9.3. ARC ADVISORY COMMITTEE ACTING GENERAL MANAGER, COMMUNITY DEVELOPMENT

In providing this advice to Council as the Acting General Manager, Community Development, I Kathleen Brannigan have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to adopt the revised Terms of Reference for the ARC Advisory Committee and proceed to call for nominations to the Advisory Committee.

BACKGROUND

In July 2007 Council adopted the Terms of Reference for the ARC Advisory Committee and appointed the committee to provide ongoing advice to Council and Daylesford ARC Manager to ensure that the objectives were achieved.

ISSUE/DISCUSSION

The tenure of appointments to the ARC Advisory Committee has recently expired. Current Terms of Reference have been reviewed and updated (Attachment 2).

The purpose of the ARC Advisory Committee is to:

1. Provide advice to the Hepburn Shire Council and the Manager, Community Strengthening on the strategic planning and policy development of the ARC (Daylesford Indoor Recreation Centre); and,
2. Provide high level strategic advice to support the facility manager and partners in providing quality social, recreational, sporting, health and fitness opportunities for all sections of the community.

Councillor Jon Barrell is Council's representative on the ARC Advisory Committee.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council Plan commitment – 17 Embracing community knowledge and expertise to help guide its decision making and implementation.

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The ARC Advisory Committee plays an important role in providing advice about strategic direction and management of the Daylesford ARC.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

A call for nominations for the ARC Advisory Committee will be advertised in The Advocate and on Council's website.

CONCLUSION

The ARC Advisory Committee will continue to provide advice and guidance to Council and the Daylesford ARC Management.

OFFICER'S RECOMMENDATION

That Council:

9.3.1. Adopt the ARC Advisory Committee revised Terms of Reference.

9.3.2. Authorise the advertisement of the positions on the ARC Advisory Committee

MOTION

That Council:

9.3.1. Adopt the ARC Advisory Committee revised Terms of Reference.

9.3.2. Authorise the advertisement of the positions on the ARC Advisory Committee

Moved: Councillor Jon Barrell
Seconded: Councillor Bill McClenaghan
Carried.

ATTACHMENT 2 - THE ARC - TERMS OF REFERENCE

Purpose:

1. The purpose of the ARC Advisory Committee is to provide advice to the Hepburn Shire (Council) and the Manager Community Strengthening on the Strategic Planning and Policy Development of the ARC.
2. Provide high level strategic advice to support Facility Manager and partners in providing quality social, recreational, sporting, health and fitness opportunities for all sections of the community.

Goals:

To provide ongoing advice to the Council and the Manager Community Strengthening to ensure that the following objectives are achieved:

1. To provide a broad range of leisure centre associated programs for all sections of the community from preschool children to older adults and include special target groups such as the disabled, youth, unemployed and lower socio-economic groups.
2. To strive for excellence in the provision of facilities, programs and services and provide a centre for community interaction and development.
3. To develop consultative mechanisms within the community that assist to identify needs and provide appropriate programs to ensure that the centre remains at the forefront of leisure service provision.

Membership:

The ARC Advisory Committee comprises:

- A Councillor (Chair)
- Principal Daylesford Secondary College (DSC) or nominee
- DSC School Council President or nominee
- Facility Manager
- Facility Managers Supervisor
- Three Community representatives
- Manager Community Strengthening
- Recreation Officer ex officio as Secretary

Functions:

Long term planning issues facing the facility including:

- Sourcing of appropriate funding to achieve facility development
- Programs and services to meet changing community needs
- Partnership opportunities
- Policy issues with respect to the services

- Provide advice on any unmet community demand
- Participate in networking activities which will support the ARC
- Explore collaborative and partnership opportunities with other sectors of the community

Meeting Frequency:

Meetings will be held quarterly, scheduled to ensure a Quarterly Contract Management Report can be presented.

Reporting:

The Advisory committee will receive:

- Quarterly reports from the Facility Manager that details the performance of the Centre against the business plan targets and provide an overview of financial performance.
- Quarterly contract compliance summary from Council officers, which outline the management performance against contract requirements.
- An annual performance analysis report.

The Advisory committee will:

- Report verbally and in writing to Councillors at least annually.

9.4. BASIN RESERVE, DAYLESFORD – RENEWAL OF LEASE WITH VICTORIAN INDEPENDENT SPEEDWAY DRIVERS ASSOCIATION (VISDA)

ACTING GENERAL MANAGER COMMUNITY DEVELOPMENT

In providing this advice to Council as the Acting General Manager Community Development, I Kathleen Brannigan have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to determine whether to enter into a new lease with Victorian Independent Speedway Drivers Association Inc (VISDA) to occupy Basin Reserve, Daylesford for use as a Speedway.

BACKGROUND

Basin Reserve is Crown land and Council is the responsible land manager as the Committee of Management. The Reserve has been used since at least 1987, likely since the mid-1950's, as a speedway racing track. The current five year lease with the (VISDA) commenced in October 2006 (2 years x 2years x 1 year).

The Speedway season runs from September – May with around 14 race meetings per year. VISDA advise that attendance at a regular race day is 300-400 people with special events attracting up to 1,000 people. Current lease payments are \$5,500 per year (GST inclusive).

An internal review of the use of the Reserve has been undertaken to assist Council's consideration of VISDA's request for a new five year lease at Basin Reserve, Daylesford. The Review considered community views about the on-going use of Basin Reserve as a Speedway as well as VISDA's adherence to conditions contained in the current lease.

A Building Assessment Report which sets out the overall condition of the buildings and estimated cost of required repair and refurbishment was also prepared.

ISSUE / DISCUSSION

Building and Site Condition

Buildings at Basin Reserve are generally in poor condition. VISDA is seeking Council assistance to repair or replace existing toilet facilities and improve the access road to Basin Reserve. Financial reports for the 2010-11 financial year indicate that VISDA does not have the financial capacity to fund improvements. The current state of the reserve was identified as a concern by

a number of people who provided feedback about on-going use of Basin Reserve as a Speedway.

Community views about on-going use as a speedway

Community feedback was polarised – people generally indicated either strong support or objected to the Speedway.

Supporters highlighted:

- The iconic and historic nature of the Speedway;
- Social connection and community participation;
- Benefits for families and young people;
- Contribution to the economy

Objectors highlighted:

- That it was no longer appropriate for the speedway to operate in an increasingly residential area;
- Concerns about excessive noise;
- Speedway incompatible with Daylesford's tourist image;
- Environmental impact.

Council has the following options:

1. Resolve to enter into a new lease with VISDA to occupy Basin Reserve, Daylesford;
2. Resolve not to enter into a new lease with VISDA and continue as Committee of Management for the Reserve;
3. Resolve to advise DSE that Council wishes to relinquish its appointment as Committee of Management.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Lease under the Crown Land (Reserves Act)

Good governance objectives and principles support having written occupancy arrangements. Policy # 9 Council Owner & Controlled Property requires that appropriate written occupancy arrangements be in place.

This Lease is granted in accordance with the Crown (Land) Reserves Act 1978.

FINANCIAL IMPLICATIONS

VISDA currently pays Council \$5,500 per year to lease Basin Reserve, which in principle should be reinvested in the Reserve. If the lease is renewed Council may need to contribute to upgrading facilities.

RISK IMPLICATIONS

VISDA is a member of Speedway Australia (formerly NASR), the regulatory and insuring body for speedway racing. Speedway Australia regularly audit speedway facilities and place limits on the type of racing that can occur based on the type of facilities. The next Speedway Australia audit is due to be

completed by the end of August 2011. Council's Manager, Risk reviewed VISDA's 2010-11 Risk Management Plan which was acceptable but noted that fencing needed improvement.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Some community feedback about the ongoing use of Basin Reserve as a speedway highlighted concerns about pollution from motor racing and suggested that Council should no longer condone this. Others considered that the continued operation of the Speedway detracted from Daylesford's tourism amenity and character and was contrary to Daylesford's health and wellbeing image.

On the other hand, supporters of the continued operation of the speedway discussed the important social connection that participation provides and its benefits for young people and families. The economic contribution of Speedway visitors was also seen as important.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

An invitation for community members to express their views about the ongoing use of Basin Reserve, Daylesford as a Speedway was advertised in The Advocate on 13 July with comments due by 27 July. Letters inviting comment were also sent to surrounding residents. The process was discussed with Anne Wilson, Treasurer of Victorian Independent Speedway Association (VISDA) and a meeting held with VISDA on Friday 29 July.

41 written responses (emailed and posted) and 3 telephone calls were received.

21 respondents either supported or had no objection to the renewal of the lease. Two Ridge Road residents had no objection, one Stoney Creek resident no objection and the balance of supporters were involved with the Speedway. 20 respondents considered that the continued use of Basin Reserve as a Speedway was no longer suitable and many raised strong objections to renewal of the lease. Another 2 respondents had mixed views one advocated for co-existence of the Speedway with walks leading down to the basin, picnic areas etc.

CONCLUSION

The current state of Basin Reserve is poor and the facilities used for the Speedway are not adequate. For a range of reasons VISDA have not been able to effectively maintain facilities or undertake agreed improvements. If Council resolves to enter into a new lease with VISDA consideration needs to be given to how maintenance will be improved and whether Council will contribute funding towards enhancing facilities at Basin Reserve.

OFFICER'S RECOMMENDATION

That Council:

- 9.4.1. That Council resolve whether to enter into a new lease with Victorian Independent Speedway Drivers Association Inc (VISDA) to occupy Basin Reserve, Daylesford for use as a Speedway.

MOTION

- 9.4.1. *That Council, as Committee of Management of Crown Land, seek from Department of Sustainability and Environment the approval in principal of the minister to grant a new lease for a five year term to Victorian Independent Speedway Drivers Association Inc (VISDA).*
- 9.4.2. *The terms and conditions of the proposed new lease being consistent with the existing lease and improvements to the existing toilet facilities and reserve access be the subject of further consideration by Council.*
- 9.4.3. *Subject to receipt of an approval in principal the Council be prepared to grant a lease of part of the Basin Reserve for purposes of speedway racing to Victorian Independent Speedway Drivers Association (VISDA) and authorise the affixing of the Common Seal to the new Lease and seek ministers approval of the terms and conditions of the lease.*
- 9.4.4. *Pending the above with Victorian Independent Speedway Drivers Association (VISDA) be allowed to commence its 2011-12 racing season subject to the usual conditions of public liability insurance, risk management, racing times, rubbish removal and noise conditions.*
- 9.4.5. *Officers will meet with VISDA to develop an Annual Operating Agreement or similar with the aims of noise reduction improved financial viability, and infrastructure improvements.*
- 9.4.6. *Council work with VISDA Inc to source available funding for infrastructure renewal and better facilities at the Speedway.*

Moved: Councillor Jon Barrell
Seconded: Councillor Bill McClenaghan
Carried.

AMENDMENT

9.4.7. *An additional dot-point be added:*

That Council commit to reinvest the rent monies from the Daylesford Basin Reserve in concert with VISDA to address the infrastructure requirements of the lease. This may include an appropriate percentage (up to 15%) withheld for administration and community liaison and/or a requirement for matching funding from VISDA.

Moved: Councillor Sebastian Klein
Seconded: None
Lost.

9.5. COMMUNITY GRANTS POLICY

ACTING GENERAL MANAGER COMMUNITY DEVELOPMENT

In providing this advice to Council as the Acting General Manager Community Development, I Kathleen Brannigan have no interests to disclose in this report.

PURPOSE

The purpose of this report is to recommend that Council rescind the Community Grants Policy.

BACKGROUND

Council's Community Grants policy is out of date and has been superseded by Community Grants guidelines and assessment criteria which are revised at least annually.

The policy currently on Council's website was adopted in 2007 and includes out of date application forms and processes.

ISSUE/DISCUSSION

Council has approved Community Grant allocations of \$40,000 each financial year over the past three financial years to a wide range of projects and communities. The application and assessment process has been continually improved since 2008-09. A rigorous and transparent application and assessment process is in place.

Recipients of fixed annual grants set out in the outdated policy were advised in 2010 that this was under review and they would be expected to apply for funding through the Community Grants program.

Council resolved that the Daylesford and Creswick Municipal Bands would be eligible for a Council contribution, in recognition of their support for municipal events. An allocation has been allowed for this in the 2011-12 budget and officers will develop formal agreements with the Municipal Bands.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Commitment 22: Requiring Council management to prepare policies and protocols which support transparent decision making.

FINANCIAL IMPLICATIONS

\$45,000 is allocated in the 2011-12 budget for community grant, including support for Municipal Bands.

RISK IMPLICATIONS

Nil

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Community grants are allocated under the categories of Arts and Culture, Community Events, Community Strengthening and Small Equipment. A diverse range of projects have been funded over the past three years.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The availability of community grants is widely advertised and grant acquittal evaluations used to inform review of the Community Grants guidelines and assessment criteria.

CONCLUSION

Community Grant Guidelines have replaced the Community Grants Policy which is now obsolete.

OFFICER'S RECOMMENDATION

- 9.5.1. That Council rescind Council Policy Number 1. Community Grants Policy.

MOTION

9.5.1. That Council rescind Council Policy Number 1. Community Grants Policy, be replaced by the Community Grants Guidelines with a budget to be determined from time to time.

Moved: Councillor Sebastian Klein
Seconded: Councillor Don Henderson
Carried.

9.6. REVIEW OF INSTRUMENT OF DELEGATION – COUNCIL TO MEMBERS OF COUNCIL STAFF

GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the General Manager Corporate Services, I Evan King have no interests to disclose in this report.

PURPOSE

The purpose of this report is to review the Instrument of Delegation from Council to Council Staff (S6)

BACKGROUND

The current Instrument of Delegation from Council to Council Staff (S6) was signed and sealed by Council in June 2010. Since that time the Local Government Act 1989 and a number of other pieces of legislation have been amended necessitating this review of the current Delegations. A new Instrument of Delegation (S6) has been prepared for adoption, which requires signing and sealing by Council. The new Delegation incorporates all changes referred to above

ISSUE/DISCUSSION

There are currently a number of provisions within current legislation (Acts and Regulations) which cannot be sub-delegated by the CEO to members of Council Staff and these are listed in the attached Instrument of Delegation (S6) presented to Council for adoption. These delegations must be made direct from Council to the staff positions named.

The Local Government Act 1989 requires that Council at least once annually review its authorisations and delegations as a good risk management practice.

Since the last adoption of the Instrument of Delegation from Council to Council Staff (S6) there has been several amendments to legislation which need to be reflected in the Instrument of Delegation from Council to Council Staff.

The changes in summary are:

- Food Act 1984 – deleting obsolete delegations which were revoked on the 1st July 2010 and incorporating new provisions which commenced on the same date.
- Planning and Environment Act 1987- new sections 201 UAB (1) and (2) of the Act inserted into the delegation; these sections confer a function of providing Growth Areas Authority with information to any land within a municipal district.
- Road Management Act 2004- two duties have been included of Road Authorities included in delegation; requirement to publish a copy or summary

of any direction made under Section 22 by the Minister in Council's Annual Report and to give effect to a direction under this section.

- Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2010- these regulations came into operation on the 27th June 2010 and significant powers, duties and functions are conferred on Council to implement.
- Change of name of the Prostitution Control Act 1994 to Sex Work Act 1994
- Major amendments to the Residential Tenancies Act 1997, and the introduction of the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010.
- Introduction of the Climate Change Act 2010 containing one function of providing information for Councils to be aware of.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

The Local Government Act 1989 requires that Council at least once annually review its authorisations and delegations as a good risk management practice.

FINANCIAL IMPLICATIONS

No financial implications to note

RISK IMPLICATIONS

The adoption of the amended Instrument of Delegation (S6) incorporating all changes referred to above will provide Council Staff with the authority to perform their duties.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

None noted

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council is delegating general powers to staff positions delegated to it under specific legislation set out above. In this instance it is not required to undertake a public consultation program.

CONCLUSION

That Council adopt a new Instrument of Delegation (S6) incorporating all changes referred to above

OFFICER'S RECOMMENDATION

That Council:

- 9.6.1. That, in the exercise of the powers conferred by section 98(1), 224 and 232 of the Local Government Act 1989, (the Act) and other legislation referred to in the Instrument of Delegation (S6) , Hepburn Shire Council resolves that -
- 9.6.2. 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 Instrument of Delegation to Members of Council Staff the powers, duties and functions set out in the instrument, subject to the conditions and limitations specified in that Instrument:
- 9.6.3. The instrument comes into force immediately the Common Seal of Council is affixed to the instrument.
- 9.6.4. On the coming into force of the instrument, all previous delegations from Council to Members of Council Staff (S6) are revoked.
- 9.6.5. 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.
- 9.6.6. It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with Section 98(3) of the Act.
- 9.6.7. Council agree to sign and seal Instrument of Delegation from Council to Members of Council Staff (S6) and affix the Common Seal to this Instrument.

MOTION

That Council:

- 9.6.1. *That, in the exercise of the powers conferred by section 98(1), 224 and 232 of the Local Government Act 1989, (the Act) and other legislation referred to in the Instrument of Delegation (S6) , Hepburn Shire Council resolves that -*
- 9.6.2. *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 Instrument of Delegation to Members of Council Staff the powers, duties and functions set out in the instrument, subject to the conditions and limitations specified in that Instrument:*
- 9.6.3. *The instrument comes into force immediately the Common Seal of Council is affixed to the instrument.*
- 9.6.4. *On the coming into force of the instrument, all previous delegations from Council to Members of Council Staff (S6) are revoked.*
- 9.6.5. *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.*
- 9.6.6. *It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with Section 98(3) of the Act.*
- 9.6.7. *Council agree to sign and seal Instrument of Delegation from Council to Members of Council Staff (S6) and affix the Common Seal to this Instrument*

Moved: Councillor Sebastian Klein

Seconded: Councillor Jon Barrell

Carried.

ATTACHMENT 3 - S6 Instrument of Delegation Members of Staff



Maddocks

Maddocks Delegations and Authorisations

S6. Instrument of Delegation – Members of Staff

Hepburn Shire Council

Instrument of Delegation

to

Members of Council Staff

Updated 30th June 2011



Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act* 1989 and the other legislation referred to in the attached Schedule, the Hepburn Shire 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. records that a reference in the Schedule to:

CEO means Chief Executive Officer

GMI means General Manager Infrastructure

GMCS means General Manager Corporate Services

GMCMS means General Manager Community Services

GMSD means General Manager Sustainable Development

MR means Manager Risk

MF means Manager Finance

MAES means Manager Asset and Engineering Services

MP means Manager Planning

PCO means Planning Compliance Officer

SO means Subdivision Officer

SP means Statutory Planner

PLO means Planning Liaison Officer

PAO means Planning Administrative Officer

CC means Coordinator Compliance

CO means Compliance Officer

SEHO means Senior Environmental Health Officer

EHO means Environmental Health Officer



- 3. declares that:
 - 3.1 this Instrument of Delegation is authorised by "**a resolution**" of Council passed on 16 August 2011 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) strategy
 - (c) adopted by Council; or
 - 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, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; 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.

The Common Seal of the Hepburn Shire Council was affixed hereto in the presence of

Mayor.....

Chief Executive Officer.....

Date.....



SCHEDULE



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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	GMSD;CC	Council may delegate this power to an authorised officer

ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53M(3)	power to require further information	GMSD;SEHO; EHO	
s.53M(4)	duty to advise applicant that application is not to be dealt with	GMSD;SEHO; EHO	
s.53M(5)	duty to approve plans, issue permit or refuse permit	GMSD;SEHO; EHO	refusal must be ratified by council or it is of no effect
s.53M(6)	power to refuse to issue septic tank permit	GMSD;SEHO; EHO	refusal must be ratified by council or it is of no effect
s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	GMSD;SEHO; EHO	refusal must be ratified by council or it is of no effect

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	SEHO;EHO	If section 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	SEHO;EHO	If section 19(1) applies
s.19(4)(a)	power to direct that an order made under section 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	SEHO;EHO	If section 19(1) applies
s.19(4)(b)	duty to notify the Department of the making of the order	SEHO;EHO	If section 19(1) applies
s.19(4)(c)	duty to notify the registration authority of the making of the order and any appeal and the outcome of the appeal	SEHO;EHO	If section 19(1) applies and if council is not the registration authority
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	SEHO;EHO	If section 19(1) applies
s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	SEHO;EHO	If section 19(1) applies
s.19A(4)(b)	function of receiving notice from authorised officer	SEHO;EHO	where council is the registration authority
s.19BA(3)	duty to give notice of the variation or revocation of the order to the general public in the same manner as the original notice	SEHO;EHO	must be done by the same person as gave the original notice



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19CB(4)(b)	power to request copy of records	SEHO;EHO	where council is the registration authority
s.19E(1)(d)	power to request a copy of the food safety program	SEHO;EHO	where council is the registration authority
s.19EA(3)	function of receiving a copy of any significant revision made to the food safety program	SEHO;EHO	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	SEHO;EHO	where council is the registration authority
s.19H(5)(a) & (5)(b)	duty to take into account (a) the food safety performance of the food business; and (b) any guidelines issued by the Secretary in determining the frequency and intervals of the assessments and audits	SEHO;EHO	where council is the registration authority
s.19I	duty to conduct a food safety assessment as required under section 19H	SEHO;EHO	Subject to section 19J where council is the registration authority
s.19IA(2)	duty to give written notice to proprietor if food safety requirements or section 19DC(2) have not been complied with unless subsection (3) applies.	SEHO;EHO	where council is the registration authority
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	SEHO;EHO	where council is the registration authority
s.19N	function of receiving information from a food safety auditor	SEHO;EHO	where council is the registration authority
s.19NA(1)	power to request food safety audit reports	SEHO;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.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	SEHO;EHO	
s.19U(4)	duty to ensure that information relating to costs of a food safety audit are available for inspection by the public	SEHO;EHO	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	SEHO;EHO	except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.
s.19UA(4)	duty to consider proprietor's history of compliance in deciding whether to charge the fee	SEHO;EHO	
s.19UA(5)	duty to ensure that the method of determining a fee under subsection (3)(a) and the considerations that apply under subsection (4) are available for inspection by the public	SEHO;EHO	
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	SEHO;EHO	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	SEHO;EHO	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	SEHO;EHO	where council is the registration authority
---	power to register, renew or transfer registration	SEHO;EHO	where council is the registration authority refusal to grant/renew/transfer registration must be

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			ratified by Council (see section 58A(2))
s.35B(1)	power to recognise, in writing, the registration of another registration authority for a specified temporary or mobile food premises	SEHO;EHO	
s.38(3)	duty to consult with the Secretary about the proposed exemption under section 38(2)	SEHO;EHO	
s.38AA(2)	function of being notified of operation	SEHO;EHO	where council is the registration authority
s.38AA(4)	duty to determine whether the food premises are exempt from the requirement of registration	SEHO;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	SEHO;EHO	where council is the registration authority
s.38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	SEHO;EHO	where council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	SEHO;EHO	where council is the registration authority
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	SEHO;EHO	where council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	SEHO;EHO	where council is the registration authority
s.38B(1)(c)	duty to inspect premises	SEHO;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.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	SEHO;EHO	where council is the registration authority
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	SEHO;EHO	where council is the registration authority
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	SEHO;EHO	where council is the registration authority
s.38D(3)	power to request copies of any audit reports	SEHO;EHO	where council is the registration authority
s.38E(1)(c)	function of assessing the requirement for a food safety program	SEHO;EHO	where council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	SEHO;EHO	where council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).
s.38E(3)(a)	function of receiving certificates	SEHO;EHO	where council is the registration authority
s.38E(4)	duty to register the food premises when conditions are satisfied	SEHO;EHO	where council is the registration authority
s.38F(3)(a)	duty to note the change to the classification of the food premises on the certificate of registration	SEHO;EHO	where council is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	SEHO;EHO	where council is the registration authority
s.39(2)	duty to inspect within 12 months before renewal of	SEHO;EHO	where council is the registration authority



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	registration		
s.39(3)	duty to inspect within 3 months before renewal of registration if circumstances in section 39(3)(a)-(d) apply	SEHO;EHO	where council is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	SEHO;EHO	where council is the registration authority only if satisfied of matters in subsections (2)(a)-(c)
s.39A(6)	duty to comply with direction of Secretary.	SEHO;EHO	
s.40(1)	duty to issue a certificate of registration in the prescribed form	SEHO;EHO	where council is the registration authority
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>	SEHO;EHO	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	SEHO;EHO	where council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	SEHO;EHO	where council is the registration authority
s.40D(2)	duty to specify how long a suspension is to last under s.40D(1)	SEHO;EHO	where council is the registration authority
s.40E(4)	duty to comply with direction of Secretary	SEHO;EHO	
s.43(1) and (2)	duty to maintain records of the prescribed particulars and orders in force under Part III	SEHO;EHO	where council is the registration authority
s.43(3)	duty to make available information held in records, free of	SEHO;EHO	where council is the registration authority



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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	charge, on request		
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	SEHO;EHO	where council is the registration authority

HERITAGE ACT 1995			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(2)	power to sub-delegate Executive Director's functions	GMSD	must obtain Executive Director's written consent first.



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 Victoria Planning Provisions	GMSD;MP;SP	if authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	GMSD;MP;SP	
s.4H	duty to make amendment to Victoria Planning Provisions available	GMSD;MP;SP	
s.4I	duty to keep Victoria Planning Provisions and other documents available	GMSD;MP;SP	
s. 8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	GMSD;MP;SP	
s.11(3)(b)	duty to submit amendment to planning scheme to Minister for approval if the Minister withdraws authorisation	GMSD;MP;SP	
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	GMSD;MP;SP	
s 12A (1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under section 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	GMSD;MP;SP	
s.12B(1)	duty to review planning scheme	GMSD;MP;SP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12B(2)	duty to review planning scheme at direction of Minister	GMSD;MP;SP	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	GMSD;MP;SP	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	GMSD;MP;SP SP,PCO	
s.17(1)	duty of giving copy amendment to the planning scheme	GMSD;MP;SP PLO	
s.17(2)	duty of giving copy s.173 agreement	GMSD;MP;SP PLO	
s.18	duty to make amendment etc. available	GMSD;MP;SP PLO	
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 section 19 to a planning scheme	GMSD;MP;	
s.20(1)	power to apply to Minister for exemption from the requirements of section 19	GMSD;MP;	
s.21(2)	duty to make submissions available	GMSD;MP;SP PLO	
s.21A(4)	duty to publish notice in accordance with section	GMSD;MP;SP PLO	
s.22	duty to consider all submissions	GMSD;MP;SP	
s.23(2)	power to refer submissions to a panel	GMSD;MP;SP	
s.24	function to represent council and present a submission at a	GMSD;MP;SP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	panel hearing (including a hearing referred to in section 96D)		
s.26(1)	power to make report available for inspection	GMSD;MP;SP; PLO;PAO	
s.26(2)	duty to keep report of panel available for inspection	GMSD;MP;SP	
s.27(2)	power to apply for exemption if panel's report not received	GMSD;MP	
s.28	duty to notify the Minister if abandoning an amendment	GMSD;MP	
s.30(4)(a)	duty to say if amendment has lapsed	GMSD;MP	
s.30(4)(b)	duty to provide information in writing upon request	GMSD;MP;SP	
s.31	duty to submit adopted amendment to Minister and, if applicable, details under section 19(1B)	GMSD;MP;SP	
s.32(2)	duty to give more notice if required	GMSD;MP;SP	
s.33(1)	duty to give more notice of changes to an amendment	GMSD;MP;SP	
s.35A(2)	duty to not approve an amendment under section 35B unless the amendment has been certified by the Secretary	GMSD;MP;SP	
s.35B(1)	power to approve amendment in form certified under section 35A	GMSD;MP;SP	
s.35B(2)	duty to give to Minister notice of approval, copy of approved amendment and other documents	GMSD;MP;SP	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.36(2)	duty to give notice of approval of amendment	GMSD;MP;SP	
s.38(5)	duty to give notice of revocation of an amendment	GMSD;MP;SP	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	GMSD;MP	
s.40(1)	function of lodging copy of approved amendment	GMSD;MP;SP	
s.40(1A)	duty to lodge prescribed documents and copy of approved amendment with the relevant authorities	GMSD;MP;SP	
s.41	duty to make approved amendment available	GMSD;MP;SP	
s.42	duty to make copy of planning scheme available	GMSD;MP;SP	
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	GMSD;MP;SP	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	GMSD;MP;SP	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	GMSD;MP;SP	
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	GMSD;MP;SP	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	GMSD;MP;SP	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	GMSD;MP;SP	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	GMSD;MP;SP	
s.46Q(1)	duty to keep proper accounts of levies paid	GMSD;GMCS; MF;MP;SP	
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	GMSD;GMCS; MF;MP	
s.46Q(2)	duty to apply levy only for a purpose relating to the provision of the works, services and facilities in respect of which the levy was paid etc.	GMSD; MF;MP;SP	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	GMSD; MF;MP;	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	GMSD; MF;MP;	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	GMSD; MF;MP;	must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that amount on other works etc.	GMSD; MF;MP;	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	GMSC;MP	
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	Not Delegated	
s.46Y	duty to carry out works in conformity with the approved strategy plan	MP	
s.47	power to decide that an application for a planning permit does not comply with that Act	GMSD;MP	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	CEO;GMSD; PLO;MP;SP;SP; SO;PAO	
s.49(2)	duty to make register available for inspection	CEO;GMSD; PLO;MP;SP;SP; SO;PAO	
s.50(4)	duty to amend application	GMSD;MP;SP	
s.50(5)	power to refuse to amend application	GMSD;MP	
s.50(6)	duty to make note of amendment to application in register	GMSD;MP;PLO; SP;SO;PAO	
s.50A(1)	power to make amendment to application	GMSD;MP;SP	
s.50A(3)	power to require applicant to notify owner and make a	GMSD;MP;SP	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	declaration that notice has been given		
s.50A(4)	duty to note amendment to application in register	GMSD;MP;SP	
s.51	duty to make copy of application available for inspection	GMSD;MP;PLO; SP;SO;PLO	
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	GMSD;MP;PLO; SP;SO;PLO	
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	GMSD;MP;SP	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	GMSD;MP;SP	
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	GMSD;MP;SP	
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	GMSD;MP;SP	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	GMSD;MP;SP	
s.52(1AA)	duty to give notice of an application to remove or vary a	GMSD;MP;SP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	registered restrictive covenant		
s.52(1A)	power to refuse an application	GMSD;MP;SP	
s.52(3)	power to give any further notice of an application where appropriate	GMSD;MP;SP	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	GMSD;MP;SP	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	GMSD;MP;SP	
s.54(1)	power to require the applicant to provide more information	GMSD;MP;SP	
s.54(1A)	duty to give notice in writing of information required under section 54(1)	GMSD;MP;SP	
s.54(1B)	duty to specify the lapse date for an application	GMSD;MP;SP	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	GMSD;MP;SP	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	GMSD;MP;SP	
s.55(1)	duty to give copy application to every referral authority specified in the planning scheme	GMSD;MP;SP	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	GMSD;MP;SP	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	GMSD;MP;SP	
s.57(5)	duty to make available for inspection copy of all objections	GMSD;MP;SP; PAO;PLO	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	GMSD;MP	
s.57A(5)	power to refuse to amend application	GMSD;MP	
s.57A(6)	duty to note amendments to application in register	GMSD;MP;SP PAO; PLO	
s.57B(1)	duty to determine whether and to whom notice should be given	GMSD;MP;SP	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	GMSD;MP;SP	
s.57C(1)	duty to give copy of amended application to referral authority	GMSD;MP;SP	
s.58	duty to consider every application for a permit except for a development assessment committee application	GMSD;MP;SP	
s.60	duty to consider certain matters	GMSD;MP;SP	
s60(1A)	power to consider certain matters before deciding on application	GMSD;MP;SP	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(1)(a)	power to decide to grant a permit	GMSD;MP;SP	the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>
s.61(1)(b)	power to decide to grant a permit with conditions	GMSD;MP;SP	the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>
s.61(1)(c)	power to refuse the permit	GMSD;MP;SP	Only when the use is prohibited under the Planning Scheme or does not comply with the Planning Scheme or application refused by Referral Authority under Sec.55
s.61(2)	duty to decide to refuse to grant a permit if referral authority objects to grant of permit	GMSD;MP;SP	
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	GMSD;MP;SP	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	GMSD;MP;SP	
s.62(1)	duty to include certain conditions in deciding to grant a permit	GMSD;MP;SP	
s.62(2)	power to include other conditions	GMSD;MP;SP	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	GMSD;MP;SP	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	GMSD;MP;SP	
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 section 173 agreement	GMSD;MP;SP	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	GMSD;MP	
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 section 62(5) or section 46N	GMSD;MP	
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 section 62(1)(a)	GMSD;MP	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	GMSD;MP;SP	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	GMSD;MP;SP	
s.64(3)	duty not to issue a permit until after the specified period	GMSD;MP;SP	
s.64(5)	duty to give each objector a copy of an exempt decision	GMSD;MP;SP	
s.65(1)	duty to give notice of refusal to grant permit to applicant and	GMSD;MP;SP	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	objector		
s.66	duty to give notice under section 64 or section 65 and copy permit to referral authorities	GMSD;MP;SP	
s.69(1)	function of receiving application for extension of time of permit	GMSD;MP;SP; PLO	
s.69(2)	power to extend time	GMSD;MP;SP;	
s.70	duty to make copy permit available for inspection	GMSD;MP;SP; SO	
s.71(1)	power to correct certain mistakes	GMSD;MP	
s.71(2)	duty to note corrections in register	GMSD;MP;SP; SO;PLO;PAO	
s.73	power to decide to grant amendment subject to conditions	GMSD;MP;SP	
s.74	duty to issue amended permit to applicant if no objectors	GMSD;MP;SP	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	GMSD;MP;SP	
s.76A	duty to give referral authorities copy of amended permit and copy of notice	GMSD;MP;SP ;PAO	
s.76D	duty to comply with direction of Minister to issue amended permit	GMSD;MP;SP; SO;PLO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.83	function of being respondent to an appeal	GMSD;MP;SP; PCO	
s.83B	duty to give or publish notice of application for review	GMSD;MP;SP	
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	GMSD;MP;SP	
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	GMSD;MP;SP	
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	GMSD;MP;SP	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	GMSD;MP;SP; SO;PCO	
s.86	duty to issue a permit at order of Tribunal within 3 working days	GMSD;MP;SP; SO;PCO	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	GMSD;MP	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	GMSD;MP;SP; PCO	
s.91(2)	duty to comply with the directions of VCAT	GMSD;MP;SP; PCO	
s.91(2A)	Duty to issue amended permit to owner if Tribunal so directs	GMSD;MP;SP	



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 section 90	GMSD;MP;SP; SO	
s.93(2)	duty to give notice of VCAT order to stop development	GMSD;MP;SP; SO	
s.95(3)	function of referring certain applications to the Minister	GMSD;MP	
s.95(4)	duty to comply with an order or direction	GMSD;MP	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	GMSD;MP	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	GMSD;MP;SP	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	GMSD;MP;SP	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	GMSD;MP;SP	
s.96F	duty to consider the panel's report under section 96E	GMSD;MP;SP	
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 section 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	GMSD;MP;SP	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.96H	power to give notice in compliance with Minister's direction	GMSD;MP;SP	
s.96J	power to issue permit as directed by the Minister	GMSD;MP;SP	
s.96K	duty to comply with direction of the Minister to give notice of refusal	GMSD;MP;SP	
s.97C	power to request Minister to decide the application	GMSD;MP;SP	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	GMSD;MP;SP	
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	GMSD;MP;SP	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	GMSD;MP;SP; SO	
s.97L	duty to include Ministerial decisions in a register kept under section 49	GMSD;MP;SP	
s.97MCA(2)	function of consulting with advisory committee regarding the areas for which the Development Assessment Committee is to be established	GMSD;MP;SP	
s.97MG	duty to provide documents and information to development assessment committee	GMSD;MP;SP	
s.97MH	duty to provide assistance to the development assessment committee	GMSD;MP;SP	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97MJ(2)	duty to ensure that the register of applications specifies whether the development assessment committee has made the decision	GMSD;MP;SP	
s.97MK	function of nominating member of the development assessment committee	GMSD;MP;SP	
s.97ML(4)	power to nominate alternate members of the development assessment committee	GMSD;MP;SP	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	GMSD;MP;SP	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	GMSD;MP;SP	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	GMSD;MP;SP	
s.97Q(4)	duty to comply with directions of VCAT	GMSD;MP;SP	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	GMSD;MP;SP	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	GMSD;MP	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	GMSD;MP	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.101	function of receiving claim for expenses in conjunction with claim	GMSD;MP	
s.103	power to reject a claim for compensation in certain circumstances	GMSD;MP	
s.107	function of receiving claim for compensation	GMSD;MP;SO; SP	
s.114(1)	power to apply to the VCAT for an enforcement order	GMSD;SO;MP	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	GMSD;MP;SP; PCO	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	GMSD;MP	
s.123(1)	power to carry out work required by enforcement order and recover costs	GMSD;MP	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	GMSD;MP	except Crown Land
s.125	power to apply for an injunction restraining a person from contravening an enforcement order or interim enforcement order	GMSD;MP	
s.129	function of recovering penalties	GMSD;MP	
s.130(5)	power to allow person served with an infringement notice	GMSD;MP	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	further time		
s.149A(1)	power to refer a matter to the VCAT for determination	GMSD;MP	
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (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 subsection (2B)power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	GMSD;MP;SP	where council is the relevant planning authority
s.171(2)(f)	power to carry out studies and commission reports	GMSD;MP;SP	
s.171(2)(g)	power to grant and reserve easements	GMSD;MP;SP	
s.173	power to enter into agreement covering matters set out in section 174	GMSD;MP	
---	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	GMSD;MP	
---	power to give consent on behalf of Council, where an agreement made under section 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	GMSD;MP	
s.177(2)	power to end a section 173 agreement with approval of the Minister or the consent of all those bound by any covenant in	GMSD;MP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	the agreement		
s.178	power to amend a s.173 agreement	GMSD;MP	
s.179(1)	duty to lodge agreement with Minister	GMSD;MP;MGI	
s.179(2)	duty to make available for inspection copy agreement	GMSD;MP	
s.181	power to apply to the Registrar of Titles for registration of the agreement and to deliver a memorial to Registrar-General	GMSD;MP	
s.182	power to enforce an agreement	GMSD;MP;PCO	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	GMSD;MP	
s.198(1)	function to receive application for planning certificate	GMSD;MP;PLO; SP	
s.199(1)	duty to give planning certificate to applicant	GMSD;MP;PLO; PAO;SP	
s.201(1)	function of receiving application for declaration of underlying zoning	GMSD;MP;SP; SP	
s.201(3)	duty to make declaration	GMSD;MP;PLO; SP	
-	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	GMSD;MP	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	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	GMSD;MP	
	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	GMSD;MP	
-	power to give written authorisation in accordance with a provision of a planning scheme	GMSD;MP	
s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	GMSD;MP	
s.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	GMSD;MP	



RAIL SAFETY ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.33	duty to comply with a direction of the Safety Director under this section	GMI; MAES	where council is a utility under section 3
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	GMI; MAES	duty of council as a road authority under the <i>Road Management Act 2004</i>
s.34	duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under section 33(1)	GMI; MAES	where council is a utility under section 3
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	GMI; MAES	where council is the relevant road manager
s.34D(1)	function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	GMI; MAES	where council is the relevant road manager
s.34D(2)	function of receiving written notice of opinion	GMI; MAES	where council is the relevant road manager
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	GMI; MAES	where council is the relevant road manager
s.34E(1)(a)	duty to identify and assess risks to safety	GMI; MAES	where council is the relevant road manager
s.34E(1)(b)	duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)	GMI; MAES	where council is the relevant road manager
s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	GMI; MAES	where council is the relevant road manager



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s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	GMI; MAES	where council is the relevant road manager
s.34F(1)(b)	duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)	GMI; MAES	where council is the relevant road manager
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	GMI; MAES	where council is the relevant road manager
s.34H	power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c)	GMI; MAES	where council is the relevant road manager
s.34I	function of entering into safety interface agreements	GMI; MAES	where council is the relevant road manager
s.34J(2)	function of receiving notice from Safety Director	GMI; MAES	where council is the relevant road manager
s.34J(7)	duty to comply with a direction of the Safety Director given under section 34J(5)	GMI; MAES	where council is the relevant road manager
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	GMI; MAES	where council is the relevant road manager

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.142D	function of receiving notice regarding an unregistered rooming house	GMSD; SEHO;EHO	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	GMSD; GMCMSSEHO;E HO	where council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	GMSD; GMCMSSEHO;E HO	where council is the landlord
s.262(3)	power to publish its criteria for eligibility for the provision of housing by council	GMSD; GMCMS,SEHO;E HO	where council is the landlord
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	GMSD; SEHO;EHO	
s.522(1)	power to give a compliance notice to a person	GMSD; SEHO;EHO	
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	GMSD	
s.525(4)	duty to issue identity card to authorised officers	GMSD	
s.526(5)	duty to keep record of entry by authorised officer under section 526	GMSD; SEHO;EHO	
s.526A(3)	function of receiving report of inspection	GMSD; SEHO	



s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	GMSD; SEHO	
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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	GMI;GMCS; MAES;	obtain consent in circumstances specified in section 11(2)
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	GMI;GMCS; MAES;	
s.11(9)(b)	duty to advise Registrar	GMI;GMCS; MAES;	
s.11(10)	duty to inform Secretary to Department of Sustainability and Environment of declaration etc.	GMI;GMCS; MAES;	clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department of Sustainability and Environment or nominated person	GMI;GMCS; MAES;	where council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	GMI;GMCS; MAES;MR	were council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	GMI;GMCS; MAES;	power of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(5)	duty to consider written submissions received within 28 days of notice	GMI;GMCS; MAES;	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(6)	function of hearing a person in support of their written submission	GMI;GMCS; MAES;	function of coordinating road authority where it is the discontinuing body unless subsection (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 subsection (6) and to give notice	GMI;GMCS; MAES;	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(10)	duty to notify of decision made	GMI;GMCS; MAES;	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 road by publishing notice in Government Gazette	GMI;GMCS; MAES;	power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate
s.14(4)	function of receiving notice from VicRoads	GMI	
s.14(7)	power to appeal against decision of VicRoads	GMI	
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	GMI; MAES	
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	GMI; MAES	
s.15(2)	duty to include details of arrangement in public roads register	GMI; MAES	
s.16(7)	power to enter into an arrangement under section 15	GMI; MAES	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.16(8)	duty to enter details of determination in public roads register	GMI; MAES	
s.17(2)	duty to register public road in public roads register	GMI; MAES	where council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	GMI; MAES	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	GMI; MAES	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	GMI; MAES	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	GMI; MAES	where council is the coordinating road authority
s.18(1)	power to designate ancillary area	GMI; MAES	where council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)
s.18(3)	duty to record designation in public roads register	GMI; MAES	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	GMI; MAES	
s.19(4)	duty to specify details of discontinuance in public roads register	GMI; MAES	
s.19(5)	duty to ensure public roads register is available for public inspection	GMI; MAES	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.21	function of replying to request for information or advice	GMI	obtain consent in circumstances specified in section 11(2)
s.22(2)	function of commenting on proposed direction	GMI	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	GMI; MAES	
s.22(5)	duty to give effect to a direction under this section.	GMI; MAES	
s.40(1)	duty to inspect, maintain and repair a public road.	GMI; MAES	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	GMI; MAES	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	GMI; MAES	
s.42(1)	power to declare a public road as a controlled access road	GMI; MAES	power of coordinating road authority and Schedule 2 also applies
s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	GMI	power of coordinating road authority and Schedule 2 also applies
s.42A(3)	duty to consult with VicRoads before road is specified	GMI; MAES	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	GMI	where council is the coordinating road authority if road is a municipal road or part thereof and where road



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			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)	GMI; MAES	where council is the responsible road authority, infrastructure manager or works manager
s.48M(3)	function of consulting with the Secretary for purposes of developing guidelines under section 48M	GMI; MAES	
s.48N	duty to notify the Secretary of the location of the bus stopping point and the action taken by council	GMI; MAES	
s.49	power to develop and publish a road management plan	GMI; MAES	
s.51	power to determine standards by incorporating the standards in a road management plan	GMI; MAES	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMI; MAES	
s.54(2)	duty to give notice of proposal to make a road management plan	GMI; MAES	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	GMI; MAES	
s.54(6)	power to amend road management plan	GMI; MAES	
s.54(7)	duty to incorporate the amendments into the road management plan	GMI; MAES	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	GMI; MAES;MR	
s.63(1)	power to consent to conduct of works on road	GMI; MAES	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	GMI; MAES	where council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	GMI; MAES	where council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	GMI; MAES	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	GMI; MAES	where council is the coordinating road authority
s.67(3)	power to request information	GMI; MAES;CC	where council is the coordinating road authority
s.68(2)	power to request information	GMI; MAES;CC	where council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	GMI; MAES;CC	
s.72	duty to issue an identity card to each authorised officer	GMI; MAES;CC	
s.85	function of receiving report from authorised officer	GMI; MAES;CC	
s.86	duty to keep register re section 85 matters	GMI; MAES;CC	
s.87(1)	function of receiving complaints	GMI; MAES;CC	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.87(2)	power to investigate complaint and provide report	GMI; MAES;CC	
s.112(2)	power to recover damages in court	GMI; MAES;CC	
s.116	power to cause or carry out inspection	GMI; MAES;CC	
s.119(2)	function of consulting with VicRoads	GMI; MAES	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	GMI; MAES	
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	GMI; MAES	
s.121(1)	power to enter into an agreement in respect of works	GMI; MAES	
s.122(1)	power to charge and recover fees	GMI; MAES	
s.123(1)	power to charge for any service	GMI; MAES	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	GMI; MAES	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	GMI; MAES	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	GMI; MAES	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	GMI; MAES	
Schedule 2 Clause 5	duty to publish notice of declaration	GMI; MAES;MR	
Schedule 7, Clause 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	GMI; MAES	where council is the infrastructure manager or works manager
Schedule 7, Clause 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	GMI; MAES	where council is the infrastructure manager or works manager
Schedule 7, Clause 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	GMI; MAES	where council is the infrastructure manager or works manager responsible for non-road infrastructure
Schedule 7, Clause 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	GMI; MAES	where council is the infrastructure manager or works manager
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	GMI; MAES	where council is the infrastructure manager or works manager

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	GMI; MAES	where council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	GMI; MAES	where council is the coordinating road authority
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	GMI; MAES	where council is the coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	GMI; MAES	where council is the coordinating road authority
Schedule 7, Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	GMI; MAES	where council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	GMI; MAES	where council is the coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	GMI; MAES	where council is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	GMI; MAES	where council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	GMI; MAES	where council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	GMI; MAES	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
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	GMI; MAES	where council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	GMI; MAES	where council is the coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	GMI; MAES	where council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	GMI; MAES	where council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	GMI; MAES	where council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	GMI; MAES	where council is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	GMI; MAES	where council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	GMI; MAES	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	GMI; MAES	where council is the responsible road authority



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7A Clause 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	GMI; MAES	where council is the responsible road authority
Schedule 7A Clause (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4	GMI; MAES	duty of council as responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs)



PLANNING AND ENVIRONMENT REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.6	duty of responsible authority to provide copy of matter considered under section 60(1A)(g) for inspection free of charge	GMSD;MP;SP;PL O;SO	
r.7	duty of responsible authority to provide copy information or report requested by Minister	GMSD;MP;SP;PL O;SO	
r.22	power of responsible authority to require verification of information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in application for permit or to amend a permit or any information provided under section 54 of the Act	GMSD;MP;SP;PL O;SO	
r.55	duty of responsible authority to tell Registrar of Titles under r 183 of the Act of the cancellation or amendment of an agreement	GMSD;MP	



PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2000			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.13(1)	power to waive or rebate fee in prescribed circumstances	GMSD;MP	
r.13(2)	power to waive or rebate fee for amendment to a planning scheme in prescribed circumstances	GMSD;MP	
r.13(3)	duty if fee waived or rebated to record in writing the matters taken into account and which formed the basis of the decision	GMSD;MP	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.7	function of entering into a written agreement with a caravan park owner	GMSD; SEHO;EHO	
r.11	function of receiving application for registration	GMSD; SEHO;EHO	
r.13(1) & (2)	duty to grant the registration if (a) & (b) is satisfied	GMSD; SEHO;EHO	
r.13(4) & (5)	duty to issue certificate of registration	GMSD; SEHO;EHO	
r.15(1)	function of receiving notice of transfer of ownership	GMSD; SEHO;EHO	
r.15(3)	power to determine where notice of transfer is displayed	GMSD; SEHO;EHO	
r.16(1)	duty to transfer registration to new caravan park owner	GMSD; SEHO;EHO	
r.16(2)	duty to issue a certificate of transfer of registration	GMSD; SEHO;EHO	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	GMSD; SEHO;EHO	
r.18	duty to keep register of caravan parks	GMSD; SEHO;EHO	
r.19(4)	power to determine where the emergency contact person's details are displayed	GMSD; SEHO;EHO	
r.19(6)	power to determine where certain information is displayed	GMSD; SEHO;EHO	
r.22(6)	duty to notify caravan park owners of emergency service	GMSD; SEHO;EHO	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	agencies		
r.22(7)	duty to consult with relevant emergency services agency	GMSD; SEHO;EHO	
r.23(2)	power to determine places in which caravan park owner must display a copy of emergency procedures	GMSD; SEHO;EHO	
r.24(1)	power to determine places in which caravan park owner must display copy of public emergency warnings	GMSD; SEHO;EHO	
r.25(3)	duty to consult with relevant floodplain management authority	GMSD; SEHO;EHO	
r.26	duty to have regard to any report of the relevant fire authority	GMSD; SEHO;EHO	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	GMSD; SEHO;EHO	
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	GMSD; SEHO;EHO	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	GMSD; SEHO;EHO	
r.40(4)	function of receiving installation certificate	GMSD; SEHO;EHO	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	GMSD; SEHO;EHO	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	GMSD; SEHO;EHO	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.301(1)	duty to conduct reviews of road management plan	GMI; MAES	
r.302(2)	duty to give notice of review of road management plan	GMI; MAES	
r.302(5)	duty to produce written report of review of road management plan and make report available	GMI; MAES	
r.303	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	GMI; MAES	
r.306(2)	duty to record on road management plan the substance and date of effect of amendment	GMI; MAES	
r.501(1)	power to issue permit	GMI; MAES	where council is the coordinating road authority
r.501(4)	power to charge fee for issuing permit under regulation 501(1)	GMI; MAES	where council is the coordinating road authority
r.503(1)	power to give written consent to person to drive on road a vehicle which is likely to cause damage to road	GMI; MAES	where council is the coordinating road authority
r.508(3)	power to make submission to Tribunal	GMI; MAES;CC	where council is the coordinating road authority
r.509(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	GMI; MAES;CC	where council is the responsible road authority
r.509(2)	power to sell or destroy things removed from road or part of road (after first complying with regulation 509(3))	GMI; MAES;CC	where council is the responsible road authority



Maddocks

ROAD MANAGEMENT (GENERAL) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.509(4)	power to recover in the Magistrates' Court, expenses from person responsible	GMI; MAES;CC	



ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.10	power to exempt a person from requirement under clause 13(1) of Schedule 7 to the Act to give notice as to the completion of those work	GMI; MAES	where council is the coordinating road authority and where consent given under section 63(1) of the Act
r.18(2)	power to waive whole or part of fee in certain circumstances	GMI; MAES	where council is the coordinating road authority

9.7. TRANSFER OF ROAD TITLES – ASIC TO COUNCIL GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the General Manager Corporate Services, I Evan King have no interests to disclose in this report.

PURPOSE

To authorise the sealing of Transfer of Land documents from ASIC on behalf of the deregistered company Sateray Pty Limited to transfer Title of two roads to Council.

BACKGROUND

In Commonwealth law ASIC is the only party legally able to deal with the property of deregistered companies. ASIC investigations revealed that within the Shire the land described remains as part of original Titles as 'un-transferred title'. ASIC has requested that these remaining assets of the delisted company Sateray Pty Limited involving two roads in the Shire be transferred to Council to allow final winding up of its affairs. The two roads are Ryan Junction Road, Allendale Road on LP218423 Certificate of Title Volume 9960 Folio 031 and Wolff Lane, Trentham on PS323146 Certificate of Title Volume 10117 Folio 736. These roads were created in the past by the subdivisions indicated.

ISSUE/DISCUSSION

Council is not alone regarding this matter as ASIC has advised that this type of land is spread across 50 municipal districts. ASIC undertook consultation with the MAV, which believes it is in the best interests of each council to accept the ASIC offer to transfer the land. The main reason is to protect against claims for adverse possession of the land should this become an issue in the future. Council owned land is not subject to adverse possession, being exempt under the Limitation of Actions Act 1958, where land is registered under the Transfer of Land Act 1958.

Council is responsible for the care and management of these roads and it is not unusual for titles for subdivision roads to be transferred to Council at the time of subdivision.

ASIC is the legal successor body for deregistered companies and as such holds titles to various lands. As the roads, previously created by subdivisions are effectively public land and do vest in Council vide the Road Management Act 2004, the view has been formed that in the public interest the titled rights for land should also be in the Council's name.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Transfer of the roads complies with ASIC requirements, provides Council with Title to land that is vested under the Road Management Act 2004, will prevent any claim for adverse possession should this arise in the future and meets Council Plan objectives for good governance.

FINANCIAL IMPLICATIONS

The offer from ASIC is to transfer the land at no cost, except for a \$122 Titles Office registration fee and replacement Title fee.

RISK IMPLICATIONS

As a part of the process Council provides to ASIC an indemnity against all claims, losses, suits, damages, demands, costs, and expenses incurred by reason of the execution of the Transfer. The likelihood of any claim from the delisted company is remote.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council has existing responsibility for the roads.

CONCLUSION

To complete the transaction, the Transfer of Land document to transfer the title in the roads should be sealed by Council.

OFFICER'S RECOMMENDATION

- 9.7.1. That Council seal the Transfer of Land document for the transfer of the land remaining in Certificate of Title Volume 9960 Folio 031 (Ryan Junction Road) and Certificate of title Volume 10117 Folio 736 (Wolff Lane) to Hepburn Shire Council.

MOTION

9.7.1. *That Council seal the Transfer of Land document for the transfer of the land remaining in Certificate of Title Volume 9960 Folio 031 (Ryan Junction Road) and Certificate of Title Volume 10117 Folio 736 (Wolff Lane) to Hepburn Shire Council.*

Moved: Councillor Bill McClenaghan

Seconded: Councillor Don Henderson

Carried.

**9.8. LICENCE – COUNCIL PROPERTY – VICTORIA PARK, DAYLESFORD – DAYLESFORD MENS SHED 202701R
GENERAL MANAGER CORPORATE SERVICES**

In providing this advice to Council as the General Manager Corporate Services, I Evan King have no interests to disclose in this report.

PURPOSE

This report requires Council to authorise the CEO to issue a General Licence for the occupancy of a site at Victoria Park Daylesford for the new Men's Shed recently completed at Victoria Park, Daylesford.

BACKGROUND

The Council has previously agreed to the allocation of a site within Victoria Park, Daylesford for the construction of a new Men's Shed. Council contributed financially to this project.

ISSUE/DISCUSSION

Victoria Park Daylesford is a Crown land reserve for which Council is the committee of management under the Crown (Land) Reserves Act 1978. Council therefore has care and management responsibilities for this Reserve. Responsibilities include the power to grant licences for occupancy consistent with the purpose of the land - Public Park & Recreation.

Council subject to a Governor in Council Order of 15 December 1998 is able to grant a 3 year Licence without reference to the Department of Sustainability and Environment (DSE).

The Licensee will be **Daylesford Men's Shed Inc.**

The proposed Licence is for a 3 year term, based on the standard DSE Licence form with added special conditions regarding insurance, building maintenance and damage, building security, trees (pruning), sale and consumption of alcohol (permit required) food registration, risk management planning, emergency management procedures and disputes. These are generally standard items in agreements for these types of properties.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Good governance objectives and principles support having written occupancy arrangements. Policy # 9 Council Owner & Controlled Property requires that appropriate written occupancy arrangements be in place.

Refer above to legislation requirements.

FINANCIAL IMPLICATIONS

There are no significant financial implications regarding the issue of a licence to Daylesford Men's Shed Inc.

The annual Licence fee of \$104 + GST, for community based organizations must be paid.

Maintenance of the building and utilities costs are the responsibility of the Licensee.

RISK IMPLICATIONS

The Licence requires minimum public liability insurance of \$10m with evidence of this and currency to be provided.

The Licensee must also prepare and lodge with Council a Risk Management Plan.

The Licensee is required to put in place an emergency management plan. The Licence incorporates Council's standard emergency management procedures e.g. Code Red Fire Warning.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The Men's Shed promotes recreation, physical and mental health and general well being through a range of skill sharing and companionship activities.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

This project has been subject to a range of community development processes since first mooted in 2007. The project was originally auspiced by the Daylesford Neighbourhood Centre Inc.

CONCLUSION

The grant of a Licence as proposed will formalise the occupancy of part of Victoria Park by Daylesford Men's Shed Inc.

OFFICER'S RECOMMENDATION

That Council:

- 9.8.1. Grant a 3 year Licence to Daylesford Men's Shed Inc. to occupy the site set aside at Victoria Park Daylesford for the purposes outlined in the above Report; and
- 9.8.2. Authorise the CEO to execute the Licence for and on behalf of Council

MOTION

9.8.1. That Council, as Committee of Management of Crown Land, agrees to the grant of a new 3 year lease to the Daylesford Men's Shed Incorporated and affix the Common Seal to the new lease.

Moved: Councillor Jon Barrell
Seconded: Councillor Don Henderson
Carried.

9.9. RENEWAL OF LEASE – AGRICULTURAL SOCIETY PAVILION VICTORIA PARK DAYLESFORD 100776R

GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the General Manager Corporate Services, I Evan King have no interests to disclose in this report.

PURPOSE

This report requires Council to authorise the renewal of a Lease to the Daylesford & District Agricultural Society Inc (Society) for the Agricultural Society pavilion at Victoria Park, Daylesford.

BACKGROUND

The Agricultural Society Pavilion has been leased to the Society for many years and is subject to renewal for a further 3 year term.

ISSUE/DISCUSSION

Victoria Park Daylesford is a Crown land reserve for which Council is the committee of management under the Crown (Land) Reserves Act 1978. Council therefore has care and management responsibilities for this Reserve. Responsibilities include the power to grant agreements for occupancy consistent with the purpose of the land - Public Park & Recreation.

Council subject to a Governor in Council Order of 15 December 1998 is able to grant 3 year tenure without reference to the Department of Sustainability and Environment (DSE).

The renewal of this Lease is for a 3 year term, based on the Council's standard community organisation lease commencing from 1 July 2011. The Lease provides the Society with exclusive occupancy of the building. In this case the Pavilion has a specified permitted use for table tennis, meaning that the Society has an arrangement with the Daylesford Table Tennis Association Inc for competition, practice and other appropriate functions conducted by Table Tennis.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Good governance objectives and principles support having written occupancy arrangements. Policy # 9 Council Owner & Controlled Property requires that appropriate written occupancy arrangements be in place.

This Lease is granted in accordance with the Crown (Land) Reserves Act 1978.

FINANCIAL IMPLICATIONS

There are no significant financial implications regarding the renewal of this Lease to the Society.

The annual Lease rent of \$104 + GST, for community based organizations must be paid.

Maintenance of the building and utilities costs are the responsibility of the Licensee.

RISK IMPLICATIONS

The Lease requires minimum public liability insurance of \$10m with evidence of this and currency to be provided. The Society actually has \$50m cover.

The Society is required to identify risks and put in place an emergency management plan, including evacuation procedures. The Lease incorporates Council's standard emergency management procedures e.g. Code Red Fire Warning.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

No implications are envisaged regarding this renewal.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There is no requirement for advertising for renewal of this Lease.

CONCLUSION

The renewal of the Lease continues the existing and ongoing occupancy by the Society of the Agricultural Society Pavilion at Victoria Park, Daylesford.

OFFICER'S RECOMMENDATION

- 9.9.1. That Council agree to the grant of a new Lease to Daylesford & District Agricultural Society Inc and affix the Common Seal to the new Lease.

MOTION

9.9.1. That Council, as Committee of Management of Crown Land, agrees to the grant of a new 3 year Lease to Daylesford & District Agricultural Society Incorporated and affix the Common Seal to the new lease

Moved: Councillor Jon Barrell
Seconded: Councillor Bill McClenaghan
Carried.

Councillor Don Henderson left meeting at 7:26pm; returned to meeting at 7:31pm

**9.10. LICENCE – COUNCIL PROPERTY CRESWICK – THE ‘CUBE’ 12704R
GENERAL MANAGER CORPORATE SERVICES**

In providing this advice to Council as the General Manger Corporate Services, I Evan King have no interests to disclose in this report.

PURPOSE

This report requires Council to authorise the CEO to issue a General Licence for the occupancy of the Creswick ‘Cube’ site in Creswick.

BACKGROUND

The Creswick ‘Cube’ (former Tourist Information Centre) is located in the road reserve near the intersection of Raglan and Cambridge Streets, Creswick. The Business & Tourism Creswick Inc (BATC) and Creswick & District Residents Association Inc (CADRA) organisations have temporally occupied the Cube and wish to secure a longer term arrangement by means of an occupancy Licence.

ISSUE/DISCUSSION

Prior to the temporary occupancy, the building was unoccupied for a long period although it is believed some items were stored there.

BATC and CADRA discussed occupancy with the Economic Development and Tourism Manager.

Occupancy for a term of 3 years by means of a General Licence is proposed to allow the building to be used to store items, for meetings and to maintain the external community notice boards.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Good governance objectives and principles support having written occupancy arrangements. Policy # 9 Council Owner & Controlled Property requires that appropriate written occupancy arrangements be in place. The Licence, in this instance, is issued under Council’s general powers contained in S’s 3E and 3F of the Local Government Act 1989.

FINANCIAL IMPLICATIONS

There are no significant financial implications regarding the issue of a licence to BATC and CADRA.

The annual Licence fee of \$104 + GST, for community based organizations must be paid.

RISK IMPLICATIONS

The Licence requires public liability insurance of \$10m with evidence of this and currency to be provided.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

No implications are expected.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Both organisations are community based. There is no requirement for advertising of this proposal and the Licence may be terminated on 30 days notice.

CONCLUSION

The grant of a General Licence as proposed will formalise the occupancy by BATC and CADRA

OFFICER'S RECOMMENDATION

That Council:

- 9.10.1 Grant a 3 year general Licence to business & tourism Creswick Inc and Creswick & District Residents Association Inc to occupy the "Cube" for the purposes outlined in the above Report; and
- 9.10.2. Authorise the CEO to execute the general licence for and on behalf of Council

MOTION

That Council:

- 9.10.1. *Grant a 3 year general Licence to Business & Tourism Creswick Inc and Creswick & District Residents Association Incorporated to occupy the "Cube" for the purposes outlined in the above Report; and*
- 9.10.2. *Authorise the CEO to execute the general licence for and on behalf of Council.*

Moved: Councillor Bill McClenaghan
Seconded: Councillor Sebastian Klein
Carried.

10. COUNCIL SPECIAL COMMITTEES (SECTION 86) AND ADVISORY COMMITTEES

GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the General Manager Corporate Services, I Evan King have no interests to disclose in this report.

PURPOSE

Special (Section 86) and Advisory Committee minutes are tabled for noting.

BACKGROUND

Special committees are established by Council and their function and responsibilities outlined in an Instrument of Delegation. Under the Instrument of Delegation, special committees are required to maintain minutes of meetings held and provide a copy of the minutes to Council for review.

Advisory committees are established by Council and their responsibilities outlined in Terms of Reference. Advisory Committees are required to maintain minutes of meetings held and provide a copy of the minutes to Council for review.

ISSUE/DISCUSSION

Please see listed below the minutes and other reports of Special and Advisory Committees, as provided by the Committees over the past month, for your information:

- Minutes of the Environmental Sustainability Advisory Committee Meeting – 28 July 2011

These minutes have been previously provided to Councillors under a separate cover.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Nil

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Members of the community are represented on these committees.

CONCLUSION

Minutes and reports have been provided for noting.

OFFICER'S RECOMMENDATION

10.1.1. That Council notes the minutes of the Special and Advisory Committees listed above which have been distributed under separate cover.

MOTION

10.1.1. That Council notes the minutes of the Special and Advisory Committees listed above which have been distributed under separate cover.

Moved: Councillor Sebastian Klein

Seconded: Councillor Jon Barrell

Carried

11. CONFIDENTIAL ITEMS: CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

That pursuant to the provisions of Section 89(2) of the Local Government Act 1989, the meeting be closed to the public in order to consider:

- (d) Contractual matters; and
- (h) Any other matter which the Council or special committee considers would prejudice the Council or any person.

RECOMMENDATION

11.1.1. That the meeting be closed to members of the public under Section 89(2) of the Local Government Act 1989, specifically the following sub-sections:

- 89(2)(d) Contractual matters; and
- 89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.

MOTION

11.1.1. *That the meeting be closed to members of the public under Section 89(2) of the Local Government Act 1989, specifically the following sub-sections:*

- 89(2)(d) Contractual matters; being

Maternal & Child Health Services and

Provision of Meals on Wheels; and

- 89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.

Moved: Councillor Jon Barrell

Seconded: Councillor Sebastian Klein

Carried.

The Meeting Closed to Members of the Public at 7:34pm.

12. RE-OPENING OF MEETING TO PUBLIC

RECOMMENDATION

12.1. That Council, having considered the confidential items, re-opens the Meeting to members of the public.

MOTION

12.1. *That Council, having considered the confidential items, re-opens the Meeting to members of the public.*

Moved: Councillor Sebastian Klein

Seconded: Councillor Don Henderson

Carried.

The Meeting re-opened at 7:53pm.

In accordance with Council resolutions, the following information is provided to the public on matters resolved by Council during the confidential section of the Meeting.

11.2.1. ***Hepburn Health Service Maternal and Child Health – Tender H182-2007*** *That Council award the Tender for Contract No H182-2007 for the Provision of Maternal and Child Health Services for a further twelve months from 1 Jul 2011, through to 30 June 2012 to Hepburn Health Services for the amount of \$261,686 (plus an allowance of +5-8% for known impending cost increases i.e. Nurses revised EBA \$5 and additional relive nurse costs).*

11.3.1. ***Provision of Meals on Wheels Across the Hepburn Shire 2011-2014*** That Council award the Contract No H265-2011 Delivered Meals to Hepburn Health Services for the period of 2011 through 2014 financial years with the option for a further one (1) plus one (1) year contract extensions which will be subject to further reports to Council for the sum of up to \$150,000 for the three year period.

13. CLOSE OF MEETING

The meeting closed at 7:55pm.