



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

TUESDAY 21 MAY 2013

HEPBURN HEALTH SERVICE – CLUNES CAMPUS

69 SERVICE STREET

CLUNES

6:00PM

This Document is printed on 100% Australian recycled paper

**Hepburn Shire Council
Ordinary Meeting of
Council**



MINUTES

TUESDAY 21 MAY 2013

**Hepburn Health Service - Clunes Campus
69 Service Street, Clunes
Commencing 6:00PM**

CONTENTS PAGE

1.	ACKNOWLEDGEMENT OF TRADITIONAL OWNERS	6
2.	OPENING OF MEETING	6
3.	APOLOGIES	7
4.	DECLARATIONS OF CONFLICTS OF INTEREST	7
5.	CONFIRMATION OF MINUTES.....	7
6.	NOTICES OF MOTION	7
7.	ITEMS OF URGENT BUSINESS	7
8.	PRESENTATION OF COUNCILLOR REPORTS.....	8
9.	PUBLIC PARTICIPATION TIME	19
9.1.	PETITIONS	19
9.2.	QUESTIONS.....	19
9.3.	REQUESTS TO ADDRESS COUNCIL.....	19
10.	OFFICERS' REPORTS	20
10.1.	CLUNES COMMUNITY INTERPRETIVE CENTRE PROGRESS REPORT	20
10.2.	MONTHLY FINANCIAL REPORT – AS AT 30 APRIL 2013.....	26
	ATTACHMENT 1 - FINANCIAL REPORT FOR PERIOD ENDING 30 APRIL 2013	28
	ATTACHMENT 2 - 2012-2013 CAPITAL WORKS PROGRAM	34
10.3.	GENERAL REVALUATION 2014.....	42
10.4.	COUNCIL INSTRUMENT OF DELEGATION REVIEW.....	45

Hepburn Shire Council Ordinary Meeting of Council



	ATTACHMENT 3 - S5 INSTRUMENT OF DELEGATION COUNCIL TO CHIEF EXECUTIVE OFFICER	50
	ATTACHMENT 4 - S6 INSTRUMENT OF DELEGATION COUNCIL TO MEMBERS OF STAFF	55
10.5.	SPECIAL COMMITTEES - RENEWAL OF DELEGATIONS FOR CRESWICK MUSEUM AND LYONVILLE HALL	132
	ATTACHMENT 5 - DRAFT INSTRUMENT OF DELEGATION CRESWICK MUSEUM SPECIAL COMMITTEE.....	140
	ATTACHMENT 6 - DRAFT INSTRUMENT OF DELEGATION LYONVILLE HALL SPECIAL COMMITTEE.....	150
10.6.	MELBOURNE CUP PUBLIC HOLIDAY ARRANGEMENTS IN HEPBURN SHIRE FOR 2013	157
	ATTACHMENT 7 - <i>PUBLIC HOLIDAYS ACT 1993</i> – LETTER FROM THE MINISTER FOR INNOVATION, SERVICES AND SMALL BUSINESS MINISTER FOR TOURISM AND MAJOR EVENTS, MINISTER FOR EMPLOYMENT AND TRADE	160
10.7.	NEW CROWN LAND LEASE – CRESWICK PARK LAKE RESIDENCE	166
	ATTACHMENT 8 - LEASED AREA – CRESWICK PARK LAKE RESIDENCE (WITH THE MEN’S SHED AND CRESWICK GARDEN CLUB SHED ALSO SHOWN)	170
	ATTACHMENT 9 - PROPOSED LEASE – CRESWICK PARK LAKE RESIDENCE (ISSUED UNDER SEPARATE COVER).....	171
10.8.	CRESWICK MUNICIPAL BAND LEASE RENEWAL	172
	ATTACHMENT 10 - PROPOSED LEASE – CRESWICK MUNICIPAL BAND INC (ISSUED UNDER SEPARATE COVER	175
10.9.	DAYLESFORD STREETScape REVITALISATION PROJECT	176
	ATTACHMENT 11 - REVISED DRAFT REVITALISATION STRATEGY AND MASTER PLAN – MAY 2013 (ISSUE UNDER SEPARATE COVER	183
10.10.	ROAD CLOSURE - ADJACENT TO PROPERTY LOT 1 PS 703533U 46 SOUTH LYONVILLE ROAD, LYONVILLE	184
	ATTACHMENT 12 - PLAN FROM WALSH MOBBS LAND SURVEYORS	187

Hepburn Shire Council Ordinary Meeting of Council



ATTACHMENT 13 - AERIAL PHOTO OF PROPOSED ROAD CLOSURE	188
10.11. PEDESTRIAN PATH - BRIDGE STREET, CRESWICK.....	189
10.12. EXPRESSION OF THANKS TO EMERGENCY SERVICE ORGANISATIONS WITHIN HEPBURN SHIRE.....	193
10.13. RECORD OF ASSEMBLIES OF COUNCILLORS – APRIL 2013....	195
ATTACHMENT 14 - RECORDS OF ASSEMBLIES OF COUNCILLORS – APRIL 2013 (ISSUED UNDER SEPARATE COVER)	198
11. COUNCIL SPECIAL COMMITTEES (SECTION 86).....	199
11.1. MINUTES OF SPECIAL COMMITTEES (SECTION 86)	199
12. COUNCIL ADVISORY COMMITTEES.....	201
12.1. MINUTES OF ADVISORY COMMITTEES.....	201
13. CONFIDENTIAL ITEMS.....	203
13.1. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC.....	203
13.2. CONFIDENTIAL – NEW 21 YEAR CROWN LAND LEASE - DAYLESFORD VICTORIA CARAVAN PARK	
13.3. CONFIDENTIAL - CLUNES BOWLING CLUB – REPAIRS TO CRESWICK CREEK EMBANKMENT – CONTRACT H348-2012	
13.4. CONFIDENTIAL - CONTRACT H413-2013 – PROVISION OF A PANEL OF COMPLIANT SUPPLIERS FOR MAINTENANCE SERVICES – BEING ELECTRICAL CARPENTRY PLUMBING PAINTING	
13.5. CONFIDENTIAL - CONTRACT H414-2013 – PROVISION OF A PANEL OF COMPLIANT SUPPLIERS FOR ENGINEERING CONSULTANCY AND PROJECT MANAGEMENT SERVICES	
13.6. CONFIDENTIAL – CONTRACT H420-2013 – REHABILITATION OF TWO TENNIS COURTS IN CLUNES INCLUDING ANCILLARY WORKS	

***Hepburn Shire Council
Ordinary Meeting of
Council***



14.	RE-OPENING OF MEETING TO PUBLIC	205
15.	CLOSE OF MEETING	207

AARON VAN EGMOND
CHIEF EXECUTIVE OFFICER
21 MAY 2013

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 Bill McClenaghan, Deputy Mayor Councillor Don Henderson, Birch Ward Councillor Pierre Niclas, Birch Ward Councillor Kate Redwood, Cameron Ward Councillor Neil Newitt, Coliban Ward Councillor Sebastian Klein, Creswick Ward Councillor Greg May.

IN ATTENDANCE: Chief Executive Officer Aaron van Egmond, General Manager Corporate Services Evan King, 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

Nil

4. DECLARATIONS OF CONFLICTS OF INTEREST

Nil

5. CONFIRMATION OF MINUTES

RECOMMENDATION

- 5.1 That the Minutes of the Ordinary Meeting of Council held on 16 April 2013 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of *the Local Government Act 1989*.

MOTION

5.1. *That the Minutes of the Ordinary Meeting of Council held on 16 April 2013 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

Moved: Councillor Don Henderson

Seconded: Councillor Kate Redwood

Carried.

6. NOTICES OF MOTION

Nil

7. ITEMS OF URGENT BUSINESS

Nil

8. PRESENTATION OF COUNCILLOR REPORTS

MAYOR'S REPORT

Councillor Bill McClenaghan, Holcombe Ward

Another busy month.

- Our Municipal Emergency Management Planning Committee reviewed and approved the new CERA (Community Emergency Risk Assessment document for addition to the MEMP (Plan).
- I attended and spoke at the opening of the Revenue Management Association's country conference at Creswick Novotel on 18 April.
- I attended the official opening of the National Timber Training Centre in Creswick on 19 April. This facility trains saw doctors and sawmill hands and is unique in the country.
- On 20 April I officially opened the new Daylesford Netball facilities at Victoria Park, Daylesford and unveiled a plaque. Whilst there, I attended the handover and unfurling of the Central Highlands Football League flag with reigning Premiers, the 'Daylesford Bulldogs'. The President of the League, Eddy Comelli handed over the flag and the 'doggies' went on to defeat Learmonth.
- ANZAC Day on 25 April was bigger than ever and I attended the Daylesford dawn service, the Hepburn Service and the march and service later in Daylesford.
- I also attended the launch of Hepburn Shire's Accessible Eating Guide at Cocoa Chy Chocolate Cafe in Creswick where it was great to see how many eateries have made special allowance for disabled people to come and eat there.

I attended two major regional events in two of our main towns.

- Clunes Booktown Festival on 4 and 5 May.
- The Great Trentham.Spudfest on 18 May.

One very special event on Sunday 5 May was to attend a tour of Miners' Graves at the Creswick Cemetery. These graves have now been restored thanks to a generous donation from the Australian Workers Union, with headstones cleaned and all graves marked. The New Australasia Mine Disaster happened on 12 December 1882, when the mine became flooded and 22 miners drowned. Some even lost their lives by going back to try and save their mates.

The highlight of the month was undoubtedly the visit by His Excellency the Honourable Alex Chernov, Governor of Victoria and Mrs Chernov. The Governor came to commemorate the sesqui-centenary of the Wombat Hill Botanic Gardens, laid out 150 years ago and to tour other places of interest in the Shire. In a remarkable coincidence, another Victorian Governor, Sir Reginald Talbot came to visit these wonderful gardens in 1907 when he and Lady Talbot arrived by train from Melbourne at the Daylesford Railway Station, visited and stayed overnight at the beautiful Wombat Park Estate. This time the Governor also arrived by train at the Daylesford Railway Station albeit from Musk and visited the magnificent 1860s vintage gardens at Wombat Park Estate. The Governor marked the 150th year anniversary by re-opening the rustic cascade and fern gully in the Gardens, which has been lovingly restored by the hard work and generosity of the Friends group. A great afternoon was had by all who attended.

The Governor's visit was sadly punctuated by a very large community funeral for Roz Moynihan, whose 28 years of unselfish dedication to her community in so many ways and forms was celebrated by over 600 people who attended. It was standing room only that morning at the Daylesford ARC to mark the sad end of a magnificent life. The Governor understood that I needed to go to this funeral and deliver the eulogy. Cr Redwood hosted the Governor's visits that morning.

We really should do something to mark Roz's magnificent contribution to this community as a volunteer, maybe by having an annual volunteer award named after her.

On 14 May, I attended a dinner with the Committee for Ballarat at Novotel Forest Resort Creswick and heard the Rev Tim Costello, head of World Vision, speak about his work and how we so frequently complain about our lot in life despite being second only to Switzerland in personal wealth and second only to Norway in personal health. We also heard about the Young Adult Empowerment program (YAE) that helps young people from 17 – 22 who have "fallen through the cracks" and are missing out on a happy, healthy life. Many participants from the recent program were there. I would like to see Council do something like this for our youth here in Hepburn and I have volunteered my assistance to Ballarat YAE.

Lastly, on 16 May I attended the Municipal Association of Victoria's first State Council for the year in Melbourne. All 79 Councils are members again and many motions were passed. Let me tell you about one motion that wasn't passed and against which I spoke. It seems that some Shires are running out of room in their cemeteries and would like to establish limited tenure on graves of about 20 years or so after which the remains of one's dearly

departed may be removed or packed in a bit more tightly with other unrelated dearly departed. I raised the spectres of legal tenure and what would be the desecrating of the Miner's Graves in Creswick were this to occur. I asked what had become of the notion "Rest in Peace"??? I also noted that here is a situation where the dead cannot rest in peace, retrospectively or otherwise as the bureaucrats might even get at you when you are dead and six foot under !

COUNCILLOR REPORTS

Councillor Neil Newitt, Cameron Ward

Councillors it has been a very busy month since my last report.

I attended the Clunes ANZAC Day Service, the Public Art Policy workshop at the town hall, and had updates from the Hepburn Shire Flood Recovery Office around the return of the town's footbridge across Creswick Creek (artists impression of which was circulated around town yesterday).

I will leave it to the Mayor and my fellow councillors to report on the Governor's visit. I take this opportunity to report back on activities around Booktown held earlier this month.

The festival again attracted around 18,000 visitors to the 2 day event. The number of visitors and level of media interest in the event (and Clunes) was reflected in the Federal Government using the event to announce Clunes' early scheduled broadband rollout by 2016. Federal Opposition Leader Tony Abbott chose Clunes as the place to announce the Coalition's support of the disability insurance scheme.

But it was the seminar held on the Friday prior to Booktown that indicates the successes this town and its volunteers are achieving in shaping its future. Various representatives of local, state and federal government along with community representatives from other Victorian towns gathered to hear and workshop ways to continue to build economic sustainability and bring regional growth to their own communities.

Several times it was reinforced that Booktown and Creative Clunes' goal is about selling Clunes - actively working on building Clunes as a destination not only for visitors, but for permanent residents. The success of the festival and the clever marketing of Clunes through Booktown is bringing opportunities around job and business growth, around better public transport, etc.

A indicator of the success of this is a incident involving Mr Jan Klovstad from Norway, the President of the International Organisation of Booktowns who attended the event. Jan was interviewed by Fran Kelly on ABC Radio

National about Clunes and international booktowns with the interview broadcast Australia wide. On leaving Australia Tuesday morning, Jan was 'detained' by a customs officer at Sydney airport who wished to know more about Clunes. That kind of exposure brings people to Clunes; brings growth to this area.

The success of Clunes' revitalisation could not be achieved without the volunteers. Volunteers provide over 150 2-hour rostered shifts across the weekend alone. In addition, many hundreds of hours are provided year round by those volunteers of Creative Clunes.

As last week was Volunteers' Week, it is timely to thank and commend those in Clunes and across the Shire who work hard to build better communities, be it through their local associations (sporting, business) or as members of our own Council committees.

Councillor Sebastian Klein, Coliban Ward

Two events stand out from the past month (apart of course from the memorable 150th anniversary of Wombat Hill Botanic Gardens):

The Councillors' Leadership networking dinner with the Victorian Local Governance Association (VLGA) with a presentation from the CEO of Zoos Victoria, Jennifer Grey. She presented briefly on her background in engineering and local government in South Africa, in the transport industry, banking and finally in zoos. Jennifer presented on the fact that across the three sizeable properties under their management: Melbourne, Healesville and Werribee. She described her own journey as a leader, but also that of her organisation which is now dedicated to the mission of preventing any of the 16 vertebrate species in extreme danger of extinction in Victoria be protected from being wiped out - for as long as the organisation exists.

The Great Trentham Spudfest was bigger and better than ever with over 4.000 people visiting the town and more cars than I've ever seen there.

Trentham residents old and new came together to celebrate this vital aspect of Trentham and Central Highlands history and economy - potato growing.

It reflects the amazing history of this important food - something I have learnt much of over the past four years attending Spudfest. It also celebrates the reflection between food and culture in reviving recipes and traditions from yesteryear.

And yesteryear came to life beautifully in what, in my mind, is one of the most enjoyable and memorable cultural and historical experiences to be had - the

spud diggers hut tour. I recommend this event highly to everyone here tonight.

Various other events I attended included:

The launch of the Lyonville walking trail map, Bullarto Hall AGM, Coliban Ward meeting, Bullarto ANZAC Day dawn service and 11am Memorial Service, Committee for Ballarat Strategic Breakfast, Civic welcome for the Governor of Victoria, 150th anniversary of Wombat Hill Botanic Gardens, Accessible Eating Guide launch, Hepburn Shire Bioenergy from waste feasibility study meeting.

Councillor Don Henderson, Creswick Ward

This month has been very busy.

I attended the dawn service and then had the privilege of delivering an address at the Cenotaph in Creswick on ANZAC Day along with Cr May. This event is growing bigger every year and the increasing involvement by our younger people is very rewarding.

I also joined the local CWA ladies on a *Women Walk the World* event and found it good fun.

Timber Towns meeting was an interesting insight into other shires and the way they deal with their timber industries. Alpine Shire have done a great deal of work around Bushfire Attack Levels. The program they have developed will save people wanting to build in fire prone areas a great deal of time and money and it is something we should pursue.

I recently attended a New Resident's Welcome in Creswick which saw 17 new residents welcomed by our town. Then to the launch of a flood plan guide for Creswick and later to Wombat Hill to witness the Governor of Victoria cut the ribbon to open the cascade. I missed out on the free lunch with the Governor but I am sure the ratepayers will forgive me.

A ceremony to unveil a plaque and to view the restored graves of miners who lost their lives in the Australasia disaster was well attended by locals and descendants of the miners. Thanks go to the Australian Workers Union for providing funding to allow this to happen.

Meetings to discuss the arts and related matter were held recently. Some locals who were able to climb the stairs to a presentation regarding the Lindsay Arts Trail saw plans for the first time of the proposal. Since the meeting, I have had many comments about this project and I think some more consultation will need to take place if the community is to support the

proposal. I do not think that the presenters did a very good job of speaking to the community.

The public art consultation was a very different affair with public and artists engaging in a very positive manner at the RSL which is a very acceptable venue. I think that a good result will be had here.

People in Creswick are planning some very good community events around the Four Seasons concept. A presentation given by Committee for Creswick was very well attended by a broad range of community organisations who want to be part of the festivals which intend to revitalise our town and attract visitors as well. They were reminded, however, that funding was subject to budget considerations and they are determined to run the events whatever happens.

A good night was had at the Creswick Town Hall where four people who had contributed to the Creswick community were added to the Creswick Civic Honour Roll: missionary and midwife on the early goldfields Rebecca Wilkins, charity worker John Roycraft, Sunday School teacher Charles Pringle Howie and regular community board member Colin Wrigley. Although some were from over 100 years ago, I knew Colin Wrigley who had been the Creswick milkman and as well had given a lifetime of community service. The Creswick & District Historical Society is to be commended for this event.

I attended the launch of the National Saw Doctor course at the Creswick Timber Training Centre.

This little known centre trains industry personnel in all aspects of timber harvesting and processing and is the only one in Australia to do this and is known worldwide.

Councillor Greg May, Creswick Ward

Busy times once again since the last Council meeting in April. It seems there is no shortage of events and meetings for Councillors. Since last meeting, I have attended another meeting in Dean organised for locals to have their say about the future directions and proposed uses of the Dean Recreation Reserve.

I also attended a meeting of concerned parents at the Newlyn Primary School. A number of rural primary schools have closed in recent years, much to the detriment of those small towns. The parents at Newlyn are determined not to let their school go the same way and were interested in how Council might assist their goals.

On ANZAC Day I attended the dawn service in Creswick along with a large crowd of locals. A hearty Gunfire breakfast followed at the Farmers Arms Hotel and congratulations must go to the organisers and local businesses who were involved. Later in the morning I laid a wreath at the war memorial in the Kingston Avenue of Honour and another at the cenotaph in Creswick later in the day. To conclude my day, I also had the pleasure of watching Essendon beat Collingwood in the ANZAC Day match at the MCG. It appears crowds at ANZAC Day services throughout the state were larger than previous years and that this has been the trend in recent years. Eric Bogle wrote a song some years ago called 'And the Band played Waltzing Matilda'. The last line of that song goes: 'soon no one will march there at all'. Fortunately that doesn't seem to be the case currently.

Also during May I had the pleasure of meeting the Governor of Victoria the Honourable Alex Chernov and his wife during their visit to the shire.

Along with Councillor Henderson I was also invited to Creswick Historical Society Honour Roll dinner. We both read citations of people added to their honour roll for their community service over the years in and around Creswick. The society committee should be congratulated for their community work and for the organisation of the dinner which was attended by 140 people.

And finally I also attended an information session in Creswick regarding public art acquisition. The meeting was attended by a diverse crowd of good humoured, community minded people with an interest in the arts in their region.

Councillor Pierre Niclas, Birch Ward

25/04/2013 ANZAC Day

This year was a little more special than in previous years. I was given the honour of representing Council at the early morning Hepburn Springs A Day ceremony at the Memorial Gates in 10th St, the setting was perfect and the crowd numbers were very good - up on last year and the young bugler was faultless. I then attended the 10.30am ceremony in Daylesford which also was great. I joined Cr. Kate Redwood and Mayor McClenaghan and enjoyed another very moving and uplifting event, which seems to be increasing in public interest year in year.

1/05/2013 Daylesford and Hepburn Springs Business and Tourism Association (BATA)

I joined the great team at Daylesford and Hepburn Springs BATA for their early morning networking meeting which was held at Sweet Decadence in Vincent Street, Daylesford. It was a great meeting where we had the opportunity to meet with not only existing business owners and operators but also new business arrivals to this area.

9/05/2013 Hepburn Health Service - Official Opening of new accommodation for nursing students

These accommodation units are and will be a great addition to the delivery of health services in Daylesford and the surrounding area for many years to come. Although from a building perspective they are simple and basic, they will allow all students to live and study in comfort whilst stationed here and will hopefully leave a lasting and positive impression strong enough that may just make them come and live here in our Shire.

9/05/2013 Hepburn Shire Public Art Community meeting

I attend this community meeting where I was well and truly outnumbered by some very illustrious artists of varying styles- around 15 - 18.

It also showed me the depth of passion in these artists especially when it comes down to working together with Council to help in the development of an Arts Policy for this Shire.

This meeting signalled the beginning of the process which I hope will in the end bring to fruition the general communities desire for the incorporation of interesting and provocative Public Art throughout the Shire, but also for the development of a complete package driven through a comprehensive Public Art Policy and a sensible and affordable acquisition budget.

10/05/2013 Civic welcome luncheon with the Governor of Victoria in the Council Chamber.

11/05/2013 150th Anniversary Wombat Hill Botanic Gardens Civic Ceremony and celebrations

Although this event has been well covered tonight I would just like to add a few observations.

What a truly great asset we have here in the Gardens and how beautiful did they look on the day - we were all certainly very lucky on the day with the weather.

The Governor and Mrs Chernov proved to be an extremely lovely and engaging couple and truly happy and thankful for the short stay with us.

To close off this comment I would just like to recognise and thank the entire Council team who worked very hard behind the scenes to deliver what I personally felt was a flawless event.

20/05/2013 Hepburn Shire Council Audit and Risk Advisory Committee

Attended the May Audit & Risk Advisory Committee meeting in Council Chambers yesterday afternoon. Without going into all details, I am very pleased to report that the various auditing authorities including the Chairperson were very complimentary of the openness demonstrated by our officers in providing detailed information and data in a timely manner to those authorities for their review and analysis.

20/05/2013 Birch Ward Meeting held in Clydesdale

Cr Redwood and I attended our first Ward meeting in the beautiful hall at Clydesdale. We met with a great group of locals who were more than happy to tell both of us how long it had been since they had last seen a Council representative. It is Cr Redwood's and my intention to conduct these Ward meetings throughout Birch Ward to ensure all voices are heard by this Council, not just the loud ones.

Councillor Kate Redwood, Birch Ward

I have attended 28 Council commitments in the last month and these are listed in my written report.

The highlights during the month were the ANZAC Day celebrations that seem to grow from year to year. I went to the Dawn Service at Daylesford, the Eganstown service, and the March and Service back at Daylesford. With the impending centenary of the beginning of the First World War, followed a year later by the Gallipoli centenary there is an important opportunity to maintain and enhance the various avenues of honour and memorials in the Shire.

The 150th celebrations for the Wombat Hill Botanic Gardens were celebrated in great style. Congratulations to Gael Shannon, and to Paulette Pleasance, who did most of the work organising the event, and a thank you to the members of the Friends of Wombat Hill Botanic Gardens who worked so hard to raise the funds for the fernery and cascade, and a big thank you to the staff who supported the event. The Governor and Mrs Chernov were gracious guests, and it was both an honour and a pleasure to have them visiting both the Gardens and a selection of other special places in our Shire. I was particularly proud to have them visit Cornish Hill to see the work done by volunteers to restore that gem in the heart of Daylesford.

Finally, I want to talk about International Women's Day -as you know we are one of a handful of councils that celebrate this event with strong input from residents of our Shire. It is a splendid event because it allows us to celebrate the exemplary role played by women in our community in promoting equal opportunity and women's rights. This year we had Christine Nixon as our guest speaker and a turn up of around 150 to what, like ANZAC Day, is a celebration of growing importance across Australia. We look to reappoint our advisory committee that organises this event every two years. Right now we are seeking expressions of interest from across the Shire for membership of the advisory committee for the next two years. Please encourage any person that you think could make a good contribution to organising the event and overseeing nominations to the Women's Honour Roll, to put themselves forward for the committee.

Work that I have undertaken on behalf of Council has included the following:

- 16/04/2013 Councillor briefings, Councillor/CEO meeting, Council meeting
- 18/04/2013 Wombat Hill Botanic Gardens Advisory Committee
- 22/0/2013 Victoria Park Multi Service Facility meeting with Regional Development Victoria (RDV)
- 23/04/2013 Wombat Hill Botanic Gardens 150th Anniversary planning meeting
- 25/04/2013 ANZAC Day
 - Dawn service Daylesford
 - Eganstown service
 - March and Service, Daylesford
- 28/04/2013 Yandoit Community Planning meeting
- 29/04/2013 ARC Advisory Committee meeting
- 30/04/2013 Wombat Hill Botanic Gardens 150th Anniversary planning meeting
- 01/05/2013 Daylesford and Hepburn Springs Business and Tourism Association (BATA) breakfast
- 03/05/2013 Catch up meeting with CEO
- 05/05/2013 Clunes Booktown Festival
 - Daylesford & District Historical Society lecture re Wombat Hill Botanic Gardens 150 years
 - Stanbridge Street residents meeting re freight vehicles

- 07/05/2013 Wombat Hill Botanic Gardens 150th Anniversary planning meeting
Councillor briefings
- 10/05/2013 Governor's visit to Cornish Hill
Governor's visit to Rijk Zwaan
Council civic welcome lunch for Governor
- 11.05/2013 Wombat Hill Botanic Gardens 150th Anniversary celebrations
attended gathering of Friends of Wombat Hill Botanic Gardens
attended dinner at Wombat Hill House Café
- 14/05/2013 Councillor briefings
Delegated Planning Committee
- 20/05/2013 Birch Ward meeting at Clydesdale
Audit and Risk Advisory Committee meeting

RECOMMENDATION

- 8.1 That Council receives and notes the Mayor's and Councillors' reports

MOTION

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

Moved: Councillor Don Henderson

Seconded: Councillor Neil Newitt

Carried.

9. 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.

9.1. PETITIONS

Nil

9.2. QUESTIONS

Nil

9.3. REQUESTS TO ADDRESS COUNCIL

Request to address Council from Ms Berni Janssen, Coordinator Clunes Community Learning Centre to thank the Councillors for the Proposed Budget 2013-2014 allocation of \$201,000 for Repairs and Removal of Asbestos at the Lee Medlyn Home of Bottles (Bottle Museum) and a vision for the Bottle Museum.

Ms Berni Janssen addressed the Council on behalf of Mr Stephen Greenwood, Chair, Lee Medlyn Home of Bottles and Ms Anna Phillips, Chair, Clunes Neighbourhood House.

10. OFFICERS' REPORTS

10.1. CLUNES COMMUNITY INTERPRETIVE CENTRE PROGRESS REPORT GENERAL MANAGER COMMUNITY SERVICES

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

PURPOSE

The purpose of this report is to provide Council with a progress report about the Clunes Community and Interpretive Centre (CCIC) project for the following reporting period:

Reporting Period: 6 April 2013 - 9 May 2013

BACKGROUND

This is a great project for the township of Clunes, Hepburn Shire and the region. It will deliver enhanced services to the community and encourage increased economic activity in Clunes and surrounding communities.

The project includes the redevelopment and expansion of the existing Clunes Museum building, which will incorporate the Clunes Library, the Clunes Museum, visitor information services, community activity and exhibition spaces.

Nicholson Construction Pty Ltd (Nicholson Construction) was awarded the tender to construct the Clunes Community Interpretive Centre at the Ordinary Council meeting on 18 September 2012.

Construction of the facility continues to progress well with the project focus moving towards operation of the facility, return of the Museum collection and relocation of the library.

ISSUE / DISCUSSION

PROGRESS DURING REPORTING PERIOD

Construction

- Internal & external timber framing is complete.
- Window installation commenced.
- Stables treatment – installation of new weatherboard is complete.
- Blockwork for external walls nearing completion.
- Roofing nearing completion.
- Plaster walls and ceilings in progress.

- Water services in progress.
- Electrical services in progress.
- Mechanical services nearing completion.
- Elevator installation in progress.

Replacement of copper roof treatment with alternative material has been recommended by the Architect.

Powercor augmentation works are scheduled to commence in the week beginning 20 May 2013.

Administration, Funding and Reporting

Budget

Budget Item	Original Budget	Revised Budget	Actual (including Commitments)
Design Phase	\$307,000	\$228,126	\$215,562
Construction Phase	\$2,401,000	\$2,452,050	\$2,383,607
Other (including multi-media & fit out).	\$351,000	\$428,824	\$130,282
Total	\$3,059,000	\$3,109,000	\$2,696,308

- Note a further \$50,000 Living Libraries grant has been received, increasing the total budget

Design Phase Budget - Progress and Variations

Budget Item	Original Budget	Revised Budget	Actual (including Commitments)
Contract	\$200,000	\$198,800	\$198,800
Contingency	\$107,000	\$21,200	\$8,636
Tender	-	\$8,126	\$8,126
Total	\$307,000	\$228,126	\$215,562

Construction Phase Budget - Progress and Variations

Budget Item	Original Budget	Revised Budget	Actual (including Commitments)
Contract	\$2,276,000	\$2,298,709	\$2,298,709
Contingency	\$113,000	\$62,341	\$19,068
Electricity supply	-	\$50,000	\$25,795 ¹
Tender	-	\$1,000	\$718
Sewer	\$12,000	\$40,000	\$39,318
Total	\$2,401,000	\$2,452,050	\$2,383,607

¹ Note Powercor costs of \$13,544 not included in actuals.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

We will create healthier, safer more vibrant communities.

FINANCIAL IMPLICATIONS

The Clunes Community and Interpretive Centre development has been made possible through funding contributions from the Federal Government Regional Development Australia Fund, the Victorian State Government Living Libraries program, Hepburn Shire Council and the Clunes Museum.

A summary of variations received to date and status is below.

Variations	Cost (ex-GST)	Status
Energy Monitoring	- \$19,750	Approved
Latent conditions to skillion	+ \$17,302	Approved
Removal of foundations of old toilet block	+ \$8,000	Recommended
Removal of foundations, concrete upstand and additional concrete works	+ \$11,397	Approved
Replace first floor	+ \$19,895	Approved
Delete glass floor panels	- \$3,000	Approved
Reduced timber studs	-\$4,393	Approved
Reduced sump at lift	-\$181	Approved
Treatment to stable wall – foundations and weatherboards	+ \$10,992	Approved
Copper roofing	- \$14,200	Approved
Alternative to copper roofing	\$1,650	Recommended
Additional columns 89x89x3	+ \$1,320	Approved
Additional blinding concrete	+ \$3,500	Assessing
Change stair nosing from 20mm to 50mm	+ \$1,156	Assessing

Modification to downpipe at old to new building interface	+ \$1,441	Assessing
South & East bluestone walls – frameout/plaster alterations	+\$2,822	Approved
Additional bracing West wall.	+\$1,755	Assessing
Additional framing for windows.	+\$1,044	Assessing
Alterations to windows w2.02 & w2.05	+\$902	Assessing
Access toilets backrests	+\$1,565	Assessing

These variations will, if all approved, leave a contingency balance of \$20,774. Variations will continue to be closely monitored.

RISK IMPLICATIONS

The following summarises the key risks and actions taken during the reporting period in relation to the project.

Key Risks	Controls Implemented	Additional Controls / Next Steps
Potential injuries to workers and the public resulting from renovation works.	Ongoing monitoring against the Site Safety Plan by Senior Project Engineer. Non-compliances have been advised to site superintendent and corrective actions taken.	Continue to monitor safety plan.
Construction is delayed resulting in delays in opening the facility and community dissatisfaction with council's project management.	Regular progress reviews with builders. Detailed project timeline is updated every three weeks and circulated to Project Control Group. Senior Project Engineer monitors progress against timelines and reports any issues to the Project Control Group.	Continue to monitor timelines.
Variations in construction costs result in budget being exceeded.	Regular contractor meetings to discuss progress and variations. Variations need to be advised to the project manager in advance of them being undertaken and detail provided to support claims. All variations are disclosed to CEO and in this monthly council report.	Continue regular contractor meetings and negotiation on variations.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Nicholson's have provided the following report against social procurement targets for end March:

Use of staff from local area - Utilised 80% of trades from the Ballarat and outlying areas to complete works.

Level of local content - 20% local content. Trades working to date - carpentry, concrete, structural steel, hydraulic, electrical, masonry and mechanical, flooring.

Expenditure in local businesses and use of local tradespeople and suppliers - Local shops providing food & drink. Local trades have expressed interest which is evaluated on a case by case basis. Local accommodation has been utilised to house Nicholson's lift installation teams.

Work experience placements: Nicholson's have an existing work experience program and would gladly open this to local young people.

Number of apprentices employed: Nicholson's employ three apprentices.

Council officers are exploring the possibility of displaying the old glass bottles and clay jars unearthed from excavations in the CCIC as a way of cross-promoting the Lee Medlyn Home of Bottles. They remain securely stored on site, pending further discussion and exhibition planning.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Community Reference Group met on 13 May 2013.

CONCLUSION

This report provides Council with an update on progress of the Clunes Community and Interpretive Centre project for the reporting period 6 April – 9 May 2013.

OFFICER'S RECOMMENDATION

10.1.1 That Council receives and notes the progress report for the period 6 April – 9 May 2013.

MOTION

10.1.1. *That Council receives and notes the progress report for the period 6 April - 9 May 2013.*

Moved: Councillor Neil Newitt
Seconded: Councillor Kate Redwood
Carried.

10.2. MONTHLY FINANCIAL REPORT – AS AT 30 APRIL 2013

GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Manager Finance, I Anthea Lyons, have no interests to disclose in this report.

PURPOSE

The purpose of this report is to present to Council the financial performance for the 2012-2013 financial year up to 30 April 2013.

BACKGROUND

The purpose of this report is to provide an update on Council's operating performance for the period 1 July 2012 to 30 April 2013 based on the mid year budget review adopted by Council in December 2012.

ISSUE / DISCUSSION

Income Statement

The year to date operating result is a \$12.5 million surplus. The surplus is \$748K less than YTD budget. This is primarily due to the timing of flood reimbursements which are behind YTD budget (\$4.25 million to be paid by 30 June) and expenditure being \$1.2 million lower than YTD budget.

Refer to the Income Statement attached for full details.

Balance Sheet

Cash at 30 April 2013 totals \$11.5 million and debtors are \$5.1 million.

Rate debtors are \$4.3 million. Of this debtor balance, \$350K relates to rates and charges from prior years. This arrears balance has reduced by \$547K since 30 June 2012 due to debt collection activities.

Refer to the Balance Sheet attached for full details.

Capital Works & Projects

To date \$9.6 million has been spent or committed for capital works and \$1.5 million on other projects. This represents 69% of the total revised budget of \$16.3 million. The current forecast for spend by 30 June 2013 is \$12.5 million.

The flood works capital budget is \$12.6 million of which \$5.7 million has been spent or committed to date. This equates to 45% of the budget. Revised forecast from the flood office indicates that \$9.5 million will be spent by 30 June 2013 with a carried forward of \$4.8 million.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Under Section 138 of the *Local Government Act 1989* a report comparing expenses and revenue to budget must be presented at least quarterly to the Council in a meeting which is open to the public.

FINANCIAL IMPLICATIONS

The reports attached provide the opportunity for constant review of Council's financial position.

RISK IMPLICATIONS

The internal financial report is required to assist in decision making and ensure departments do not exceed their budget.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

None noted.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

As per the Hepburn Shire Community Engagement Framework, level 1 engagement has been undertaken. This information will be made available to the public via the minutes published on the Council's website.

CONCLUSION

The report on the financial performance of Council for the ten months to 30 April 2013 has been reported.

OFFICER'S RECOMMENDATION

10.2.1 That Council receives and notes the Monthly Financial Report for the ten months from 1 July 2013 to 30 April 2013.

OFFICER'S RECOMMENDATION

10.2.1. That Council receives and notes the Monthly Financial Report for the ten months from 1 July 2012 to 30 April 2013.

Moved: Councillor Kate Redwood

Seconded: Councillor Pierre Niclas

Carried.

**ATTACHMENT 1 - FINANCIAL REPORT FOR PERIOD ENDING 30 APRIL
2013**

Income Statement
For the period ending 30 April 2013

	Revised Budget 2012/13 \$'000	YTD Budget 2012/13 \$'001	YTD Actual 2012/13 \$'000	Variance YTD Budget to YTD Actual \$'000	
Revenues from ordinary activities					
Rates & charges	15,719	15,765	15,782	18	0%
User Fees, Statutory fees & fines	1,265	1,084	1,011	(73)	-7%
Grants - Recurrent	4,118	2,696	3,592	896	33% ¹
Grants - Non recurrent	5,617	3,009	3,067	58	2%
Contributions	144	24	118	94	386% ²
Other revenue	14,203	13,720	10,744	(2,976)	-22% ³
Total revenue	41,066	36,298	34,315	(1,983)	-5%
Expenses from ordinary activities					
Employee benefits	10,887	9,326	9,066	(260)	-3% ⁴
Materials and services	12,486	8,966	8,077	(889)	-10% ⁵
Bad and doubtful debts	5	4	-	(4)	-100%
Depreciation/amortisation	5,150	3,863	3,863	-	0%
Finance costs	271	245	248	2	1%
Other expenses	819	693	608	(85)	-12% ⁶
Total expenses	29,618	23,096	21,861	(1,235)	-5%
Surplus (deficit) for the year	11,448	13,202	12,454	748	6%

1. This variance is due to timing of grants associated with Advancing Country Towns, Municipal fire & Emergency Management and the flood mitigation project (\$634K). These are not additional grants.

2. Contributions of \$50K from Clunes Museum and \$17.5K from Crossing Borders is a timing issue only, \$18K Vic Park (Clunes) is an additional flood contribution.

3. This variation is a result of flood recovery reimbursements of \$3.2m not being received as yet (Council has been advised that additional funding totalling \$4.25 m will be received by 30 June 2013). In addition there has been an increase of \$127K to budget in interest income and \$45K in lease revenue.

4. Employee benefits vary to budget by \$260K; \$43k due to the Communications Officer and PA vacancies, the Communications position is now filled. Transport Connections position \$36K also filled by a contractor, these payments are allocated to materials and services. Libraries are also under budget by \$35K, this is expected to result in savings at year end. Further, \$196K is under spend in outdoor employee costs due to a significant shift towards capital works to offset material overruns in the works and parks and gardens recurrent budget. Employee costs on capital works are capitalised and form part of the total cost of the project rather than included in this employee benefits part of expenses.

Income Statement
For the period ending 30 April 2013

5. This variation includes a) waste under by \$185K due to recycling being transported directly to Ballarat, green waste yet to be mulched and carbon tax was budgeted at \$30 per tonne where the actual costs are approximately \$12 per tonne. b) Transport Connection program is \$153K ahead of budget due to the use of a contractor to fill the roll (see employee benefit comments above) and projects being completed ahead of budget. This is a timing difference and will net out at year end. c) Additional costs for plant maintenance \$120K, this is being offset by an under spend in other areas of the recurrent budget, for example roadside maintenance. d) Infrastructure project \$217K under budget because of a timing difference on Mt Beckworth. e) Sustainable development and economic development projects have been delayed.

6. Libraries contribution is under budget by \$83K. Courier costs are yet to be finalised therefore whether there are savings at year end is unclear at this stage.

Balance Sheet as at 30 April 2013

	30/04/2013 Actual \$000's	30/04/2012 Actual \$000's	Movement year on year		
Assets					
Current assets					
Cash and cash equivalents	11,455	10,106	1,349	13%	1
Trade and other receivables	5,142	4,796	346	7%	2
Other Assets	11	8	3	43%	3
Total current assets	16,609	14,910	1,699	11%	
Non-current assets					
Financial assets	521	1,083	(562)	-52%	4
Investments in associates accounted for using the equity method	114	453	(339)	-75%	5
Property, plant and equipment, infrastructure	197,817	176,423	21,394	12%	6
Total non-current assets	198,452	177,959	20,493	12%	
Total assets	215,061	192,869	22,192	12%	
Liabilities					
Current liabilities					
Trade and other payables	(1,493)	(561)	(932)	166%	7
Trust funds and deposits	(941)	(922)	(19)	2%	
Provisions	(1,797)	(1,982)	185	-9%	
Interest-bearing loans and borrowings	(85)	(66)	(19)	29%	8
Other Liabilities	-	(16)	16	-100%	
Total current liabilities	(4,317)	(3,547)	(770)	22%	
Non-current liabilities					
Provisions	(580)	(637)	57	-9%	
Interest-bearing loans and borrowings	(3,644)	(3,894)	250	-6%	
Other Liabilities	(1,628)	(223)	(1,405)	630%	9
Total non-current liabilities	(5,852)	(4,754)	(1,098)	23%	
Total liabilities	(10,169)	(8,301)	(1,868)	23%	
Net Assets	204,892	184,568	20,324	11%	
Equity					
Accumulated surplus	(117,301)	(109,020)	(8,281)	8%	10
Surplus YTD	(12,454)	(8,276)	(4,178)	50%	11
Reserves	(75,137)	(67,272)	(7,865)	12%	12
Total Equity	(204,892)	(184,568)	(20,324)	11%	

1. Cash is higher than at this time last year due to flood related reimbursements and an early prepayment of Grants Commission Funds of \$2.05million, some of which are still being held in investments. Refer to cash flow statement other revenue for difference year on year on flood reimbursements.

2. Trade and other receivables higher than this time last year due to delayed rate debt collection action as a result of the implementation of the TechOne Property & Rating module. Rather than occurring in April this will occur in late May.

3. Diesel inventory slightly higher than this time last year

4. Legislation changed during the prior year and now funds are not required to be held separately for the long service leave provision. \$500,000 held previously in a bond expired during the prior year and therefore funds have been reallocated in the balance sheet to cash above.

Balance Sheet as at 30 April 2013

5. The Central Highlands Regional Library of which Hepburn Council was a part of is in the process of winding up. The books held in Council's three libraries are now owned directly by Council and have therefore been transferred from this asset class to property, plant and equipment. Further, the asset has been decreased based on future expected cash/asset flows from the City of Ballarat.

6. The significant increase is mainly due to capital works undertaken since April 2012, including significant flood recovery works. At 30 June 2012 a revaluation of some of Council assets was undertaken increasing their value by \$14.2 million. Offsetting these increases was the \$5.8 million devaluation as a result of flood damage and annual depreciation.

7. The higher balance of trade payables is a result of timing.

8. Existing loan repayments, no new borrowings in 2012-13.

9. The balance is associated with the Superannuation Defined Benefits liability owed by Hepburn Shire Council payable next financial year. This liability was raised on 30 June 2012.

10. This movement is the surplus for the 2011-12 financial year.

11. Refer to comments in the income statement.

12. The increase is a result of adjustments at 30 June 2012. Council assets were revalued by \$14.2 million, however, offsetting this was a further \$5.8 million in flood impairment (damage) recognised.

Cashflow Statement
For the period ending 30 April 2013

	30/04/13 Actual	30/04/12 Actual
	\$'000	\$'000
Cash flows from operating activities		
<i>Receipts</i>		
Rates & charges	12,853	11,424
Statutory & user fees and fines	1,011	1,107
Grants	6,706	7,176
Other revenue	10,323	7,392
Interest	482	469
	31,376	27,568
<i>Payments</i>		
Employee costs	(9,465)	(8,947)
Materials & consumables	(9,582)	(9,645)
Finance costs	(248)	(217)
Other expenses	(608)	(577)
	(19,902)	(19,386)
Net cash provided by operating activities	11,474	8,182
Cash flows from investing activities		
Proceeds from property, plant and equipment	57	31
Payments for property, plant and equipment	(13,089)	(10,438)
Net cash used in investing activities	(13,032)	(10,407)
Cash flows from financing activities		
Proceeds from borrowings	-	900
Repayment of borrowings	(459)	(387)
Net cash provided by (used in) financing activities	(459)	513
Net decrease in cash & cash equivalents	(2,018)	(1,712)
Cash & cash equivalents at beginning of year	13,473	11,818
Cash & cash equivalents at end of period	11,455	10,106

ATTACHMENT 2 - 2012-2013 CAPITAL WORKS PROGRAM

Financials								Construction	
Financials	Revised Budget	Actuals 30/4/2013	Committ-ments 30/4/2013	Actuals + Committ-ments 30/4/2013	VARIAMCE	Expected June 30 Forecast	Estimated Carryforward	GM	COMMENTS
ROADS									
Reseals (under contract)	\$1,575,000	\$1,421,183	\$115,459	\$1,536,642	\$38,358	\$1,575,000		Bruce	Resealing completed. Second coat line marking in progress. Primal wanting information for next years seal.
Reseal Preparation	\$85,000	\$85,518	\$0	\$85,518	-\$518	\$85,518		Bruce	Works completed.
Gravel Resheets	\$230,000	\$222,894	\$156	\$223,050	\$6,950	\$230,000		Bruce	Completed with Dairy Flat Rd to come.
Shoulder Sealing	\$0	\$0	\$0	\$0	\$0	\$0		Bruce	Carry forward of \$225,000 transferred to Doug Lindsay Oval Resurfacing Project
Mossops Road Re-establishment stage 2	\$25,306	\$9,376	\$0	\$9,376	\$15,930	\$25,306		Bruce	Planning permit applied for. Project completion anticipated 30 June.
Transition Tapers for Seal Width changes and safety works	\$50,000	\$17,142	\$0	\$17,142	\$32,858	\$50,000		Bruce	Commenced and occurring in March to May.
→ Clunes Mt Cameron Road Section 1	\$290,000	\$398,831	\$273,833	\$672,663	\$67,337	\$290,000		Bruce	
→ Clunes Mt Cameron Road Section 2	\$450,000					\$450,000		Bruce	Sealing complete. Signs to be installed.
→ Birch Creek Clunes Daylesford Road	\$0	\$0	\$0	\$0		\$0		Bruce	Work complete. Flood Recovery repair this section, Funds transferred to Creswick Flood Mitigation Works.
Revaluation (Maloney)	\$99,320	\$0	\$69,754	\$69,754	\$29,566	\$69,754	\$29,566	Bruce	Contract awarded with commencement in mid April. Report ready. Finalised 3 May.
Review of Road Management Plan	\$0	\$0			\$0	\$0		Bruce	Presented to April Council Briefing, Presentation to Council in June /July to commence public exhibition period
Country Roads & Bridges Renewal									
13/14 Road design program	\$27,007	\$7,579	\$31,250	\$38,829	-\$11,822	\$60,007		Bruce	Surveys completed and being given to design consultants.
→ Blackmores Rd Reconstruction Clunes	\$365,000	\$348,927	\$16,073	\$365,000	\$0	\$365,000		Bruce	Completed. Need to move a Telstra cable.
→ Mulcahys Rd Trentham	\$240,000	\$126,049	\$0	\$126,049	\$113,951	\$190,000		Bruce	Completed apart from some minor tidy up works.
→ Springhill Tylden Rd Upgrade (cost shared with MRSC)	\$120,000	\$120,328	\$0	\$120,328	-\$328	\$120,328		Bruce	Works completed by Macedon Ranges Shire Council.
→ Lutlet Street Reconstruction Creswick	\$127,800	\$16,228	\$0	\$16,228	\$111,572	\$127,800		Bruce	Construction commenced 19 April with drainage works 70% completed.
→ Bald Hills Road Reconstruction	\$385,000	\$320,417	\$30,161	\$350,577	\$34,423	\$385,000		Bruce	Works completed. Guardrails to be completed via variation during PC.
→ Clunes-Daylesford Reconstruction	\$283,521	\$265,792	\$19,608	\$285,400	-\$1,879	\$285,400		Bruce	Completed.
Kooroocheang-Swamp Road Bridge Replacement (1 Mill Country Rds Renewal) - Bridge 51	\$10,000	\$904	\$0	\$904	\$9,096	\$12,750	\$0	Bruce	Lowest quote came in at \$12,000. Works due to commence 13-17 May.
Zig Zag Rd Bridge	\$28,500	\$0	\$19,591	\$19,591	\$28,500	\$19,591		Bruce	Orders in with all guard rails to be completed in 2-3 weeks (end of May).
LGIF (LGIF drainage is below)									
Bleakley St Bridge Design & Construction (projects 9,10,11)	\$101,525	\$0	\$0	\$0	\$101,525	\$0	\$101,525	Bruce	New design on reduced scope of works received 6/3/13. Considering non-bridge alternatives to increase public safety. Briefing back to Council. Market testing a non-bridge alternative week commencing 8th April to ensure budget fit. Going to Council briefing on the 7 May 2013. Quotes received over budget - re-negotiating to bring costs down. Council briefing did not occur.
Trentham Sportsground Lighting Stage 2 - LGIF	\$69,000	\$58,672	\$19,534	\$78,205	-\$9,205	\$69,000		Kathleen	Light towers erected and CNFP application submitted

Financials	Revised Budget	Actuals 30/4/2013	Committ- ments 30/4/2013	Actuals + Committ- ments 30/4/2013	VARIAMCE	Expected June 30 Forecast	Estimated Carryforward	GM	COMMENTS
Signage Renewal - LGIF	\$50,000	\$7,350	\$450	\$7,800	\$42,200	\$45,000		Barry	Policy review ; new gateway frame signs - progressive installation in all major towns; business directory boards (East St); upgrade of Shire signs. About \$30K is for a work program developed by Kevin Clohesy and Andy Coker for the works team. Repair and repainting begun. Expect to spend all funding, salaries, equipment and external services will begin appearing in late May.
Street Tree Replacement - LGIF	\$25,000	\$0	\$19,882	\$19,882	\$5,118		\$25,000	Bruce	Trees are currently on order, planting will be undertaken by outdoor staff in July 2013, therefore funds will need to be carried forward.
Pedestrian Path Hepburn - Newstead Road - LGIF	\$35,000	\$4,040	\$0	\$4,040	\$30,960	\$35,000		Bruce	Grant approval has been provided. Options provided with Bruce & Richard to get back to Nick.
Domino Trail Extension- LGIF	\$50,000	\$46,888	\$3,000	\$49,888	\$112	\$50,000		Bruce	Work completed prior to Easter.
WHBG East West Footpath Upgrade - LGIF	\$30,000	\$43,373	\$0	\$43,373	-\$13,373	\$32,000		Bruce	Construction completed for 150 Wombat Gardens event, Journal costs to correct account
Victoria Park Netball Pavilion	\$103,000	\$105,386	\$8,263	\$113,649	-\$10,649	\$125,000		Bruce	Works completed with official opening 24 April.
Doug Lindsay Lighting and Fencing & sub station upgrade	\$27,000	\$19,185	\$9,607	\$28,792	-\$1,792	\$27,000		Bruce	Works Completed. Now under maintenance. AGL finally sending contract for power to be connected.
Doug Lindsay Soccer Pitch Top Soil & Seed	\$8,680	\$18,215	\$0	\$18,215	\$0	\$18,215		Bruce	Works Completed. Now under maintenance. Additional \$10K coming from Creswick Soccer Club to cover variance.
Clunes School Footpath	\$61,777	\$61,827	\$0	\$61,827	-\$50	\$61,827		Bruce	Works Completed
BRIDGES									
Bridge Renewal Maintenance		\$193,797	\$77,441	\$271,237	\$146,763			Bruce	
→ Hep Newstead Rd Bridge & Guard Rail - Bridge 35	\$184,000					\$24,000	\$149,000	Bruce	Budget bid proposed for bridge replacement in 2014. Bridge soon to be closed to 1 lane for safety reasons with traffic management plan to be in place.
→ Creswick Ascot Road - Bridge 141 (no guard rails)	\$35,000					\$35,000		Bruce	Contracts awarded. To commence mid May.
→ Fish Tail End Replacement	\$14,000					\$14,000		Bruce	Contracts awarded. To commence mid May.
→ Old Ballarat Rd - Clunes Evansford Rd Bridge 91	\$25,000					\$25,000		Bruce	Contracts awarded. To commence mid May.
Guardrail Project (carry over)	\$0					\$0		Bruce	Contracts awarded. To commence mid May.
Creswick Dean Culvert Replacement (bridge renewal)	\$160,000					\$160,810		Bruce	Works completed.
Bridge design	\$82,000	\$4,664	\$8,418	\$13,082	\$68,918	\$49,000		Bruce	Funds being used for road design program as part of an overall design program
Bridge Replacement Design - 2nd part for Wheelers Bridge	\$154,000	\$7,349	\$17,725	\$25,074	\$128,926	\$40,000	\$114,000	Bruce	Feature Survey ordered . Arup Engineers appointed to establish design solutions acceptable to heritage authorities for repairs of bridge - either (i) restore existing bridge , (ii) replace on existing alignment or (iii)new bridge on new alignment, Develop preferred option to lead to approval of design from heritage authorities. Once detailed design and engineers estimated completed seek future grants in 2014-2015
Andersons Mill Bridge Design	\$15,000	\$0	\$20,180	\$20,180	-\$5,180	\$20,180		Bruce	Design work has commenced. Design to cope with 20 tonne.
FOOTPATHS & STREETS									
Footpath Improvement & Renewal		\$5,085	\$23,670	\$28,755	\$41,245			Bruce	
Footpath Renewal Program (including Cosmo)	\$70,000					\$70,000		Bruce	Grant Application approved. Cosmo Road quote has been awarded. Other projects currently being finalised.
DDA Access at Crossings	\$0							Bruce	Audit completed on Daylesford, Trentham, Hepburn & Hepburn Springs, Clunes and Creswick. Report finalised.

Financials	Revised Budget	Actuals 30/4/2013	Committ- ments 30/4/2013	Actuals + Committ- ments 30/4/2013	VARIAMCE	Expected June 30 Forecast	Estimated Carryforward	GM	COMMENTS
Audit of Parking Compliance (disabled & loading)	\$0					\$0		Bruce	Audit completed on Daylesford, Trentham, Hepburn & Hepburn Springs, Clunes and Creswick. Report finalised.
Creswick Creek Path (project 20)	\$250,000	\$0	\$0	\$0	\$250,000	\$0	\$0	Bruce	Funding has been cancelled.
Albert St, Daylesford Footpath - Special Charge Scheme	\$34,500	\$2,688	\$0	\$2,688	\$31,812	\$34,500		Bruce	No objections received by VCAT. Quotes still being assessed. Construction to commence early June.
Daylesford Avenue of Honour project	\$3,810	\$3,810	\$0	\$3,810	\$0	\$3,810		Bruce	Works completed and awaiting invoices and finalising of costs
Ullina Avenue of Honour project	\$141	\$141	\$0	\$141	\$0	\$141		Bruce	Project Completed in 2011 (\$141 to be accounted for by PM costs)
Daylesford Cenotaph Restoration project	\$4,628	\$0	\$0	\$0	\$4,628	\$0		Bruce	Original proposed works significantly exceed budget and need to renegotiate changed scope of funding agreement. Discussions commenced with RDV.
Daylesford Streetscape Revitalisation Project (new PJ 000405)	\$17,798	\$22,672	\$0	\$22,672	-\$4,874	\$23,500		Bruce	Additional scoping and review of strategy being undertaken and funded from Council co contribution.
BUILDING									
Capital Building Renewal Program		\$235,355	\$34,226	\$269,581	\$36,005			Bruce	
→ North Street Units	\$76,941					\$76,941		Bruce	Works completed
→ Creswick Town Hall Public Toilets	\$10,000					\$10,000		Bruce	Tactiles to be installed at later date
→ Duke St Fence Replacement	\$6,000					\$6,000		Bruce	Completed
→ HMSR Sound Shell Repairs	\$38,000					\$38,000		Bruce	Minor maintenance works completed. HV permit submitted Feb for all roof & gutter works including proposal for internal improvements.
→ Essential Services (Fire extinguishers)	\$20,000					\$20,000		Bruce	Quotes received and contractor appointed. Audits completed of 37 Council buildings. Preparation of manuals & installation of cabinets has commenced. To be completed by end June.
→ General Painting Works (swimming pool)	\$35,000					\$35,000		Bruce	Swimming pool painting funded by Seasonal pool renewal variation.
→ List as per Urgent Building Renewal Works	\$119,645					\$119,645		Bruce	Jeff Clark reviewing projects against funding available. A number of projects one completed and a number have been quoted. Full year time frame to completion, packages being developed for start in January quotes and HSC staff undertake works.
→ Duke Street Office Accommodation	\$77,000	\$0	\$0	\$0	\$77,000	\$77,000	\$0	Bruce	Combination of 3 projects (recabling, roof repairs & accommodation). Reviewing option of relocating some staff to depot in portable office.
Cameron Court units	\$580,336	\$0	\$0	\$0	\$580,336	\$0	\$580,336	Kathleen	Funds for EOI for transfer of community housing , will not be allocated 2012-13.
Clunes Community & Interpretative Centre Design & Construction	\$2,973,307	\$933,829	\$1,880,034	\$2,813,863	\$159,444	\$2,423,307	\$550,000	Bruce	Works in progress, approx. 60%+ complete.
DRAINAGE									
Drainage Works (Capital) -Clunes, Creswick, Daylesford, Trentham (LGIP \$165K & council \$35K)		\$101,418	\$17,084	\$118,502	\$134,527			Bruce	
→ American Hotel	\$5,000					\$5,000		Bruce	Project Complete
→ Tonnas Drainage	\$10,000					\$10,000		Bruce	Seeking Quotes from Contractors
→ Harvey St Creswick	\$8,000					\$8,000		Bruce	Quotes received and redesign option being considered.
→ 4 Hammond Street Creswick	\$5,000					\$5,000		Bruce	Harvey & Hammond St being done together. Quotes came in over budget. DD & PD to discuss.
→ Fraser St Catchment design Clunes	\$20,000					\$20,000		Bruce	Design analysis Brief for quotes being prepared.
→ Trehwella Ave Daylesford	\$3,000					\$3,000		Bruce	Works Completed
→ Allendale Drainage (Design) VicRoads	\$15,000					\$15,000		Bruce	Quote accepted
→ 128 Clunes Road Creswick(\$30k)	\$32,000					\$32,000		Bruce	Drains now cleaned. Awaiting design report to determine adequacy of system.
→ Golf Links Road Easement Hepburn (easement)	\$145,029					\$145,029		Bruce	Quotes received. Legals for easement agreements commenced

Financials	Revised Budget	Actuals 30/4/2013	Committ- ments 30/4/2013	Actuals + Committ- ments 30/4/2013	VARIAMCE	Expected June 30 Forecast	Estimated Carryforward	GM	COMMENTS
	→ Fulcher Street						\$0		Bruce
→ 4 Vincent Street Daylesford	\$10,000					\$10,000		Bruce	Works Completed
→ Drainage Farmers Arms Hotel / East Street Daylesford	\$15,871	\$16,061	\$0	\$16,061	-\$190	\$16,061		Bruce	Works Completed.
WASTE MANAGEMENT									
Waste Strategy - Capital Requirements	\$33,347	\$13,753	\$0	\$13,753	\$19,594	\$23,347	\$10,000	Bruce	Waste Strategy continuing with "Pt B" relating to Transfer stations, aiming for presentation at September/October Council meeting
Waste Tender - Capital Requirements / Procurement A	\$10,173	\$10,064	\$0	\$10,064	\$109	\$10,064		Bruce	Completed. Contractor to start April.
Replacement of Litter Bin Receptacles	\$5,000	\$5,813	\$0	\$5,813	-\$813	\$5,813		Bruce	Works completed.
Mt Beckworth	\$217,500	\$194,609	\$4,375	\$198,984	\$18,516	\$206,000		Bruce	completed.
RECREATION									
Trentham Football Netball Application	\$10,000	\$0	\$0	\$0	\$10,000	\$0	\$10,000	Kathleen	CFNG Funding application submitted 31-01-13, decision May?
Doug Lindsay Recreation Reserve Resurfacing	\$309,680	\$240,979	\$42,227	\$283,206	\$26,474	\$309,680		Bruce	Works completed. Now under maintenance.
Crossing Borders Tracks and Trails	\$100,000	\$80,130	\$19,990	\$100,120	-\$120	\$100,120	\$0	Kathleen	Draft report presented to April Council Briefing, final report to June Council Meeting.
Playground Replacement Equipment Program	\$22,000	\$13,347	\$0	\$13,347	\$8,653	\$22,000		Bruce	80% complete with completion end of May.
Playground Replacement Equipment Program	\$20,000	\$20,000		\$20,000	\$0	\$20,000		Bruce	Project Complete.
Calembeen Park Creswick Tower Relocation	\$108,403	\$0	\$0	\$0	\$108,403	\$0	\$103,953	Kathleen	Heritage application ready for sign off
Bushfire Memorial - Daylesford Community Park	\$66,038	\$58,443	\$681	\$59,124	\$6,914	\$66,038		Kathleen	Complete
Bullarto Railway Track Repair	\$50,000	\$20,000	\$0	\$20,000	\$30,000	\$50,000		Kathleen	Invoice received from Daylesford Spa Country Railway. \$20,000 paid, balance to be paid end March .
Swimming Pool Upgrade - Trentham, Clunes, Daylesford	\$107,075	\$80,017	\$0	\$80,017	\$27,058	\$107,075		Kathleen	Final Shade Sailand benches being installed. Project on track for acquittal.
Calambeen Park Walking track	\$23,825	\$6,634	\$2,520	\$9,154	\$14,671	\$23,825		Kathleen	All funds allocated. Works to be completed ASAP
Old shelter at Calambeen Park	\$16,610	\$16,454	\$0	\$16,454	\$156	\$16,454	\$0	Kathleen	Complete
Skate Park Improvement Program	\$4,000	\$4,000	\$0	\$4,000	\$0	\$4,000		Kathleen	Complete
Wombat Gardens Irrigation Bore / Power	\$12,834	\$12,251	\$0	\$12,251	\$583	\$12,251		Bruce	Acquitted to budget and Grant audited. Lid for sump still to be ordered.
PLANT & EQUIPMENT									
Works Plant & Equipment	\$1,322,670	\$720,921	\$7,498	\$728,419	\$594,251	\$728,419	\$594,251	Bruce	Program of purchasing commenced 2 trucks and jet patcher.
Passenger & Commercial Fleet	\$403,000	\$1	\$29,961	\$29,962	\$373,038	\$203,000	\$200,000	Bruce	Quotes and analysis of FBT commenced. Purchasing to begin after agreement on draft Motor Vehicle Policy.
Corporate Information System	\$313,536	\$280,104	\$0	\$280,242	\$33,294	\$303,778	\$9,758	Evan	Project completed. \$9758 C/F for TRIM port of OO docs. Leaves surplus of \$23536 - suggest use for Assets and P&R training
IT Hardware & Equipment	\$69,000	\$6,335	\$0	\$6,335	\$62,665	\$52,000		Evan	3 rounds of Hardware leasing. Current estimate to June 30 \$52000
OTHER									
Creswick Flood Mitigation Plan Implementation	\$650,000	\$47,911	\$45,238	\$93,149	\$556,851	\$290,000	\$360,000	Bruce	EPBC permit has been approved. Works to commence with tree removal EPBC. Design for North Parade
Anne Street removal of AC in Road Reserve	\$6,500	\$6,042	\$0	\$6,042	\$458	\$6,042		Bruce	Works completed.
Calambeen Park special projects	\$35,723	\$3,559	\$6,724	\$10,283	\$25,440	\$16,283	\$0	Kathleen	Complete
Wayfinding Initiative Clunes Talbot Creswick	\$15,000	\$0	\$13,650	\$13,650	\$1,350	\$13,650	\$0	Kathleen	Design completed, signage to be installed in June.
Smeaton Bowling Club Risk Mitigation Works	\$10,000	\$10,070	\$6,814	\$16,884	Page 38 -\$6,884	\$16,000		Bruce	Project Completed. Bowls club to pay an additional \$6K contribution for the additional costs.
Trentham Spudfest Event Funding	\$5,000	\$4,545	\$455	\$5,000	\$0	\$5,000		Barry	Will be implemented by Eco Dev & Tourism - Events Coordinator In May. MOU in place. Funding already claimed. Bec checking GST issue

Financials	Revised Budget	Actuals 30/4/2013	Committ- ments 30/4/2013	Actuals + Committ- ments 30/4/2013	VARIAMCE	Expected June 30 Forecast	Estimated Carryforward	GM	COMMENTS
	Small Town Tracks & Trails (mapping)	\$44,600	\$0	\$15,042	\$15,042	\$29,558	\$40,000		Kathleen
Industrial Land Study	\$40,000	\$0	\$0	\$0	\$40,000	\$8,000	\$32,000	Barry	Project Plan originally had \$30,000. Formal announcement from Minister including approval to proceed further. State Govt funding received (\$40,000) and brief finalised for advertising early April. EOI's have been submitted. To be assessed and
Regional Victoria Living Expo	\$20,000	\$8,783	\$5,157	\$13,940	\$6,060	\$15,000	\$5,000	Barry	Event complete. Final acquittal will be done in next week or so.
RV Friendly Town (Parking & Dump)	\$7,500	\$8,725	\$0	\$8,725	-\$1,225	\$8,725		Barry	Completed and operational with maintenance contract in place. Overspend to come from Eco dev Strategy implementation.
Tree Maintenance & Removal	\$43,000	\$57,948	\$213	\$58,161	-\$15,161	\$65,000		Bruce	Ongoing project throughout the year. Works are currently online with expected expenditure.
Publication Quality Photography	\$2,500	\$0	\$2,273	\$2,273	\$227	\$2,500	\$0	Barry	Project complete
Goldfield Heritage Region	\$10,167	\$0	\$0	\$0	\$10,167	\$0	\$0	Barry	\$50,000 moved to Doug Lindsay Resurfacing Project. Scope to be defined. Advice from Chris Meddows-Taylor(Central Goldfields) asks for funding to be held pending agreement on governance and delivery model development. No further advice received. Suggest we plan to carry this forward to 2013/14. Funding withdrawn?
Public Health & Wellbeing Plan	\$10,000	\$0	\$0	\$0	\$10,000	\$2,000	\$8,000	Barry	Community engagement procedure to be completed by end May. Preparation of plan in June.
Planning Panels - Hepburn Planning Scheme	\$25,000	\$0	\$0	\$0	\$25,000		\$25,000	Barry	Awaiting exhibition of amendment. Amendment is being exhibited and will close 17 May 2013. Submissions will then be considered and dependant on submissions, a panel may then be appointed.
Planning Panels - Significant Tree Register	\$5,000	\$0	\$0	\$0	\$5,000		\$5,000	Barry	Delayed due to advice from DPCD
Rural Land Use Review & Strategy	\$25,000	\$0	\$0	\$0	\$25,000		\$25,000	Barry	Brief being developed for EOI. See comment re milestones. Quotations being received on review and update of documentation, one quote received, awaiting second quote. Brief sent out to consultants, March to be evaluated early April. Initial quotes in excess of budget, awaiting additional quotes.
Transport Trial for Glenlyon	\$20,000	\$0	\$95,000	\$95,000	\$0	\$20,000		Kathleen	Invoice received for funding from Hepburn Health. Bus being purchased and scheduled to commence 1 May 2013.
Chinese Sister City	\$10,000	\$7,355	\$64	\$7,419	\$2,581	\$7,419	\$2,581	Barry	In March, Council approved carry forward of remaining funds to 2013/14. May be \$200 courier cost to come out of this.
Bio-energy Pilot Study	\$20,000	\$0	\$0	\$0	\$20,000	\$20,000		Barry	RfQ's have been received to conduct a waste to bio-energy feasibility study. Successful applicant is Pitt & Sherry, study to be completed by 21st June
Daylesford Brass Band * Creswick Municipal Band	\$3,000	\$3,027	\$0	\$3,027	-\$27	\$3,000		Kathleen	Completed.
BMX Track Completion - Trentham	\$20,000	\$16,760	\$0	\$16,760	\$3,240	\$20,000		Kathleen	Survey of site and levelling completed. Track construction complete. Shelter construction complete. Bubbler permit being sought. Landscaping begun. Signage to be installed week of 13/5/2013, bike rack at same time
Backflow Metres to Reserves & Commercial Buildings	\$33,000	\$37,038	\$0	\$37,038	-\$4,038	\$37,038		Bruce	Completed.
Wombat Trail Stage 1 (Project 15)	\$45,000	\$0	\$0	\$0	\$45,000	\$0	\$15,000	Bruce	Grant Applied For 21/08/2012 .Dates assume Grant received.2013/14. Advice received that grant application unsuccessful.
Lindsay Arts Trail - Stage 3 Design	\$64,809	\$15,961	\$46,481	\$62,443	\$2,366	\$64,809		Kathleen	\$24,000 Carry Forward \$40,000 State Government Funds. Consultant engaged, inception workshop held. Design documentation and Council briefing scheduled 14/05/2013. Milestone 2 report submitted to RDV and payment approved.
Lindsay Arts Trail - Stage 4 Construction (Council \$)	\$200,000	\$0	\$0	\$0	\$200,000	\$0	\$200,000	Kathleen	\$100,000 Council Funding
Freight strategy	\$3,145	\$3,415	\$0	\$3,415	-\$270	\$3,415		Bruce	Strategy adopted by Council

Financials	Revised Budget	Actuals 30/4/2013	Committ- ments 30/4/2013	Actuals + Committ- ments 30/4/2013	VARIAMCE	Expected June 30 Forecast	Estimated Carryforward	GM	COMMENTS
	HPV Vaccination Program	\$2,795	\$415	\$0	\$415	\$2,380	\$2,795		Barry
Bushfire planning provisions	\$100,804	\$99,907	\$0	\$99,907	\$897	\$100,804		Barry	Two amendments complete, seeking authorisation, while structure plan technical reports are being finalised, final report received from consultant. Council Report to go to April meeting of Council. State Govt funding expended, position extended until 3 May 2013 to complete projects, funding from salary savings. Reports delayed due to staff leave, possibly June meeting or July.
Neighbourhood Safer Places - Hepburn	\$232,947	\$218,869	\$1,900	\$220,769	\$12,178	\$232,947		Barry	The reviewed awarded grant for this project is \$287,754. Invoice issued to FSC for \$230,203 (instalment 1), second invoice to be sent shortly Instalment 2). THE PROJECT HAS BEEN COMPLETED AND ENDORCED BY COUNCIL
Victorian Local Sustainability Accord project	\$44,737	\$14,913	\$10,634	\$25,547	\$19,190	\$38,000	\$6,737	Barry	Building energy Audit completed & report with recommendations provided to Council. Review building retrofit options. EcoMaster have been awarded the contract to retrofit weather sealing measures at the Daylesford Town Hall and VIC with all works expected to be completed by June 2013
MSS Review	\$19,327	\$0	\$0	\$0	\$19,327	\$0	\$19,327	Barry	MSS is on exhibition until 17 May 2013. Extra consultant fees to be paid at end of corrections during 2013.
HACC special projects	\$12,331	\$10,683	\$1,000	\$11,683	\$648	\$12,331		Kathleen	current spend (9715) Gutter project current spend (6,666) invoicing for September now complete.
HACCPAC Mobile	\$52,646	\$0	\$0	\$0	\$52,646	\$25,000	\$27,646	Kathleen	Business case complete. Payment Plan as follows \$5,500 first payment as per signed letter of engagement - Project 50% complete - 40% less initial deposit. Project 90% complete - 30% less initial deposit. Project 100% complete - remaining 30% less initial deposit.
HACC Seeding Training Grant	\$12,317	\$0	\$0	\$0	\$12,317	\$12,317		Kathleen	Tri-Council Grant of ASM Training - Department of Health currently working on Training Calendar
HACC Bushfire Preparedness	\$12,516	\$9,020	\$0	\$9,020	\$3,496	\$9,020	\$3,496	Kathleen	Balance \$3,525 - DoH to fund another bushfire project Dec 2012 amount to be added to new project - waiting for departmental feedback
HACC staff & IT support, Minor Capital funding	\$25,761	\$15,355	\$22	\$15,377	\$10,384	\$20,000	\$5,761	Kathleen	Approximately \$5,000 for relief, \$5,000 for IT (assessment)
Trentham Library	\$40,707	\$40,152	\$0	\$40,152	\$555	\$40,707		Kathleen	Library open, any remaining funds to purchase furniture, signage
Vic Park Review	\$15,000	\$15,000	\$0	\$15,000	\$0	\$15,000		Kathleen	Final report received, report to Council re next steps Nov 2012
Preschools Project	\$26,349	\$0	\$0	\$0	\$26,349	\$16,349	\$10,000	Kathleen	Funds to be used for development of Municipal Early Years Plan. RFQ brief completed, quotes to be sought.
Celebrating 150 years of Local Government	\$8,662	\$7,090	\$0	\$7,090	\$1,572	\$7,090		Kathleen	Project Complete
LEAP	\$2,090	\$2,090	\$0	\$2,090	-\$0	\$2,090		Kathleen	
Significant Tree Register	\$5,000	\$0	\$0	\$0	\$5,000		\$5,000	Barry	Ready for exhibition, exhibited Feb and March, delayed until June due to splitting up amendment into three sections as per DPCD advice, alterations being made to amendment following review by Council's heritage advisor.
Economic Development Strategy implementation	\$14,142	\$5,822	\$5,864	\$11,685	\$2,457	\$12,000	\$0	Barry	NBN Workshops. Business skills research. Shire-wide Social media for business workshops. TIRF application. Final funding \$1225 for web photography upgrade and/or Eco Dev Statistical summary.
Daylesford PAG modifications	\$65,303	\$3,875	\$46,256	\$50,131	\$15,172	\$65,303		Bruce	Internal works commenced 4 April and completed 29 April. Re-quoting external works.
Community Infrastructure Planning Trentham	\$10,000	\$6,115	\$15,612	\$21,727	-\$11,727	\$25,000	\$15,000	Kathleen	\$30,000 funding secured from DPCD. Variation approved - revised project completion date December 2013. Consultant appointed 26/2/2013 & inception meeting held. Building condition reports and initial consultation completed.
Advancing Country Towns	\$364,447	\$98,399	\$1,220	\$99,619	\$214,738	\$178,000	\$186,447	Barry	See comments below

Financials	Revised Budget	Actuals 30/4/2013	Committ- ments 30/4/2013	Actuals + Committ- ments 30/4/2013	VARIAMCE	Expected June 30 Forecast	Estimated Carryforward	GM	COMMENTS
→ Social Media Resident Attraction Project		\$9,090		\$9,090				Barry	Project completed, following 2012 Regional Victoria Expo
→ Tourism Management Plan			\$35,000	\$35,000					
→ Residential Land Analysis		\$6,000		\$6,000				Barry	Project complete, Report provided by TGM
Revegetation of Roadsides	\$50,000	\$0	\$4,500	\$4,500	\$45,500	\$15,000	\$35,000	Barry	Plant orders underway. Complete
Grazing Pilot Trial for Weed Control	\$10,000	\$0	\$0	\$0	\$10,000	\$0		Barry	budget withdrawn.
Contribution to Landcare Groups	\$24,000	\$0	\$0	\$0	\$24,000	\$24,000		Barry	Groups identified. Grants to be made available when previous grants acquitted by groups; 10 out of 13 acquittals received to date.
Sustainability Community Grants	\$13,000	\$10,000	\$0	\$10,000	\$3,000	\$13,000		Barry	Grants applications closed 2nd Nov, assessed 28th Nov, Grants awarded Jan 2013, projects completed Nov 2013
Other & Sustainability Rebate	\$12,000	\$600	\$0	\$600	\$11,400	\$600		Barry	Rate rebate in an unresolved loop between Council and ESAC - probably wont be spent this FY. \$6,000 allocated for Local Government Energy Efficiency program co contribution. Budget withdrawn
HMSR Victorian Mineral Water Committee									
Mineral Springs Lake Daylesford Bore	\$159,594	\$73,078	\$32,887	\$105,966	\$53,628	\$159,594		Bruce	Bore hole failed. Landscape plans being reviewed with DSE.
HMSR Parking & Traffic Strategy	\$15,500	\$16,640	\$425	\$17,065	-\$1,565	\$17,065		Bruce	Consultation complete. Strategy completed and adopted by Council Feb 2013 Council meeting.
Hepburn Springs Pedestrian Strategy Implementation	\$25,000	\$165	\$0	\$165	\$24,835	\$25,000		Bruce	Design and scoping of works has commenced, purchase order to be raised
Lake Daylesford Central Springs Master Plan	\$6,618	\$6,200	\$0	\$6,200	\$418	\$6,200		Bruce	Masterplan adopted 20/11/12 Council meeting.
HSMR replace concrete channel (+ flood contribution)	\$38,940	\$0	\$0	\$0	\$38,940	\$38,940		Bruce	Works commenced, Flood Office Raised Purchase order
Hepburn Emergency Bore	\$44,181	\$29,893	\$0	\$29,893	\$14,288	\$32,000		Bruce	Construction completed and old bore capped.
Total Budget	\$16,272,791	\$7,967,338	\$3,215,080	\$11,182,556	\$5,194,360	\$12,453,317	\$3,469,384		

10.3. GENERAL REVALUATION 2014 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 for Council to resolve to cause a general revaluation.

BACKGROUND

Council must resolve to cause a general revaluation to be made of all rateable properties in the municipal district of the Hepburn Shire Council and notify interested rating authorities accordingly.

ISSUE / DISCUSSION

Council is required under Section 6 of the *Valuation of Land Act 1960* to conduct a general revaluation of all rateable properties within the municipality every 2 years and advise other interested rating authorities.

The following rating authorities have been identified as having an interest and will be notified of Council's resolution:

Valuer – General

State Revenue Office

Mt Alexander Shire Council

Central Goldfields Shire Council

Ballarat City Council

Moorabool Shire Council

Macedon Ranges Shire Council

Pyrenees Shire Council

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

This is in accordance with section 6 of the *Valuation of Land Act 1960*, as discussed above.

FINANCIAL IMPLICATIONS

Council must resolve to undertake a general revaluation in order to adopt rates and charges in future years.

The revaluations will be used to calculate rates for the 2014-2015 and 2015-2016 financial years as property values are used to calculate rates.

However, it does not have an impact on the total value of rates and charges raised by Council, just the proportion raised by property types.

RISK IMPLICATIONS

None noted.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

None noted.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

As per the Hepburn Shire Community Engagement Framework, level 1 engagement will be undertaken. This information will be made available to the public via the minutes published on the Council's website.

Information on the revaluation will be provided to ratepayers as part of the 2014-2015 Budget process and prior to the striking of rates in August 2014.

CONCLUSION

Council must resolve to cause a general revaluation to be made of all rateable properties in the municipal district of the Hepburn Shire Council and notify interested rating authorities accordingly.

OFFICER'S RECOMMENDATION

That Council:

- 10.3.1 In accordance with section 6(1) of the *Valuation of Land Act 1960*, undertake a general revaluation of all rateable properties within the Hepburn Shire Council and the valuation be returned at the levels of value as at 1 January 2014.
- 10.3.2 Notifies the Valuer-General and other rating authorities in accordance with Section 2 of the *Valuation of Land Act 1960*.

MOTION

That Council:

10.3.1. In accordance with section 6(1) of the Valuation of Land Act 1960, undertake a general revaluation of all rateable properties within the Hepburn Shire Council and the valuation be returned at the levels of value as at 1 January 2014.

10.3.2. Notifies the Valuer-General and other rating authorities in accordance with Section 2 of the Valuation of Land Act 1960.

Moved: Councillor Neil Newitt

Seconded: Councillor Greg May

Carried.

10.4. COUNCIL INSTRUMENT OF DELEGATION REVIEW 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 delegations from Council to the Chief Executive Officer (CEO) S5 and Council to staff S6.

BACKGROUND

A Council may by instrument of delegation delegate to a member of its staff or special committee any power, duty or function of a Council under the Local Government Act (1989) or any other Act other than:

- The power of delegation
- The power to declare a rate or charge
- The power to borrow money
- The power to approve any expenditure not contained in a budget approved by the Council
- Any power, duty or function of the Council under section 223 (Right to make submission)

The CEO may by instrument of delegation delegate to a member of the Council staff any power, duty or function of his or her office other than the power of delegation.

Council must review all delegations to staff, CEO and Special Committees within twelve months after a general election.

ISSUE / DISCUSSION

Delegations are reviewed at varying intervals depending on the nature of the delegation. As stated above all delegations have to be reviewed within 12 months of a Council general election. In order to facilitate the ongoing review of delegations Council subscribes to a delegation and authorisations update service from Maddocks. The service provides updates to the delegations incorporating legislative changes. The review and update of delegations is an eight step process:

1. Obtain latest version of delegation from Maddocks including all legislation changes since last review
2. Review existing delegations for accuracy and purpose

3. Allocate delegations for new and amended legislation
4. Executive Management Team review of proposed delegation
5. Delegate review of delegations
6. Councillor briefing on proposed delegations
7. CEO/Council approval of delegations
8. Dissemination of delegations to officers including sign off to confirm notification

Current delegations include:

S5 – Instrument of Delegation to CEO is reviewed when changes in legislation require revision.

S6 – Instrument of Delegation from Council to staff is reviewed annually incorporating all legislative changes since the last review.

S7 – Instrument of Sub Delegation from Council's CEO to staff is reviewed annually incorporating all legislative changes since the last review.

Instrument of Delegation Purchasing is reviewed on an as needs basis driven by staff movements.

Instruments of Delegation to Special Committees are reviewed based on expiry date which coincides with general election review requirements.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

The review of officer delegations ensures compliance with the *Local Government Act (1989)* S98 (6) and is in line with the Council Plan commitment to good governance.

FINANCIAL IMPLICATIONS

None noted

RISK IMPLICATIONS

The review and setting of officer delegations provides clear direction to officers on their level of authority.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

None noted

COMMUNITY AND STAKEHOLDER ENGAGEMENT

An extensive communication program will be implemented to ensure all staff are aware of their delegated authority.

CONCLUSION

As required by the *Local Government Act (1989)* a review of officer delegations has been undertaken and is presented to Council for adoption.

OFFICER'S RECOMMENDATION

That Council:

10.4.1 In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* ("the Act") and other legislation referred to in the attached Instrument of Delegation, resolves that:

- a) There be delegated to the person holding the position, acting in or performing duties of Chief Executive Officer the powers, duties and functions set out in the Instrument of Delegation to the Chief Executive Officer attached as Attachment 3, subject to the conditions and limitations specified in that instrument.
- b) The Instrument comes into force immediately the common seal of Council is affixed to the Instruments of Delegation.
- c) The duties and functions set out in the Instrument must be performed and the powers set out in the Instrument must be executed in accordance with any guidelines or policies of Council that it may from time to time adopt.
- d) 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.

10.4.2 In exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* ("the Act") and the other legislation referred to in the other legislation referred to in the attached Instrument of Delegation, resolves that:

- a) There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members to the Council staff, the powers, duties and functions set out in that Instrument attached as Attachment 4, subject to the conditions and limitations specified in that Instrument.
- b) The Instrument comes into force immediately the common seal of Council is affixed to the Instruments of Delegation.

- c) The duties and functions set out in the Instrument must be performed and the powers set in the Instrument must be executed in accordance with any guideline or policies of Council that it may from time to time adopt.

10.4.3 Resolves that the following Instruments of Delegation, that is:
Attachment 1 – Instrument of Delegation to Chief Executive Officer
Attachment 2 – Instrument of Delegation Council to Staff
be affixed with Council's Common Seal,

10.4.4 Authorises the Chief Executive Officer to update the delegation register as and when any relevant legislation is amended or introduced.

MOTION

That Council:

10.4.1. *In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 ("the Act") and other legislation referred to in the attached Instrument of Delegation, resolves that:*

- a) *There be delegated to the person holding the position, acting in or performing duties of Chief Executive Officer the powers, duties and functions set out in the Instrument of Delegation to the Chief Executive Officer attached as Attachment 3, subject to the conditions and limitations specified in that instrument.*
- b) *The Instrument comes into force immediately the common seal of Council is affixed to the Instruments of Delegation.*
- c) *The duties and functions set out in the Instrument must be performed and the powers set out in the Instrument must be executed in accordance with any guidelines or policies of Council that it may from time to time adopt.*
- d) *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.*

10.4.2. *In exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (“the Act”) and the other legislation referred to in the other legislation referred to in the attached Instrument of Delegation, resolves that:*

- a) *There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members to the Council staff, the powers, duties and functions set out in that Instrument attached as Attachment 4, subject to the conditions and limitations specified in that Instrument.*
- b) *The Instrument comes into force immediately the common seal of Council is affixed to the Instruments of Delegation.*
- c) *The duties and functions set out in the Instrument must be performed and the powers set in the Instrument must be executed in accordance with any guideline or policies of Council that it may from time to time adopt.*

10.4.3. *Resolves that the following Instruments of Delegation, that is:
Attachment 1 – Instrument of Delegation to Chief Executive Officer
Attachment 2 – Instrument of Delegation Council to Staff
be affixed with Council’s Common Seal.*

10.4.4. *Authorises the Chief Executive Officer to update the delegation register as and when any relevant legislation is amended or introduced.*

Moved: Councillor Kate Redwood

Seconded: Councillor Pierre Niclas

Carried.

**ATTACHMENT 3 - S5 INSTRUMENT OF DELEGATION COUNCIL TO
CHIEF EXECUTIVE OFFICER**

- 6.2 strategy
- 6.3 previous resolution of Council
adopted by Council; or
- 7. 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
- 8. 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.

**ATTACHMENT 4 - S6 INSTRUMENT OF DELEGATION COUNCIL TO
MEMBERS OF STAFF**

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 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
MR	Means Manager Risk & Property
MF	Means Manager Finance
MM	Means Manager Maintenance
MP	Means Manager Planning
MAES	Means Manager Assets and Engineering Services
CC	Means Coordinator Compliance
PAO	Means Planning Administrative Officer
PCO	Means Planning Compliance Officer
SO	Means Subdivision Officer
SP	Means Statutory Planner
PLO	Means Planning and Building Liaison Officer
CO	Means Compliance Officer
SEHO	Means Senior Environmental Health Officer
EHO	Means Environmental Health Officer

INDEX

CEMETERIES AND CREMATORIA ACT 20031

DOMESTIC ANIMALS ACT 1994..... 16

ENVIRONMENT PROTECTION ACT 1970..... 17

FOOD ACT 1984..... 18

HERITAGE ACT 1995..... 26

PLANNING AND ENVIRONMENT ACT 1987..... 27

RAIL SAFETY ACT 2006..... 47

RESIDENTIAL TENANCIES ACT 1997 49

ROAD MANAGEMENT ACT 2004 51

CEMETERIES AND CREMATORIA REGULATIONS 2005 62

PLANNING AND ENVIRONMENT REGULATIONS 2005..... 65

PLANNING AND ENVIRONMENT (FEES) INTERIM REGULATIONS 2012 66

**RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION
AND STANDARDS) REGULATIONS 2010 67**

ROAD MANAGEMENT (GENERAL) REGULATIONS 2005 69

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2005..... 71

CEMETERIES AND CREMATORIA ACT 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.8(1)(a)(ii)	power to manage one or more public cemeteries	GMCS, MR, GMI,MM, MP	<ul style="list-style-type: none"> where appointed to manage cemetery by Governor in Council
s.12(1)	function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	GMCS, MR, GMI,MM, MP	where council is a Class B cemetery trust
s.12(2)	duty to have regard to the matters set out in paragraphs (a)-(c) in exercising its functions	GMCS, MR, GMI,MM,MP	where council is a Class B cemetery trust
s.12A(1)	function to do the activities set out in paragraphs (a) – (n)	Not Applicable	where council is a Class A cemetery trust
s.12A(2)	duty to have regard to matters set out in paragraphs (a)-(e) in exercising its functions	Not Applicable	where council is a Class A cemetery trust
s.13	duty to do anything necessary or convenient to enable it to carry out its functions	GMCS, MR, GMI,MM,MP	
s.14	power to manage multiple public cemeteries as if they are one cemetery	GMCS, MR, GMI,MM,MP	
s.15(1) and (2)	power to delegate powers or functions other than those listed	Not delegated	
s.15(4)	duty to keep records of delegations	GMCS, MR	
s.17(1)	power to employ any persons necessary	Not delegated	

CEMETERIES AND CREMATORIA ACT 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(2)	power to engage any professional, technical or other assistance considered necessary	GMCS, MR, GMI,MM,MP	
s. 17(3)	power to determine the terms and conditions of employment or engagement	GMCS, MR, GMI,MM,GMSD	subject to the any guidelines or directions of the Secretary
s.18(3)	duty to comply with a direction from the Secretary	GMCS, MR, GMI,MM,MP	
s.18B(1) & (2)	duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time	Not applicable	where council is a Class A cemetery trust
s.18C	power to determine the membership of the governance committee	Not applicable	where council is a Class A cemetery trust
s.18D	power to determine procedure of governance committee	Not applicable	where council is a Class A cemetery trust
s.18D(1)(a)	duty to appoint community advisory committee for the purpose of liaising with communities	Not applicable	where council is a Class A cemetery trust
s.18D(1)(b)	power to appoint any additional community advisory committees	Not applicable	where council is a Class A cemetery trust
s.18D(2)	duty to establish a community advisory committee under section 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	Not applicable	where council is a Class A cemetery trust

CEMETERIES AND CREMATORIA ACT 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.18D(3)	duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the <i>Financial Management Act 1994</i>	Not applicable	where council is a Class A cemetery trust
s.18F(2)	duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	Not applicable	where council is a Class A cemetery trust
s.18H(1)	duty to hold an annual meeting before 30 December in each calendar year, in accordance with section	Not applicable	where council is a Class A cemetery trust
s.18I	duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	Not applicable	where council is a Class A cemetery trust
s.18J	duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in section 18J(2))	Not applicable	where council is a Class A cemetery trust
s.18L(1)	duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	Not applicable	where council is a Class A cemetery trust
s.18N(1)	duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	Not applicable	where council is a Class A cemetery trust
s.18N(3)	duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval	Not applicable	where council is a Class A cemetery trust

CEMETERIES AND CREMATORIA ACT 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.18N(5)	duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	Not applicable	where council is a Class A cemetery trust
s.18N(7)	duty to ensure that an approved annual plan is available to members of the public on request	Not applicable	where council is a Class A cemetery trust
s.18O(1)	duty to prepare a strategic plan and submit the plan to the Secretary for approval	Not applicable	where council is a Class A cemetery trust
s.18O(4)	duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	Not applicable	where council is a Class A cemetery trust
s.18O(5)	duty to ensure that an approved strategic plan is available to members of the public on request	Not applicable	where council is a Class A cemetery trust
s.18Q(1)	duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year.	Not applicable	where council is a Class A cemetery trust
s.19	power to carry out or permit the carrying out of works	GMCS, MR, GMI,MM,MP	
s.20(1)	duty to set aside areas for the interment of human remains	GMCS, MR, GMI	
s.20(2)	power to set aside areas for the purposes of managing a public cemetery	GMCS, MR, GMI,MM,MP	

CEMETERIES AND CREMATORIA ACT 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.20(3)	power to set aside areas for those things in paragraphs (a) – (e)	GMCS, MR, GMI,MM,MP	
s.21(1)	power to establish and operate a crematorium in a public cemetery	Not delegated	<ul style="list-style-type: none"> council must not establish or operate a crematorium set aside for particular religious or community groups.
s.22	power to establish mausolea facilities	Not delegated	<ul style="list-style-type: none"> subject to the prior written approval of the Secretary
s.24(2)	power to apply to the Secretary for approval to alter the existing distribution of land	GMCS, MR	
s.26(1)	power to make rules for or with respect to the general care, protection and management of a public cemetery	GMCS, MR, GMI,MM,MP	
s.36	power to grant licences to enter and use part of the land or building in a public cemetery in accordance with this section	Not delegated	<ul style="list-style-type: none"> subject to the approval of the Minister
s.37	power to grant leases over land in a public cemetery in accordance with this section	Not delegated	<ul style="list-style-type: none"> subject to the Minister approving the purpose
s.39(1)	power to fix fees and charges or a scale of fees and charges for its services in accordance with this section	Not delegated	subject to the approval of the Secretary under section 40 unless exempt under section 40A
s.39(3)	power to fix different fees and charges for different cases or classes of cases	Not delegated	

CEMETERIES AND CREMATORIA ACT 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.40	duty to notify Secretary of fees and charges fixed under section 39	GMCS, MR	
s.45	power to invest money	Not Applicable	subject to any direction of the Minister This provision does not apply if the management of the public cemetery is a municipal council, not a cemetery trust. In this case, the borrowing & investment powers are governed by the Local Government Act 1989.
s.46	power to borrow money to enable it to perform its functions and exercise its powers	Not Applicable	subject to the approval and conditions of the Treasurer This provision does not apply if the management of the public cemetery is a municipal council, not a cemetery trust. In this case, the borrowing & investment powers are governed by the Local Government Act 1989.
s.47	power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	Not delegated	provided the street was constructed pursuant to the Local Government Act 1989
s.57(1)	duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	GMCS, MR, MF	applies only to municipal councils, not cemetery trusts report must contain the particulars listed in s.57(2)

CEMETERIES AND CREMATORIA ACT 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.59	duty to keep records for each public cemetery	GMCS, MR	
s.60(1)	duty to make information in records available to the public for historical or research purposes	GMCS, MR	
s.60(2)	power to charge fees for providing information	GMCS, MR	
s.64(4)	duty to comply with a direction from the Secretary under section 64(3)	GMCS, MR	
s.64B(d)	power to permit interments at a reopened cemetery	GMCS, MR	
s.66(1)	power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	Not delegated	the application must include the requirements listed in s.66(2)(a)–(d)
s.69	duty to take reasonable steps to notify of conversion to historic cemetery park	GMCS, MR	
s.70(1)	duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	GMCS, MR, GMI, MP	
s.70(2)	duty to make plans of existing place of interment available to the public	GMCS, MR, GMI, MP	
s.71(1)	power to remove any memorials or other structures in an area to which an approval to convert applies	GMCS, MR, GMI, MP	

CEMETERIES AND CREMATORIA ACT 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.71(2)	power to dispose of any memorial or other structure removed	GMCS, MR, GMI, MP	
s.72(2)	duty to comply with request received under section 72	GMCS, MR	
s.73(1)	power to grant a right of interment	GMCS, MR	
s.73(2)	power to impose conditions on the right of interment	GMCS, MR	
s.75	power to grant the rights of interment set out in subsections (a) and (b)	GMCS, MR	
s.76(3)	duty to allocate a piece of interment if an unallocated right is granted	GMCS, MR	
s.77(4)	power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	Not delegated	
s.80(1)	function of receiving notification and payment of transfer of right of interment	GMCS, MR	
s.80(2)	function of recording transfer of right of interment	GMCS, MR	
s.82(2)	duty to pay refund on the surrender of an unexercised right of interment	GMCS, MR	
s.83(2)	duty to pay refund on the surrender of an unexercised right	GMCS, MR	

CEMETERIES AND CREMATORIA ACT 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	of interment (sole holder)		
s.83(3)	power to remove any memorial and grant another right of interment for a surrendered right of interment	GMCS, MR	
s.84(1)	function of receiving notice of surrendering an entitlement to a right of interment	GMCS, MR	
s.85(1)	duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	GMCS, MR	the notice must be in writing and contain the requirements listed in s.85(2)
s.86	power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	Not delegated	
s.87(3)	duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	GMCS, MR	
s.88	function to receive applications to carry out a lift and re-position procedure at a place of interment	GMCS, MR	
s.89(1)	power to approve or refuse an application for a lift and re-position procedure in accordance with subsection (2) & (3)	GMCS, MR	can only be delegated to members of a committee established under section 86 of the <i>Local Government Act 1989</i>
s.90	power to authorise a person without an exhumation licence to carry out a lift and re-position procedure as set out in section 90(1)(a)-(d)	GMCS, MR	can only be delegated to members of a committee established under section 86 of the <i>Local Government Act 1989</i>

CEMETERIES AND CREMATORIA ACT 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.91(1)	power to cancel a right of interment in accordance with this section	Not delegated	
s.91(3)	duty to publish notice of intention to cancel right of interment	GMCS, MR	
s.92	power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	GMCS, MR	
s.98(1)	function of receiving application to establish or alter a memorial or a place of interment	GMCS, MR	
s.99	power to approve or refuse an application made under section 98, or to cancel an approval	GMCS, MR	
s.99(4)	duty to make a decision on an application under section 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	GMCS, MR	
s.100(1)	power to require a person to remove memorials or places of interment	GMCS, MR	
s.100(2)	power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with section 100(1)	GMCS, MR	
s.100(3)	power to recover costs of taking action under section	GMCS, MR	

CEMETERIES AND CREMATORIA ACT 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	100(2)		
s.101	function of receiving applications to establish or alter a building for ceremonies in the cemetery	GMCS, MR	
s.102(1)	power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	Not delegated	
s.102(2) & (3)	power to set terms and conditions in respect of, or to cancel, an approval granted under section 102(1)	Not delegated	
s.103(1)	power to require a person to remove a building for ceremonies	Not delegated	
s.103(2)	power to remove and dispose of a building for ceremonies or remedy the failure to comply with section 103(1)	GMCS, MR	
s.103(3)	power to recover costs of taking action under section 103(2)	GMCS, MR	
s.106(1)	power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	GMCS, MR, GMI, MM, MP	
s.106(2)	power to require the holder of the right of interment to provide for an examination	GMCS, MR, GMI, MM, MP	
s.106(3)	power to open and examine the place of interment if section 106(2) not complied with	GMCS, MR, GMI, MM, MP	

CEMETERIES AND CREMATORIA ACT 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.106(4)	power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under section 106(1) is not complied with	GMCS, MR, GMI, MM, MP	
s.107(1)	power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	GMCS, MR, GMI, MM, MP	
s.107(2)	power to repair or take down, remove and dispose any building for ceremonies if notice under section 107(1) is not complied with	GMCS, MR, GMI, MM, MP	
s.108	power to recover costs and expenses	GMCS, MR, GMI, MM, MP	
s.109(1)(a)	power to open, examine and repair a place of interment	GMCS, MR, GMI, MM, MP	where the holder of right of interment or responsible person cannot be found
s.109(1)(b)	power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	GMCS, MR, GMI, MM, MP	where the holder of right of interment or responsible person cannot be found
s.109(2)	power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	GMCS, MR, GMI, MM, MP	where the holder of right of interment or responsible person cannot be found
s.110(1)	power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of	GMCS, MR, GMI, MM, MP	

CEMETERIES AND CREMATORIA ACT 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	interment holder. with consent of the Secretary		
s.110(2)	power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	GMCS, MR, GMI, MM, MP	
s.111	power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	GMCS, MR, GMI, MM, MP	
s.112	power to sell and supply memorials	Not delegated	
s.116(4)	duty to notify the Secretary of an interment authorisation granted	GMCS, MR	
s.116(5)	power to require an applicant to produce evidence of the right of interment holder's consent to application	GMCS, MR	
s.118	power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	GMCS, MR	
s.119	power to set terms and conditions for interment authorisations	GMCS, MR	
s.131	function of receiving an application for cremation authorisation	Not applicable	
s.133(1)	duty not to grant a cremation authorisation unless satisfied that requirements of section 133 have been complied with	Not applicable	Subject to subsection (2)

CEMETERIES AND CREMATORIA ACT 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.145	duty to comply with an order made by the Magistrates' Court or a coroner	GMCS, MR	
s.146	power to dispose of bodily remains by a method other than interment or cremation	Not delegated	subject to the approval of the Secretary
s.147	power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	Not delegated	
s.149	duty to cease using method of disposal if approval revoked by the Secretary	GMCS, MR	
s.150 & 152(1)	power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	GMCS, MR	
s.151	function of receiving applications to inter or cremate body parts	GMCS, MR	
s.152(2)	power to impose terms and conditions on authorisation granted under section 150.	GMCS, MR	
Schedule 1 clause 8(3)	power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	Not delegated	where council is a Class B cemetery trust
Schedule 1 clause 8(8)	power to regulate own proceedings	Not delegated	where council is a Class B cemetery trust subject to clause 8

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	MP;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	MPSEHO;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	MP;SEHO;EHO	If section 19(1) applies
s.19(4)(b)	duty to notify the Department of the making of the order	MP;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	MP;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	MP;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	MP;SEHO;EHO	If section 19(1) applies
s.19AA(2)	power to direct, by written order, that a person must take any of the actions described in (a)-(c).	MP;SEHO;EHO	where council is the registration authority
s.19AA(4)(c)	power to direct, in an order made under s.19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	MP;SEHO;EHO	Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19AA(7)	duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with	MP;SEHO;EHO	where council is the registration authority
s.19A(4)(b)	function of receiving notice from authorised officer	MP,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	MP,SEHO;EHO	must be done by the same person as gave the original notice
s.19CB(4)(b)	power to request copy of records	MP,SEHO;EHO	where council is the registration authority
s.19E(1)(d)	power to request a copy of the food safety program	MP,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	MP,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	MP,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	MP,SEHO;EHO	where council is the registration authority
s.19I	duty to conduct a food safety assessment as required under section 19H	MP,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	MP,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
	requirements or section 19DC(2) have not been complied with unless subsection (3) applies.		
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	MP,SEHO;EHO	where council is the registration authority
s.19N	function of receiving information from a food safety auditor	MP,SEHO;EHO	where council is the registration authority
s.19NA(1)	power to request food safety audit reports	MP,SEHO;EHO	where council is the registration authority
s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	MP;SEHO;	
s.19U(4)	duty to ensure that information relating to costs of a food safety audit are available for inspection by the public	MP,SEHO;EHO	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	MP;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	MP;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	MP;SEHO;EHO	
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	MP;SEHO;EHO	where council is the registration authority; power of registration authority
s.19W(3)(a)	power to direct a proprietor of a food premises to have staff at	MP;SEHO;EHO	where council is the registration authority; power of

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	the premises undertake training or instruction		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	MP;SEHO;EHO	where council is the registration authority; power of registration authority
---	power to register, renew or transfer registration	MP;SEHO;EHO	where council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))
s.35A(2)	function of receiving notice of operation from the proprietor of a food premises	MP;SEHO;EHO	where council is the registration authority
s.37	function of receiving application, information and documents required under section 36 from the proprietor of a food business	MP;SEHO;EHO	
s.38(3)	duty to consult with the Secretary about the proposed exemption under section 38(2)	MP;SEHO;EHO	
s.38AA(2)	function of being notified of operation	MP;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	MP;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	MP;SEHO;EHO	where council is the registration authority
s.38AB(4)	power to fix a fee for the receipt of a notification under section	MP;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
	38AA in accordance with a declaration under subsection (1)		
s.38A(4)	power to request a copy of a completed food safety program template	MP;SEHO;EHO	where council is the registration authority
s.38A(5) & (6)	function of receiving a food safety audit certificate from a proprietor	MP;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	MP;SEHO;EHO	where council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	MP;SEHO;EHO	where council is the registration authority
s.38B(1)(c)	duty to inspect premises	MP;SEHO;EHO	where council is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	MP;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	MP;SEHO;EHO	where council is the registration authority
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	MP;SEHO;EHO	where council is the registration authority
s.38D(3)	power to request copies of any audit reports	MP;SEHO;EHO	where council is the registration authority
s.38E(1)(c)	function of assessing the requirement for a food safety program	MP;SEHO;EHO	where council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	MP;SEHO;EHO	where council is the registration authority; not exceeding the prescribed time limit defined under

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			subsection (5).
s.38E(3)(a)	function of receiving certificates	MP;SEHO;EHO	where council is the registration authority
s.38E(4)	duty to register the food premises when conditions are satisfied	MP;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	MP;SEHO;EHO	where council is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	MP;SEHO;EHO	where council is the registration authority
s.39(2)	duty to inspect within 12 months before renewal of registration	MP;SEHO;EHO	where council is the registration authority
s.39(3)	duty to inspect within 3 months before renewal of registration if circumstances in section 39(3)(a)-(d) apply	MP;SEHO;EHO	where council is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	MP;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.	MP;SEHO;EHO	
s.40(1)	duty to issue a certificate of registration in the prescribed form	MP;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>	MP;SEHO;EHO	

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	MP;SEHO;EHO	where council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	MP;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)	MP;SEHO;EHO	where council is the registration authority
s.40E(4)	duty to comply with direction of Secretary	MP;SEHO;EHO	
s.43(1) and (2)	duty to maintain records of the prescribed particulars and orders in force under Part III	MP;SEHO;EHO	where council is the registration authority
s.43(3)	duty to make available information held in records, free of charge, on request	MP;SEHO;EHO	where council is the registration authority
s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	MP;SEHO;EHO	where council is the registration authority
s.43F(7)	power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	MP;SEHO;EHO	where council is the registration authority
s.43I	function of receiving a statement of trade of a proprietor of a food business	MP;SEHO;EHO	
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted	MP;SEHO;EHO	where council is the registration authority

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	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	MP;SP	
s.4H	duty to make amendment to Victoria Planning Provisions available	MP;SP	
s.4I	duty to keep Victoria Planning Provisions and other documents available	MP;SP	
s. 8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	MP;	
s.11(3)(b)	duty to submit amendment to planning scheme to Minister for approval if the Minister withdraws authorisation	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	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>)	MP;SP	
s.12B(1)	duty to review planning scheme	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	MP	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	MP	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	MP;SP;PCO	
s.17(1)	duty of giving copy amendment to the planning scheme	MP;SP;PLO	
s.17(2)	duty of giving copy s.173 agreement	MP;SP;PLO	
s.18	duty to make amendment etc. available	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	MP	
s.20(1)	power to apply to Minister for exemption from the requirements of section 19	MP	
s.21(2)	duty to make submissions available	MP;SP;PLO	
s.21A(4)	duty to publish notice in accordance with section	MP;SP;PLO	
s.22	duty to consider all submissions	MP;SP	
s.23(2)	power to refer submissions to a panel	MP;SP	
s.24	function to represent council and present a submission at a	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	MP;SP;PLO;PAO	
s.26(2)	duty to keep report of panel available for inspection	MP	
s.27(2)	power to apply for exemption if panel's report not received	MP	
s.28	duty to notify the Minister if abandoning an amendment	MP	Note: the power to make a decision to abandon an amendment cannot be delegated
s.30(4)(a)	duty to say if amendment has lapsed	MP	
s.30(4)(b)	duty to provide information in writing upon request	MP	
s.31	duty to submit adopted amendment to Minister and, if applicable, details under section 19(1B)	MP	
s.32(2)	duty to give more notice if required	MP	
s.33(1)	duty to give more notice of changes to an amendment	MP	
s.35A(2)	duty to not approve an amendment under section 35B unless the amendment has been certified by the Secretary	MP	
s.35B(1)	power to approve amendment in form certified under section 35A	MP	
s.35B(2)	duty to give to Minister notice of approval, copy of approved amendment and other documents	MP	

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

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	MP	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	MP	
s.46Q(1)	duty to keep proper accounts of levies paid	GMCS;MF;MP	
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	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.	MF;MP;SP	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	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	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	;MP	must be done in accordance with Part 3
s46Q(4)(e)	duty to expend that amount on other works etc.	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	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	MP	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	PLO;MP;SP;SO; PAO	
s.49(2)	duty to make register available for inspection	PLO;MP;SP;SO; PAO	
s.50(4)	duty to amend application	MP;SP	
s.50(5)	power to refuse to amend application	MP	
s.50(6)	duty to make note of amendment to application in register	MP;SP;SO;PLO; PAO	
s.50A(1)	power to make amendment to application	MP;SP	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	MP;SP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.50A(4)	duty to note amendment to application in register	MP;SP	
s.51	duty to make copy of application available for inspection	MP;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	MP;SP;SO;PLO	
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	MP;SP	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	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	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	MP;SP	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	MP;SP	
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	MP;SP	
s.52(1A)	power to refuse an application	MP	Only when the use is prohibited under the Planning Scheme or does not comply with the Planning Scheme or

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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	notice of decision is to go		
s.57(5)	duty to make available for inspection copy of all objections	MP;SP;PAO;PLO	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	MP;SP	
s.57A(5)	power to refuse to amend application	MP	
s.57A(6)	duty to note amendments to application in register	MP;SP;PAO;PLO	
s.57B(1)	duty to determine whether and to whom notice should be given	MP;SP	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	MP;SP	
s.57C(1)	duty to give copy of amended application to referral authority	MP;SP	
s.58	duty to consider every application for a permit except for a development assessment committee application	MP;SP	
s.60	duty to consider certain matters	MP;SP	
s60(1A)	power to consider certain matters before deciding on application	MP;SP	
s.61(1)(a)	power to decide to grant a permit	MP;SP	the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(1)(b)	power to decide to grant a permit with conditions	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	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	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	MP;SP	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	MP;SP	
s.62(1)	duty to include certain conditions in deciding to grant a permit	MP;SP	
s.62(2)	power to include other conditions	MP;SP	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	MP;SP	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	MP;SP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MP;SP	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	MP;SP	
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	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)	MP	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	MP;SP	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	MP;SP	
s.64(3)	duty not to issue a permit until after the specified period	MP;SP	
s.64(5)	duty to give each objector a copy of an exempt decision	MP;SP	
s.65(1)	duty to give notice of refusal to grant permit to applicant and objector	MP;SP	
s.66	duty to give notice under section 64 or section 65 and copy	MP;SP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	permit to referral authorities		
s.69(1)	function of receiving application for extension of time of permit	MP;SP;PLO	
s.69(2)	power to extend time	MP	The power to refuse an extension is not delegated
s.70	duty to make copy permit available for inspection	MP;SP;SO;PAO	
s.71(1)	power to correct certain mistakes	MP	
s.71(2)	duty to note corrections in register	MP;SP;SO;PLO; PAO	
s.73	power to decide to grant amendment subject to conditions	MP;SP	
s.74	duty to issue amended permit to applicant if no objectors	MP;SP	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	MP;SP	
s.76A	duty to give referral authorities copy of amended permit and copy of notice	MP;SP;PAO	
s.76D	duty to comply with direction of Minister to issue amended permit	MP;SP;SO;PLO	
s.83	function of being respondent to an appeal	MP;SP;PCO	
s.83B	duty to give or publish notice of application for review	MP;SP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	MP	
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	MP	
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	MP;SP	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	MP;SP;SO;PAO	
s.86	duty to issue a permit at order of Tribunal within 3 working days	MP;SP;SO;PAO	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	MP	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	MP;SP;PCO	
s.91(2)	duty to comply with the directions of VCAT	MP;SP;PCO	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	MP;SP	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	MP;SP	
s.93(2)	duty to give notice of VCAT order to stop development	MP;SP;PCO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.95(3)	function of referring certain applications to the Minister	MP	
s.95(4)	duty to comply with an order or direction	MP	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	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	MP	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	MP	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	MP;SP	
s.96F	duty to consider the panel's report under section 96E	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>)	MP;SP	
s.96H(3)	power to give notice in compliance with Minister's direction	MP;SP	
s.96J	power to issue permit as directed by the Minister	MP;SP	
s.96K	duty to comply with direction of the Minister to give notice of refusal	MP;SP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97C	power to request Minister to decide the application	MP	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	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	MP;SP	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	MP;SP;PAO	
s.97L	duty to include Ministerial decisions in a register kept under section 49	MP;SP;PAO	
s.97MCA(2)	function of consulting with advisory committee regarding the areas for which the Development Assessment Committee is to be established	MP;SP	
s.97MG	duty to provide documents and information to development assessment committee	MP;SP	
s.97MH	duty to provide assistance to the development assessment committee	MP;SP	
s.97MJ(2)	duty to ensure that the register of applications specifies whether the development assessment committee has made the decision	MP;SP	
s.97MK	function of nominating member of the development assessment committee	MP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97ML(4)	power to nominate alternate members of the development assessment committee	MP	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	MP	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	MP;SP	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	MP;SP	
s.97Q(4)	duty to comply with directions of VCAT	MP;SP	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	MP;SP	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	MP	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	MP	
s.101	function of receiving claim for expenses in conjunction with claim	MP	
s.103	power to reject a claim for compensation in certain circumstances	MP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.107(1)	function of receiving claim for compensation	MP;SP;SO	
s.107(3)	power to agree to extend time for making claim	MP	
s.114(1)	power to apply to the VCAT for an enforcement order	MP	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	MP;SP;PCO	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	MP	
s.123(1)	power to carry out work required by enforcement order and recover costs	MP	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	MP	except Crown Land
s.125	power to apply for an injunction restraining a person from contravening an enforcement order or interim enforcement order	MP	
s.129	function of recovering penalties	MP	
s.130(5)	power to allow person served with an infringement notice further time	MP	
s.149A(1)	power to refer a matter to the VCAT for determination	MP	
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or	MP	where council is the relevant planning authority; duty of council as the relevant planning authority

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	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)		
s.171(2)(f)	power to carry out studies and commission reports	MP	
s.171(2)(g)	power to grant and reserve easements	MP	
s.173	power to enter into agreement covering matters set out in section 174	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	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	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 the agreement	MP	
s.178	power to amend a s.173 agreement	MP	
s.179(1)	duty to lodge agreement with Minister	MP;	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.179(2)	duty to make available for inspection copy agreement	MP	
s.181	power to apply to the Registrar of Titles for registration of the agreement and to deliver a memorial to Registrar-General	MP	
s.182	power to enforce an agreement	MP;PCO	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	MP	
s.198(1)	function to receive application for planning certificate	MP;SP;PLO	
s.199(1)	duty to give planning certificate to applicant	MP;SP;PLO;PAO	
s.201(1)	function of receiving application for declaration of underlying zoning	MP;SP	
s.201(3)	duty to make declaration	MP;SP;PLO	
-	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	MP	
	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	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	MP	
-	power to give written authorisation in accordance with a	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; duty of council as a utility under s3
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; duty of council as a utility under s3
s.34C(2)	duty 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

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	MP;SEHO;EHO	
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	MP;SEHO;EHO	[note: this provision is not yet in operation and will commence 1/7/2014 if not proclaimed earlier]
s. 142G(2)	power to enter certain information in the Rooming House Register	MP;SEHO;EHO	[note: this provision is not yet in operation and will commence 1/7/2014 if not proclaimed earlier]
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	MP;SEHO;EHO	[note: this provision is not yet in operation and will commence 1/7/2014 if not proclaimed earlier]
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	GMCMS;	where council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	GMCMS;	where council is the landlord
s.262(3)	power to publish its criteria for eligibility for the provision of housing by council	GMCMS;	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	MP;SEHO;EHO	
s.522(1)	power to give a compliance notice to a person	MP;SEHO;EHO	
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	MP	

s.525(4)	duty to issue identity card to authorised officers	MP	
s.526(5)	duty to keep record of entry by authorised officer under section 526	MP;SEHO;EHO	
s.526A(3)	function of receiving report of inspection	MP;SEHO	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	MP;SEHO	

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;MAE S	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;MAE S	
s.11(9)(b)	duty to advise Registrar	GMI;GMCS;MAE S	
s.11(10)	duty to inform Secretary to Department of Sustainability and Environment of declaration etc.	GMI;GMCS;MAE S	clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department of Sustainability and Environment or nominated person	GMI;GMCS;MAE S	where council is the coordinating road authority; duty of coordinating road authority
s.12(2)	power to discontinue road or part of a road	GMI;GMCS;MAE S;MR	were council is the coordinating road authority; power of coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	GMI;GMCS;MAE S	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;MAE S	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;MAE S	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;MAE S	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;MAE S	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;MAE S	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	
s.16(8)	duty to enter details of determination in public roads register	GMI;MAES	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(2)	duty to register public road in public roads register	GMI;MAES	where council is the coordinating road authority; duty of 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; power of 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; duty of 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; power of 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); power of coordinating road authority, and obtain consent in circumstances specified in s18(2)
s.18(3)	duty to record designation in public roads register	GMI;MAES	where council is the coordinating road authority; duty of 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	GMI;MAES	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	inspection		
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 <ul style="list-style-type: none"> duty of coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<ul style="list-style-type: none"> 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	<p>where council is the coordinating road authority</p> <p>if road is a municipal road or part thereof and where road is to be specified a freight road</p> <ul style="list-style-type: none"> power of coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road
s.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	GMI;MAES	<p>where council is the responsible road authority, infrastructure manager or works manager; duty of responsible road authority, infrastructure manager or works manager</p>
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	GMI;MAES	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	plan		
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	
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; power of 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; power of 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; duty of infrastructure manager or works manager
s.66(1)	power to consent to structure etc	GMI;MAES	where council is the coordinating road authority; power of 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; power of coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.68(2)	power to request information	GMI;MAES;CC	where council is the coordinating road authority; power of coordinating road authority
s.71(3)	power to appoint an authorised officer	GMI;MAES	
s.72	duty to issue an identity card to each authorised officer	GMI;MAES	
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	
s.87(2)	duty 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	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	
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; duty of 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; duty of infrastructure manager or works manager
Schedule 7,	duty to comply with request for information from a coordinating road authority, an infrastructure manager or a	GMI;MAES	where council is the infrastructure manager or works manager responsible for non-road infrastructure; duty of

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Clause 9(1)	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		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; duty of 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; duty of infrastructure manager or works manager
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; power of 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; power of 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; duty of coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	GMI;MAES	where council is the coordinating road authority; power of 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; duty of works manager
Schedule 7	power to vary notice period	GMI;MAES	where council is the coordinating road authority; power of

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Clause 13(2)			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; duty of 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
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; power of coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	GMI;MAES	where council is the coordinating road authority; power of 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; power of coordinating road authority
Schedule 7 Clause 19(2)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs	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
& (3)	incurred		
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; power of 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; duty of council as the responsible road authority
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; duty of council as 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)

CEMETERIES AND CREMATORIA REGULATIONS 2005			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.17	power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	GMCS, MR	
r.18(1)	power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	Not applicable	
r.18(2)	duty to ensure any fittings removed of are disposed in an appropriate manner	Not applicable	
r.19	power to dispose of any metal substance or non-human substance recovered from a cremator	Not applicable	
r.20(2)	power to release cremated human remains to certain persons	Not applicable	Subject to any order of a court
r.21(1)	duty to make cremated human remains available for collection within 2 working days after the cremation	Not applicable	
r.21(2)	duty to hold cremated human remains for at least 12 months from the date of cremation	Not applicable	
r.21(3)	power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	Not applicable	

CEMETERIES AND CREMATORIA REGULATIONS 2005			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.21(4)	duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	Not applicable	
r.22	duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	Not applicable	
r.26	duty to provide statement that alternative vendors or supplier of monuments exist	GMCS, MR	
r.36	power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	GMCS, MR	
r.38(2)	power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	GMCS, MR	
Schedule 6, clause 4	power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of Schedule 6	GMCS, MR	
Schedule 6, clause 5(1)	duty to display the hours during which pedestrian access is available to the cemetery	GMI, MM	
Schedule 6, clause 5(2)	duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	GMCS, MR, GMI, MP, MM	

CEMETERIES AND CREMATORIA REGULATIONS 2005			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)]			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 6, clause 6(1)	power to give directions regarding the manner in which a funeral is to be conducted	GMCS, MR	
Schedule 6, clause 7(1)	power to give directions regarding the dressing of places of interment and memorials	GMCS, MR	
Schedule 6, clause 11(1)	power to remove objects from a memorial or place of interment	GMCS, MR, GMI, MP, MM	
Schedule 6, clause 11(2)	duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	GMCS, MR, GMI, MP, MM	
Schedule 6, clause 12	power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	GMCS, MR, GMI, GMSD, MM	
Schedule 6, clause 14	power to approve an animal to enter into or remain in a cemetery	GMCS, MR, GMI, MP, MM	

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	MP;SP;PLO;SO; PAO	
r.7	duty of responsible authority to provide copy information or report requested by Minister	MP;SP;PLO;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	MP;SP;PLO;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	MP	



PLANNING AND ENVIRONMENT (FEES) INTERIM REGULATIONS 2012			
* These regulations expire on 22 April 2013			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.16	power to waive or rebate fee in prescribed circumstances	MP	where Council is the responsible authority
r.17	power to waive or rebate fee for amendment to a planning scheme in prescribed circumstances	MP	where Council is the planning authority
r.18	duty if fee waived or rebated to record in writing the matters taken into account and which formed the basis of the decision	MP	where Council is the responsible authority or planning authority



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	MP;SEHO	
r.11	function of receiving application for registration	MP;SEHO;EHO	
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	MP;SEHO;EHO	
r.13(2)	duty to renew the registration if satisfied that the caravan park complies with these regulations	MP;SEHO;EHO	
r.13(4) & (5)	duty to issue certificate of registration	MP;SEHO;EHO	
r.15(1)	function of receiving notice of transfer of ownership	MP;SEHO;EHO	
r.15(3)	power to determine where notice of transfer is displayed	MP;SEHO;EHO	
r.16(1)	duty to transfer registration to new caravan park owner	MP;SEHO;EHO	
r.16(2)	duty to issue a certificate of transfer of registration	MP;SEHO;EHO	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	MP;SEHO;EHO	
r.18	duty to keep register of caravan parks	MP;SEHO;EHO	
r.19(4)	power to determine where the emergency contact person's details are displayed	MP;SEHO;EHO	
r.19(6)	power to determine where certain information is displayed	MP;SEHO;EHO	



Maddocks

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.22(6)	duty to notify caravan park owners of emergency service agencies	MP;SEHO;EHO	
r.22(7)	duty to consult with relevant emergency services agency	MP;SEHO;EHO	
r.23(2)	power to determine places in which caravan park owner must display a copy of emergency procedures	MP;SEHO;EHO	
r.24(1)	power to determine places in which caravan park owner must display copy of public emergency warnings	MP;SEHO;EHO	
r.25(3)	duty to consult with relevant floodplain management authority	MP;SEHO;EHO	
r.26	duty to have regard to any report of the relevant fire authority	MP;SEHO;EHO	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	MP;SEHO;EHO	
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	MP;SEHO;EHO	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MP;SEHO;EHO	
r.40(4)	function of receiving installation certificate	MP;SEHO;EHO	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MP;SEHO;EHO	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	MP;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; power of 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; power of 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; power of coordinating road authority
r.508(3)	power to make submission to Tribunal	GMI;MAES;CC	where council is the coordinating road authority; power of 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; power of 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(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; power of responsible road authority
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 works	GMI;MAES	where council is the coordinating road authority and where consent given under section 63(1) of the Act; power of coordinating road authority
r.18(2)	power to waive whole or part of fee in certain circumstances	GMI;MAES	where council is the coordinating road authority; power of coordinating road authority

**10.5. SPECIAL COMMITTEES - RENEWAL OF DELEGATIONS FOR CRESWICK MUSEUM AND LYONVILLE HALL
GENERAL MANAGER CORPORATE SERVICES**

In providing this advice to Council as the Manager Risk and Property, I Grant Schuster have no interests to disclose in this report.

PURPOSE

The purpose of this report is to review the delegations for two special committees (Creswick Museum and Lyonville Hall) appointed under section 86 of the *Local Government Act 1989* ('the Act').

BACKGROUND

The following table summarises the two current committees in place:

Name	Delegation expiry	Number of members	Member expiry dates
Creswick Museum	31/07/2013	8	4 on 5/08/2013; 4 on 4/08/2014
Lyonville Hall	31/07/2013	8	All on 31/07/2013

ISSUE / DISCUSSION

Revised instruments of delegation for both committees have been prepared based on the template used for Drummond Hall and the Lee Medlyn Home of Bottles in 2011.

The draft delegations were provided to both existing committees to seek feedback. Minor changes requested have been incorporated into the attached drafts.

Requested Change - Creswick Museum

One major change was requested by the Creswick Museum to add the following additional clause under 'Membership of the Committee':

The Committee may at its meetings, including the annual meeting, elect new members and seek written approval from Council for the new members to be appointed as members of the Committee.

Council previously resolved on 28 June 2011 to apply the following process to the selection of members:

Consideration	Adopted Approach
Term of appointment	Staggered terms - Maximum of three years – Half of committee changing over, with half continuing for continuity
Advising Council of Date of AGM	Committee to notify Council contact officer
Advertising for new members at the end of the Committee's term or if a vacancy arises	Council contact officer to advertise publicly for new Members in accordance with our Community Engagement Framework
Submission of applications	To the Council contact officer for the Committee
Review of application and proposed members	Council officers (at least two), who would consult with relevant individuals
Approval of selection	Report to Council
Change-over of members	At the AGM

As such, the request from the Creswick Museum is not consistent with the adopted process. Council can choose to either:

1. Continue to apply the public advertising and appointment process as per the June 2011 motion, and adopt the attached instrument of delegation for the Creswick Museum unchanged. This is the recommended option.
2. Modify its process for appointing members to allow all committees to directly request new members, and adopt a revised instrument of delegation for both the Lyonville Hall and Creswick Museum (and all future special committees) with the additional clause included.
3. Make a once off exception, and allow just the Creswick Museum to directly request new members (and leave other special committees unchanged), and adopt a revised instrument of delegation for the Creswick Museum with the additional clause included.

Appointment of Members

The appointment of members to special committees is a separate process to that for renewing delegations.

In advance of the term for committee members expiring, council officers will publicly advertise for new members to be appointed to the committees and present a report to a Council meeting.

Since 2011, Council has appointed members so that their term commences at one AGM and ends at another AGM. This applied to the current Creswick Museum members, but did not apply to the Lyonville Hall members. As a result, the Lyonville Hall members should have their membership extended until the committee's AGM on 28 August 2013.

Primary and Ordinary Returns

In the past, Council has resolved to exempt all members of special committees who are not councillors from the requirement to complete primary or ordinary returns under section 81(2A) of the Act.

The benefits of the current exemption are:

- Less administrative burden on council.
- Reduced complexity for volunteers, who would need to spend considerable time understanding the requirements of returns.
- More time for the volunteers to spend on managing council's property, rather than completing paper work.

Conversely, the risks of the exemption are:

- A reduced understanding and application of conflict of interest requirements under the Act.
- A lack of transparency from members as to potential conflicts of interest in undertaking their role on special committees.

Council currently provides a copy of the State Government's *Conflict of Interest Guide for External Members of Council Committees* to all members of special committees in order to assist with the management of conflicts. This is considered a good balance which achieves the above benefits, while managing the risks. As such, it is recommended to continue this exemption.

Naming of Committees

When special committees were established by Council in the late 1990s, they were usually called 'Committees of Management'. This has been found to cause some confusion with 'Committees of Management' appointed by the State Government to manage crown land reserves. The Act refers only to 'special committees' and does not call them 'committees of management'. It is recommended that the terminology, as per the Act, be used for future naming of these committees. Creswick Museum's name was updated in 2011. The renewal of Lyonville Hall's instrument of delegation allows Council to update its formal name to 'special committee'.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Under the Act, Council is required to review all delegations to special committees within 12 months of a general election (i.e. by 27 October 2013).

FINANCIAL IMPLICATIONS

There are no changes to the financial implications from renewing these instruments of delegation to special committees.

RISK IMPLICATIONS

Regularly reviewing and updating instruments of delegation is a regulatory requirement and enables Council to manage any changing risks associated with the facilities or special committees.

As an example, the current instrument to the Creswick Museum requires a minimum of nine members. However, the committee only has eight members. In order to maintain compliance with the Act, the revised instrument has the minimum number of members reduced to seven.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

No change to current arrangements.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The draft instruments of delegation have been provided to the existing committees to seek feedback. Minor requested changes have been incorporated and major changes are detailed in the report above.

CONCLUSION

The adoption of these revised instruments of delegation as proposed will contribute to meeting Council's regulatory requirements for special committees and update the arrangements in place for managing these facilities.

OFFICER'S RECOMMENDATION

That Council, in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (the Act), resolves that

Creswick Museum Special Committee

10.5.1 The members of the Committee are unchanged.

- 10.5.2 The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.
- 10.5.3 There be delegated to the Committee the powers, duties and functions set out in the attached instrument of delegation (the Instrument).
- 10.5.4 The Instrument:
- 10.5.4.1 comes into force immediately the common seal of Council is affixed to the Instrument; and
 - 10.5.4.2 remains in force until Council determines to vary or revoke it, or until 31 July 2017.
- 10.5.5 The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt.
- 10.5.6 Authorises the Chief Executive Officer and the Mayor to sign and seal the instrument.

Lyonville Hall Special Committee

- 10.5.7 From the date of this resolution, the special committee formerly known as Lyonville Hall Committee of Management, be henceforth known as Lyonville Hall Special Committee.
- 10.5.8 The members of the Committee are unchanged and their appointment is extended until the Committee's Annual Meeting on 28 August 2013.
- 10.5.9 The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.
- 10.5.10 There be delegated to the Committee the powers, duties and functions set out in the attached instrument of delegation (the Instrument).
- 10.5.11 The Instrument:
- 10.5.11.1 comes into force immediately the common seal of Council is affixed to the Instrument; and

- 10.5.11.2 remains in force until Council determines to vary or revoke it, or until 31 July 2017.
- 10.5.12 The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt.
- 10.5.13 Authorises the Chief Executive Officer and the Mayor to sign and seal the Instrument.

MOTION

That Council, in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (the Act), resolves that:

Creswick Museum Special Committee

- 10.5.1. *The members of the Committee are unchanged.*
- 10.5.2. *The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.*
- 10.5.3. *There be delegated to the Committee the powers, duties and functions set out in the attached instrument of delegation (the Instrument).*
- 10.5.4. *The Instrument:*
 - 10.5.4.1. *comes into force immediately the common seal of Council is affixed to the Instrument; and*
 - 10.5.4.2. *remains in force until Council determines to vary or revoke it, or until 31 July 2017.*
- 10.5.5. *The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt.*
- 10.5.6. *Authorises the Chief Executive Officer and the Mayor to sign and seal the instrument.*

Lyonville Hall Special Committee

- 10.5.7. *From the date of this resolution, the special committee formerly known as Lyonville Hall Committee of Management, be henceforth known as Lyonville Hall Special Committee.*

10.5.8. *The members of the Committee are unchanged and their appointment is extended until the Committee's Annual Meeting on 28 August 2013.*

10.5.9. *The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.*

10.5.10. *There be delegated to the Committee the powers, duties and functions set out in the attached instrument of delegation (the Instrument).*

10.5.11. *The Instrument:*

10.5.11.1. *comes into force immediately the common seal of Council is affixed to the Instrument; and*

10.5.11.2. *remains in force until Council determines to vary or revoke it, or until 31 July 2017.*

10.5.12. *The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt.*

10.5.13. *Authorises the Chief Executive Officer and the Mayor to sign and seal the Instrument.*

Moved: Councillor Don Henderson

Seconded: Councillor Neil Newitt

Carried.

**ATTACHMENT 5 - DRAFT INSTRUMENT OF DELEGATION
CRESWICK MUSEUM SPECIAL COMMITTEE**

**Hepburn Shire Council
Instrument of Delegation
Creswick Museum Special Committee**

Hepburn Shire Council (**Council**) delegates to the special committee, in accordance with section 86 of the Local Government Act 1989, established by resolution of Council passed on 15 March 2011 and known as the "Creswick Museum Special Committee" (**the Committee**), the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of council passed on **##[insert date#]**;
2. the delegation:
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 remains in force until Council resolves to vary or revoke it, or until 31 July 2017; and
 - 2.3 is to be exercised in accordance with the attached schedule and the guidelines or policies which Council from time to time adopts; and
3. all members of the Committee will have voting rights on the Committee.

**The COMMON SEAL
of the HEPBURN SHIRE COUNCIL
was affixed in the presence of**

..... : **Mayor**

..... : **Chief Executive Officer**

Thisday of.....,20XX.

SCHEDULE

Powers and functions

To exercise Council's functions and powers to perform Council's duties in relation to the management of the following property (**the Stated Property**):

1. the Creswick Museum (part of Council Property Number 12080, Volume 617 - Folio 261 – Crown Allotment 11 – Section 10 – Parish of Creswick Township, excluding the area known as the Creswick Town Hall, Kitchen and the Town Hall Caretakers Cottage);
2. the former Infant Welfare Centre, Cambridge Street, Creswick (Council Property Number 12326); and
3. the Museum Collection including, but not limited to, the following:
 - 3.1 Dr. E.J. Semmens Collection;
 - 3.2 Lindsay Family Collection;
 - 3.3 T.G. Moyle Collection;
 - 3.4 W. Tibbits Collection;
 - 3.5 Victor Litherland Collection;
 - 3.6 Creswick Council Chamber Collection; and
 - 3.7 H.H. Pearce Collection;(being collections held in trust for Creswick & District residents)

And for the purposes:

1. to do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;
2. to enter into any contract for an amount up to five thousand dollars (\$5,000);
3. to incur expenditure on any one matter up to ten thousand dollars (\$10,000);
4. to only borrow money, obtain a bank overdraft or exceed the limits specified in the preceding clauses (1) & (2) upon receiving written approval from Council;
5. to set and approve conditions, fees and charges for hire or use of the Stated Property; , the sale of museum merchandise, and for legitimate research of the Museum Collection;
6. to set the times and days the Creswick Museum will be open to the public;
7. to set the times and days when the Committee will undertake research and/or assist persons research the Museum Collection; and
8. every person of the Committee shall be a person authorised to enforce the provisions of Council's Local laws and regulations (so far as they are applicable to the Stated Property only) relating to the control and management of municipal places.

Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

1. Enter into contracts, or incur expenditure, for an amount which exceeds the approved amounts, without written approval from Council.
2. Exercise the powers which, by force of section 86 of the *Local Government Act 1989*, cannot be delegated.
3. Delegate any of its powers or functions.

Membership of the Committee

1. The Committee shall be comprised of at least seven (7) members, comprising community representatives.
2. Council may at any time, remove a member from the Committee, appoint a member to the Committee or disband the Committee.
3. All members shall be appointed by Council for a maximum duration of three years.

Indemnity

Council indemnifies members of the Committee against any action, liability, claim or demand on account of any matter or thing done by them on behalf of the Committee, provided they are acting in accordance with this Instrument of Delegation in an honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Committee hereunder.

Rescinded Delegations

This Instrument of Delegation replaces and rescinds all previous delegations to special committees appointed by Council to manage the Stated Property, including but not limited to the following special committee:

1. Creswick Museum Special Committee
2. The Creswick Museum Committee of Management

Winding Up

In the event of the Committee being wound up or dissolved for any reason, all monies, after the satisfaction of all debts and liabilities, all property held or held in trust, all records and any other assets will be paid or transferred to Council. No monies or property shall be distributed to or amongst members of the Committee.

Responsibilities

Procedural Responsibilities

The Committee shall:

1. Ensure that all members, including new members in future, have an understanding of the Instrument of Delegation, sections 76-79, 86-93 and other relevant sections of the *Local Government Act 1989* and Local Laws of Council, as they apply to the Committee.
2. Ensure that all procedures and guidelines applicable to the Committee, as issued by Council, are followed.
3. Seek assistance and/or clarification from Council, where necessary, to understand its responsibilities under this section.

Council's Responsibilities

Council shall:

1. Be responsible for all major maintenance of the property.
2. Consider requests for major maintenance at the Stated Property as part of the annual budget process and in line with priorities across all assets.
3. Consult with the special committee on the timing of any such maintenance that may impact on the use of the Stated Property so that clashes with planned uses shall be minimised or avoided.

4. Provide and be responsible for payment of a person to perform the annual audit of the Committee's financial records.
5. Provide assistance to the Committee to enable it to understand and undertake its responsibilities under this Instrument.
6. Appoint a primary Council Contact Officer for the Special Committee. Any changes to the Council Contact Officer, including for periods where the contact shall be absent for four weeks or more, shall be communicated to the Secretary of the Special Committee within 14 days, along with changes in contact details.
7. Inform the Special Committee of the contact details for other Council Officers responsible for specific areas (e.g. finance, maintenance requests) within 14 days of any change to those officers.
8. Arrange to publicly advertise meeting and other notices when requested by the Committee.
9. Insure the Stated Property against loss or damage.
10. Maintain public liability insurance cover for the Committee and its volunteers when it is performing its duties under this Instrument of Delegation.
11. Advise the Special Committee of the requirements for the annual financial audit 14 days prior to the end of each financial year.
12. Publicly advertise the dates and location of the special committee meetings each year as per the dates set out in the Annual Meeting minutes.

Office Bearers

The Committee shall at its commencement and then at its Annual Meeting each year elect from its members at a minimum the following office bearers:

- President, Chairperson of the Committee
- Vice-President
- Secretary
- Assistant Secretary
- Treasurer

Duties of Chairperson

The Chairperson shall:

1. Ensure the Committee operates in accordance with the *Local Government Act 1989*, Council's Meeting Procedures Local Law, this delegation and any other relevant laws.
2. Provide the required notice of meetings in accordance with the *Local Government Act 1989*. This is to be achieved by informing all members of the Committee (via email or post), no later than 14 days prior to the date of the meetings
3. Chair the meetings of the Committee.

Duties of Secretary

The Secretary shall:

1. Conduct the correspondence of the Committee
2. Have the custody of all documents belonging to the Committee
3. Keep correct minutes of all proceedings and records of the Committee
4. Accurately record all written motions/resolutions in the minutes.

5. Carry out the directions of the Committee (under motion/resolution)
6. Forward a copy of the minutes of all meetings and ensure a copy of the Financial statements, tabled at the Annual Meeting, are forwarded to Council's Manager Risk and Property within fourteen (14) days of each respective meeting.
7. Immediately call a Special Meeting upon receiving the requisition to do so.
8. Provide the proposed dates of all Committee meetings, including regular meetings and the Annual Meeting, to the Council Contact Officer, via the Annual Meeting minutes, to enable Council to publicly advertise the dates of meetings on the Committee's behalf.
9. Prepare and maintain a roster for staffing the Museum, which aims to evenly distribute the effort amongst Committee members and other volunteers.

Duties of Treasurer

The Treasurer shall:

1. Pay into the Bank all monies received by the Committee within seven (7) days of receipt.
2. Keep correct accounts and books showing the financial affairs of the Committee.
3. Prepare statements of receipts and expenditure.
4. Provide a financial report to each regular meeting.
5. Provide a full statement of all monies received and expended by the Committee for the year ending 30 June each year, to the Annual Meeting.
6. Provide a statement of assets and liabilities for the year ending 30 June each year, to the Annual Meeting.
7. Based on the advice received from Council (Clause 12 under Council's Responsibilities), provide the Committee's annual financial statements (Clauses 5 and 6) and associated records for audit as requested by 31 July each year.
8. Receive and manage bequests and trust funds made to the Committee.

Duties of Committee Members

All Committee members shall:

1. Make themselves available to staff the Museum or Research Centre during opening hours for at least one day a month or equivalent, as agreed with the Secretary, while allowing for periods of absence for personal reasons.

Meetings

1. The Committee shall at its Annual Meeting each year appoint a time and place for regular meetings. Such meetings shall be held at intervals of not more than three (3) months. Should it be necessary to alter the times or place of a regular appointed meeting all members of the Committee shall be given at least forty eight (48) hours notice in writing of the new time or place.
2. All meetings of the Committee must be advertised to the public by Council and be conducted as open meetings. A meeting may be closed by resolution of the Committee to deal with an item of business of a sensitive or confidential nature (refer to provisions of the *Local Government Act 1989*).
3. The quorum of the Committee shall be an absolute majority of the members.
4. Each member shall be entitled to one vote and in the event of equality of votes the Chairperson shall have a casting vote as well as a deliberative vote.
5. The Committee shall hold an Annual Meeting during the month of August each year. The Annual meeting shall be advertised by Council in the local newspaper at least fourteen (14) days prior to the meeting date.

6. The Secretary of the Committee shall, on receipt of a requisition signed by the Chairperson, or three (3) members, stating the object of such meeting, within fourteen (14) days call a Special Meeting. Written notice of such meeting shall be given to each member of the Committee specifying the object of the meeting and the time and place where the meeting shall be held.
7. No business, apart from that which is described in the object of a Special Meeting, can be conducted or acted upon by the Committee at a Special Meeting.
8. All motions/resolutions of the Committee, apart from usual, day to day meeting motions/resolutions; shall be reduced to writing before being voted upon.
9. No motion/resolution has any standing if made at a meeting where a quorum was not present.
10. Any contracts or other such instruments that the Committee enters into will have no legal effect upon Council unless preceding clauses (7) and (8) are followed.
11. The Committee shall cause minutes to be kept of all meetings and shall forward to Council's Manager Risk and Property a copy of such minutes within fourteen (14) days of each meeting.

Conflicts of Interest

Committee members must observe the provisions of sections 76-79 of the *Local Government Act 1989* as they relate to a conflict of interest in matters of business handled by the Committee.

Finance

The Committee shall:

1. Maintain an open bank account and advise Council of the name of the bank.
2. Authorise the manager of its bank to supply Council with a copy of the Committee's bank account on the written request of the Chief Executive Officer.
3. Ensure that all funds raised by the Committee are only expended on management of and minor maintenance of the Stated Property.
4. Authorise all expenditure, which shall be paid by cheque signed by any two (2) of three (3) signatories.
5. Make the annual financial reports for the year ending 30 June, to be presented at the Annual Meeting, available to Councils' auditor no later than 31 July.
6. Execute and attest to all legal instruments, being contracts, leases, agreements, or licences above the sum of two hundred (\$200) in the following manner:

"This contact/agreement/licence/lease is executed by the Creswick Museum Special Committee for and on behalf of the Hepburn Shire Council in accordance with the terms of its Instrument of Delegation"

Signed _____

Committee member #1

Signed _____

Committee member #2

The Committee may apply to Council for an advance or contribution of monies for the purpose of improvements on the Stated Property. For an advance/contribution received, the Committee shall:

1. Carry out all conditions imposed by Council in making the advance/contribution.
2. Repay out of funds received by it the amount of such advance/contribution in the manner prescribed by Council when making the advance/contribution.

Maintenance and Other Outgoings

The Committee shall:

1. Carry out all minor items of maintenance of the Stated Property and conservation of the Museum Collection at the Committee's expense. Maintenance has its ordinary meaning and includes cleaning, repairing, replacing, painting, polishing or similar activities. Minor maintenance and conservation refers to any activity which has a total cost of \$1,000 or where the Committee has reached the amount of \$3,000 for the financial year in expenditure on maintenance and conservation for items other than those in the Litherland and Lindsay Collections.
2. Report to Council on other required items of maintenance or conservation, either with a total cost exceeding \$1,000 for an individual activity or when \$3,000 has been expended by the Committee on maintenance activities for the financial year.
3. The Committee will pay the following outgoings as appropriate:
 - Electricity
 - Water (former Infant Welfare Centre only)
 - Cleaning
 - Security
 - Minor Maintenance
4. Council will pay the following outgoings as appropriate:
 - Major Maintenance (subject to priorities and budgets)
 - Electrical equipment testing
 - Annual audit fees
 - Six monthly fire equipment inspection and maintenance
5. Complete and maintain records of a quarterly building and property inspection to identify any property, insurance or health and safety risks, and to take actions to resolve issues identified through maintenance or requests to Council.
6. Return the end of the year inspection to Council's Manager Risk and Property by 31 December each year, identifying major maintenance items proposed to be included in the budget for the following financial year commencing 1 July.

Creswick Museum and Collection

The Committee shall:

1. Manage the Stated Property for the enjoyment and education of the public.
2. Encourage participation in the Stated Property and include educational activities involving the Museum building and the Museum Collection.
3. Ensure the displays are open to the public for a minimum period of 3 hours each week of the year, except during periods of major maintenance or renovation works.
4. Assist persons conducting research during the times set by the Committee for assisting with research of the Museum Collection and subject to receiving fees as set by the Committee for such assistance.
5. Maintain and conserve the Museum Collection.
6. Manage the expansion and development of the Museum Collection, while being mindful of the impact any expansion and development will have on the future maintenance and conservation requirements of the Museum Collection.

7. Ensure all monies, grants or bequests specifically received for the preservation, security and upkeep of the collections are utilised for the purposes for which they were given.
8. Ensure the security of the collections is of a high standard to minimise the risk of loss.
9. Maintain a catalogue of all items within the Museum Collection.
10. Keep a record of any items made available or loaned to the Museum Collection.
11. Obtain a written receipt when receiving or returning items on loan or made available to the Museum Collection.
12. Approve the moving of any item, collection or part of the Museum Collection outside the Creswick Museum or the former Infant Welfare Centre for the purposes of display or loan to another organisation for them to display.
13. Maintain a record of items, collections or part of the Museum Collection moved to another location, including items provided to another organisation.
14. Comply with all Statutes, Regulations and Laws and will follow any reasonable guidelines in relation to the Museum Collection, as issued by relevant authorities such as Museums of Australia or the Public Records Office.
15. Assess any items donated or bequeathed to the Creswick Museum to determine whether they are considered suitable for the collection. Items considered suitable shall be accepted and added to the catalogue.
16. Obtain written Council approval prior to disposing of any item or part of the Museum Collection.
17. Donated or bequeathed items considered unsuitable and items from the Museum Collection approved for disposal shall be either:
 - o moved to another Council location, if directed to do so by the Council;
 - o offered to another Museum or similar organisation;
 - o returned to the donor; or
 - o sold via public auction or tender without a reserve, with all proceeds paid into the Committee's bank account.

No items are to be sold or given to a Committee member or another person, unless through a public auction or tender.

Use of Volunteers

Council encourages the Committee to use the services of additional volunteers, while also recognising that there is valuable property involved and a need for people within the Museum to ensure that visitors receive a welcoming, interesting and pleasant experience that will promote the Creswick Museum and Hepburn Shire. As such, the Committee shall:

1. During times the Museum is open to the public, ensure that there is always a member of the Committee or a person authorised by the Committee present, as well as any additional volunteers rostered to staff the museum.
2. Interview prospective volunteers to assess their suitability prior to them being taken on, including that they have people skills, friendly attitude to visitors and the ability to promote the Museum and Hepburn Shire with enthusiasm.
3. Check whether volunteers have any direct or indirect conflict of interest between their private business and the Museum objectives and Collection.
4. Approve all volunteers, in addition to Committee members, that are able to staff the Museum, after the proceeding clauses (2) and (3) have been satisfactorily completed.
5. Keep an up-to-date register of volunteers, in addition to the Committee members, for the Museum.

6. Provide adequate training to volunteers as identified by the Committee from time to time.

END SCHEDULE

**ATTACHMENT 6 - DRAFT INSTRUMENT OF DELEGATION
LYONVILLE HALL SPECIAL COMMITTEE**

**Hepburn Shire Council
Instrument of Delegation
Lyonville Hall Special Committee**

Hepburn Shire Council (**Council**) delegates to the special committee, in accordance with section 86 of the Local Government Act 1989, established by resolution of Council passed on 17 November 2009 and known as the "Lyonville Hall Special Committee" (**the Committee**), the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of council passed on **###[insert date#]**;
2. the delegation:
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 remains in force until Council resolves to vary or revoke it, or until 31 July 2017; and
 - 2.3 is to be exercised in accordance with the attached schedule and the guidelines or policies which Council from time to time adopts; and
3. all members of the Committee will have voting rights on the Committee.

**The COMMON SEAL
of the HEPBURN SHIRE COUNCIL
was affixed in the presence of**

..... : **Mayor**

..... : **Chief Executive Officer**

Thisday of.....,2013.

SCHEDULE

Powers and functions

To exercise Council's functions and powers to perform Council's duties in relation to the administration, management and control of the Lyonville Hall, Crown Allotments 1 and 2 of section 10 in the parish Bullarto - consisting of a timber hall, outside toilets and reserve land (**the Stated Property**), and for those purposes:

1. to do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;
2. to enter into any contract for an amount up to five thousand dollars (\$5,000);
3. to incur expenditure on any one matter up to ten thousand dollars (\$10,000);
4. to only borrow money, obtain a bank overdraft or exceed the limits specified in the preceding clauses (1) & (2) upon receiving written approval from Council;
5. to set and approve conditions, fees and charges for hire or use of the Stated Property; and
6. every person of the Committee shall be a person authorised to enforce the provisions of Council's Local laws and regulations (so far as they are applicable to the Stated Property only) relating to the control and management of municipal places.

Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

1. Enter into contracts, or incur expenditure, for an amount which exceeds the approved amounts, without written approval from Council.
2. Exercise the powers which, by force of section 86 of the *Local Government Act 1989*, cannot be delegated.
3. Delegate any of its powers or functions.

Membership of the Committee

1. The Committee shall be comprised of at least seven members, comprising:
 - 1.1 community representatives
2. Council may at any time, remove a member from the Committee, appoint a member to the Committee or disband the Committee.
3. All members shall be appointed by Council for a maximum duration of three years.

Indemnity

Council indemnifies members of the Committee against any action, liability, claim or demand on account of any matter or thing done by them on behalf of the Committee, provided they are acting in accordance with this Instrument of Delegation in an honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Committee hereunder.

Rescinded Delegations

This Instrument of Delegation replaces and rescinds all previous delegations to special committees appointed by Council to manage the Stated Property, including but not limited to the following special committee:

1. Lyonville Hall Committee of Management
2. Lyonville Hall Special Committee

Winding Up

In the event of the Committee being wound up or dissolved for any reason, all monies, after the satisfaction of all debts and liabilities, all property held or held in trust, all records and any other assets

will be paid or transferred to Council. No monies or property shall be distributed to or amongst members of the Committee.

Responsibilities

Procedural Responsibilities

The Committee shall:

1. Ensure that all members, including new members in future, have an understanding of the Instrument of Delegation, sections 76-79, 86-93 and other relevant sections of the *Local Government Act 1989* and Local Laws of Council, as they apply to the Committee.
2. Ensure that all procedures and guidelines applicable to the Committee, as issued by Council, are followed.
3. Seek assistance and/or clarification from Council, where necessary, to understand its responsibilities under this section.

Council's Responsibilities

Council shall:

1. Be responsible for all major maintenance of the property.
2. Consider requests for major maintenance at the Stated Property as part of the annual budget process and in line with priorities across all assets.
3. Consult with the special committee on the timing of any such maintenance that may impact on the use of the Stated Property so that clashes with planned uses shall be minimised or avoided.
4. Provide and be responsible for payment of a person to perform the annual audit of the Committee's financial records.
5. Provide assistance to the Committee to enable it to understand and undertake its responsibilities under this Instrument.
6. Appoint a primary Council Contact Officer for the Special Committee. Any changes to the Council Contact Officer, including for periods where the contact shall be absent for four weeks or more, shall be communicated to the Secretary of the Special Committee within 14 days, along with changes in contact details.
7. Inform the Special Committee of the contact details for other Council Officers responsible for specific areas (e.g. finance, maintenance requests) within 14 days of any change to those officers.
8. Arrange to publicly advertise meeting and other notices when requested by the Committee.
9. Insure the Stated Property against loss or damage.
10. Maintain public liability insurance cover for the Committee and its volunteers when it is performing its duties under this Instrument of Delegation.
11. Advise the Special Committee of the requirements for the annual financial audit 14 days prior to the end of each financial year.
12. Advise the Special Committee of changes to the Hall Hire insurance administration fee for uninsured hirers within 14 days of it being approved in the annual budget.
13. Publicly advertise the dates and location of the special committee meetings each year as per the dates set out in the Annual Meeting minutes.
14. Mow the property in the week prior to the Annual Lyonville Woodchop Event and at three other times during the year as required.
15. Assist with the removal of green waste as requested.

Office Bearers

The Committee shall at its commencement and then at its Annual Meeting each year elect from its members at a minimum the following office bearers:

- President, Chairperson of the Committee
- Secretary
- Treasurer

Duties of Chairperson

The Chairperson shall:

1. Ensure the Committee operates in accordance with the *Local Government Act 1989*, Council's Meeting Procedures Local Law, this delegation and any other relevant laws.
2. Provide the required notice of meetings in accordance with the *Local Government Act 1989*. This is to be achieved by informing all members of the Committee (via email or post), no later than 14 days prior to the date of the meetings
3. Chair the meetings of the Committee.

Duties of Secretary

The Secretary shall:

1. Conduct the correspondence of the Committee
2. Have the custody of all documents belonging to the Committee
3. Keep correct minutes of all proceedings and records of the Committee
4. Accurately record all written motions/resolutions in the minutes.
5. Carry out the directions of the Committee (under motion/resolution)
6. Forward a copy of the minutes of all meetings and ensure a copy of the Financial statements, tabled at the Annual Meeting, are forwarded to Council's Manager Risk and Property within fourteen (14) days of each respective meeting.
7. Immediately call a Special Meeting upon receiving the requisition to do so.
8. Provide the proposed dates of all Committee meetings, including regular meetings and the Annual Meeting, to the Council Contact Officer, via the Annual Meeting minutes, to enable Council to publicly advertise the dates of meetings on the Committee's behalf.

Duties of Treasurer

The Treasurer shall:

1. Pay into the Bank all monies received by the Committee within seven (7) days of receipt.
2. Keep correct accounts and books showing the financial affairs of the Committee.
3. Prepare statements of receipts and expenditure.
4. Provide a financial report to each regular meeting.
5. Provide a full statement of all monies received and expended by the Committee for the year ending 30 June each year, to the Annual Meeting.
6. Provide a statement of assets and liabilities for the year ending 30 June each year, to the Annual Meeting.
7. Based on the advice received from Council (Clause 12 under Council's Responsibilities), provide the Committee's annual financial statements (Clauses 5 and 6) and associated records for audit as requested by 31 July each year.
8. Receive and manage bequests and trust funds made to the Committee.

Meetings

1. The Committee shall at its Annual Meeting each year appoint a time and place for regular meetings. Such meetings shall be held at intervals of not more than three (3) months. Should it be necessary to alter the times or place of a regular appointed meeting all members of the

Committee shall be given at least forty eight (48) hours notice in writing of the new time or place.

2. All meetings of the Committee must be advertised to the public by Council and be conducted as open meetings. A meeting may be closed by resolution of the Committee to deal with an item of business of a sensitive or confidential nature (refer to provisions of the *Local Government Act 1989*).
3. The quorum of the Committee shall be an absolute majority of the members.
4. Each member shall be entitled to one vote and in the event of equality of votes the Chairperson shall have a casting vote as well as a deliberative vote.
5. The Committee shall hold an Annual Meeting during the month of August each year. The Annual meeting shall be advertised by Council in the local newspaper at least fourteen (14) days prior to the meeting date.
6. The Secretary of the Committee shall, on receipt of a requisition signed by the Chairperson, or three (3) members, stating the object of such meeting, within fourteen (14) days call a Special Meeting. Written notice of such meeting shall be given to each member of the Committee specifying the object of the meeting and the time and place where the meeting shall be held.
7. No business, apart from that which is described in the object of a Special Meeting, can be conducted or acted upon by the Committee at a Special Meeting.
8. All motions/resolutions of the Committee, apart from usual, day to day meeting motions/resolutions; shall be reduced to writing before being voted upon.
9. No motion/resolution has any standing if made at a meeting where a quorum was not present.
10. Any contracts or other such instruments that the Committee enters into will have no legal effect upon Council unless preceding clauses (7) and (8) are followed.
11. The Committee shall cause minutes to be kept of all meetings and shall forward to Council's Manager Risk and Property a copy of such minutes within fourteen (14) days of each meeting.

Conflicts of Interest

Committee members must observe the provisions of sections 76-79 of the *Local Government Act 1989* as they relate to a conflict of interest in matters of business handled by the Committee.

Finance

The Committee shall:

1. Maintain an open bank account and advise Council of the name of the bank.
2. Authorise the manager of its bank to supply Council with a copy of the Committee's bank account on the written request of the Chief Executive Officer.
3. Ensure that all funds raised by the Committee are only expended on management of and minor maintenance of the Stated Property.
4. Authorise all expenditure, which shall be paid by cheque signed by any two (2) of three (3) signatories.
5. Make the annual financial reports for the year ending 30 June, to be presented at the Annual Meeting, available to Councils' auditor no later than 31 July.
6. Execute and attest to all legal instruments, being contracts, leases, agreements, or licences above the sum of two hundred (\$200) in the following manner:

"This contact/agreement/licence/lease is executed by the Lyonville Hall Special Committee for and on behalf of the Hepburn Shire Council in accordance with the terms of its Instrument of Delegation"

Signed _____

Committee member #1

Signed _____

Committee member #2

The Committee may apply to Council for an advance or contribution of monies for the purpose of improvements on the Stated Property. For an advance/contribution received, the Committee shall:

1. Carry out all conditions imposed by Council in making the advance/contribution.
2. Repay out of funds received by it the amount of such advance/contribution in the manner prescribed by Council when making the advance/contribution.

Maintenance and Other Outgoings

The Committee shall:

1. The Committee will pay the following outgoings as appropriate:
 - Electricity
 - Cleaning
 - Minor Maintenance
 - Grounds maintenance beyond Council's contribution
 - Six monthly fire equipment inspection and maintenance
2. Council will pay the following outgoings as appropriate:
 - Major Maintenance (subject to priorities and budgets)
 - Electrical equipment testing
 - Annual audit fees
3. Carry out all minor items of maintenance at the Committee's expense. Maintenance has its ordinary meaning and includes cleaning, repairing, replacing, painting, polishing or similar activities. Minor maintenance refers to any activity which has a total cost of \$1,000 or where the Committee has reached the amount of \$3,000 for the financial year in expenditure on maintenance.
4. Report to Council on other items of maintenance, either with a total cost exceeding \$1,000 for an individual activity or when \$3,000 has been expended by the Committee on maintenance activities for the financial year.
5. Complete and maintain records of a quarterly building and property inspection to identify any property, insurance or health and safety risks, and to take actions to resolve issues identified through maintenance or requests to Council.
6. Return the end of the year inspection to Council's Manager Risk and Property by 31 December each year, identifying major maintenance items proposed to be included in the budget for the following financial year commencing 1 July.

END SCHEDULE

10.6. MELBOURNE CUP PUBLIC HOLIDAY ARRANGEMENTS IN HEPBURN SHIRE FOR 2013

CHIEF EXECUTIVE OFFICER

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

PURPOSE

This purpose of this report is for Council to consider the arrangements for the 2013 Melbourne Cup Public Holiday. Council is requested to consider the substitution of the Melbourne Cup Day Public Holiday with the 2013 Ballarat Show Day for the townships and surrounding localities of Clunes, Creswick, Smeaton and Newlyn.

BACKGROUND

In 2011, the State Government amended the *Public Holidays Act 1993* to restore to regional Councils the ability and flexibility to make the public holiday arrangements that best suit their local communities in lieu of Melbourne Cup Day.

The economic benefits that local events bring to regional cities and towns cannot be underestimated. For example, last year Ballarat City Council nominated a full day public holiday to celebrate Ballarat Show Day on 11 November, and an estimated 20,000 people attended this community event.

A public holiday has been declared by Ballarat City Council for the Ballarat Show on Friday 8 November 2013.

ISSUE / DISCUSSION

In 2010, 2011 and 2012, the Hepburn Shire substituted the Melbourne Cup Public Holiday with the Ballarat Show Day for the townships and surrounding localities of Clunes, Creswick, Smeaton and Newlyn.

Anecdotal feedback received indicates that the Ballarat Show Day Public Holiday worked well for the townships and localities in this part of the Shire coinciding with the closure of local schools observing the same holiday.

A letter was recently received from The Hon Louise Asher MP, Minister for Innovation, Services and Small Business, Minister for Tourism and Major Events and Minister for Employment and Trade, reminding council that Council is able to make alternative local public holiday arrangements in lieu of Melbourne Cup Date (refer Attachment 7).

Council would need to make any request to the Minister at least 90 days prior to Melbourne Cup Day. Council's request must be received by the Minister no later than Wednesday 7 August 2013 and would need to specify:

- The area or areas in the municipality subject to the proposed substitute arrangements;
- The nominated day or two half-days in lieu of Melbourne Cup Day; and
- The reasons for the request.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Part-Shire holiday arrangements relevant to the activities of a community support communities and localities to be Healthy Safe and Vibrant Communities in line with the Hepburn Shire Council Plan 2009-2013.

FINANCIAL IMPLICATIONS

There are no Council financial implications associated with Council providing feedback to Minister Asher on this matter.

Hepburn Shire Council Staff based in Creswick and Clunes observed the Ballarat Show Day in 2010, 2011 and 2013 with no implication for the organisation.

Melbourne Cup Day or substitute holiday attracts the standard public holiday penalty rates for Council and business

RISK IMPLICATIONS

There are no identifiable risks associated with Council choosing to substitute the 2013 Melbourne Cup Public Holiday with 2013 Ballarat Show Day.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

No implications identified.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council's decision will be duly advertised in *The Advocate*, the Ballarat Courier and Maryborough newspapers.

CONCLUSION

Part-Shire holiday arrangements appeared to be received in 2010, 2011 and 2012 with little impact. It would seem reasonable that Council continues with this practice in 2013.

OFFICER'S RECOMMENDATION

- 10.6.1 That Council writes to The Hon Louise Asher MP, Minister for Innovation, Services and Small Business, Minister of Tourism and Major Events and Minister for Employment and Trade requesting that the Minister makes a declaration to substitute the 2013 Melbourne Cup Public Holiday with the 2013 Ballarat Show Day for the townships and surrounding localities of Clunes, Creswick, Smeaton and Newlyn within Hepburn Shire.

MOTION

- 10.6.1. That Council writes to The Hon Louise Asher MP, Minister for Innovation, Services and Small Business, Minister of Tourism and Major Events and Minister for Employment and Trade requesting that the Minister makes a declaration to substitute the 2013 Melbourne Cup Public Holiday with the 2013 Ballarat Show Day for the townships and surrounding localities of Clunes, Creswick, Smeaton and Newlyn within Hepburn Shire.*

Moved: Councillor Pierre Niclas
Seconded: Councillor Don Henderson
Carried.

**ATTACHMENT 7 - PUBLIC HOLIDAYS ACT 1993 –
LETTER FROM THE MINISTER FOR INNOVATION, SERVICES AND
SMALL BUSINESS MINISTER FOR TOURISM AND MAJOR EVENTS,
MINISTER FOR EMPLOYMENT AND TRADE**



The Hon Louise Asher MP

Minister for Innovation, Services and Small Business
Minister for Tourism and Major Events
Minister for Employment and Trade

121 Exhibition Street
Melbourne Victoria 3000
GPO Box 4509
Melbourne Victoria 3001
Telephone: (03) 9651 9900
Facsimile: (03) 9651 9962

Cr Bill McClenaghan
Mayor
Hepburn Shire Council
PO Box 21
DAYLESFORD VIC 3460

HEPBURN SHIRE COUNCIL

File No: F02/10/2854

Rec'd Date 23 APR 2013

Rec'd By: ZH

Action By: A van Esmond

Reg No: _____

cc: Cr McClenaghan

Dear Councillor

PUBLIC HOLIDAYS ACT 1993

As you would be aware, in 2011 the Government amended the Public Holidays Act 1993 to restore to regional Councils the ability and flexibility to make the public holiday arrangements that best suit their local communities in lieu of Melbourne Cup Day.

Accordingly, I am now writing to remind you that your Council will be able to nominate one full-day or two half-day public holidays in one or more parts of your municipality as a substitute for Melbourne Cup Day if it so chooses.

The economic benefits that local events bring to regional cities and towns cannot be underestimated. For example, last year Moira Shire Council nominated a full day public holiday to celebrate Numurkah Show Day on 24 October, and an estimated 6,000 people attended the community event. I have attached some further data on local regional events held in lieu of Melbourne Cup Day 2012 for your interest.

Specifically, the Act now clearly sets out the process for regional Councils to nominate their preferred arrangements. In particular, Councils need to make their request at least 90 days prior to Melbourne Cup Day. As such, I must have received your request no later than Wednesday, 7 August 2013.

The request will need to specify:

- the area or areas in the municipality subject to the proposed substitute arrangements;
- the nominated day or two half-days in lieu of Melbourne Cup Day; and
- the reasons for the request.

It should be noted that a Council may nominate a half-day on Melbourne Cup Day itself as one of its two half-day public holidays, if that is its preference.

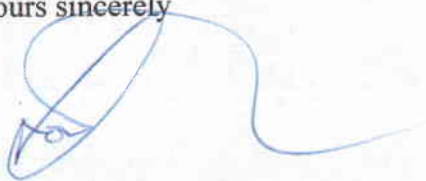


Of course, those municipalities or areas of a municipality not subject to a substitution arrangement will continue to automatically receive the Melbourne Cup Day public holiday on the first Tuesday in November.

Importantly, these amendments do not change the number of public holidays to which Victorians are entitled. In fact, these changes will ensure that all Victorians, whether they live in regional Victoria or in metropolitan Melbourne, will continue to enjoy the same number of public holidays each year.

Should you wish to discuss this matter further please contact Dr Elinor Harper, in Small Business Victoria on 9651 9978.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Louise Asher', with a long, sweeping tail extending to the right.

THE HON LOUISE ASHER MP
Minister for Innovation, Services and Small Business
Minister for Tourism and Major Events
Minister for Employment and Trade

cc. Mr Aaron van Egmond

18 APR 2013

Data on local regional events held in lieu of Melbourne Cup Day 2012.

Regional event	Recent data on the regional event	Further information
<i>Ballarat Show Day</i>	<ul style="list-style-type: none"> • 20,000 visitors in 2011. • The Ballarat Agricultural Show Society first held 10th July 1856. 	<ul style="list-style-type: none"> • www.thecourier.com.au/story/563870/crowds-flock-to-ballarat-show/ • http://www.ballaratshow.org.au/
<i>Bendigo Cup Day</i>	<ul style="list-style-type: none"> • More than 12,000 people in 2012. • First staged in 1868 as the Sandhurst Cup. 	<ul style="list-style-type: none"> • http://www.abc.net.au/news/2012-11-01/puissance-de-lune-wins-bendigo-cup/4345388
<i>Colac Show Day</i>	<ul style="list-style-type: none"> • Attracted about 6500 people in 2012. • 149th annual Colac show in 2012. 	<ul style="list-style-type: none"> • http://www.colacherald.com.au/2012/11/colac-show-alive-and-well/ • http://www.colacshow.com.au/presidentsmessage.html
<i>Geelong Cup Day</i>	<ul style="list-style-type: none"> • Around 18,000 people in 2012. • First run in 1872 over 2 miles. 	<ul style="list-style-type: none"> • http://www.theage.com.au/sport/horseracing/local-s-enjoy-geelong-cup-20121024-285m0.html • http://www.grc.com.au/geelong-cup-history
<i>Kerang Show Day</i>	<ul style="list-style-type: none"> • 128th Annual Show on Monday and Tuesday 8 and 9 October, 2012. 	<ul style="list-style-type: none"> • http://www.kerangshow.com/about.aspx

Data on local regional events held in lieu of Melbourne Cup Day 2012.

<p><i>Kyneton Cup Day</i></p>	<ul style="list-style-type: none"> • Attracted about 5,500 people in 2012. • The first official running of the Kyneton Cup taking place in 1873. 	<ul style="list-style-type: none"> • http://www.macedonrangesweekly.com.au/story/339761/kyneton-cup-silverwares-ready-for-winners-mantel/
<p><i>Murtoa Show Day</i></p>	<ul style="list-style-type: none"> • Up to 1500 people attended Murtoa Show in 2010. • 128th annual show. 	<ul style="list-style-type: none"> • http://www.mailtimes.com.au/story/973994/family-day-at-murtoa-show/ • http://www.vicagshows.com.au/schedules2012/MurtoaShowSchedule.pdf
<p><i>Nhill Show Day</i></p>	<ul style="list-style-type: none"> • First show was held in 1884. 	<ul style="list-style-type: none"> • http://www2b.abc.net.au/EventCentral/View/event.aspx?p=36&e=4380685
<p><i>Numurkah Show Day</i></p>	<ul style="list-style-type: none"> • About 6,000 people attended in 2012. • 125th Numurkah Show 2012. 	<ul style="list-style-type: none"> • http://www.mmg.com.au/local-news/shepparton/numurkah-show-lifts-sodden-spirits-1.33253
<p><i>Rainbow A&P Show Day</i></p>	<ul style="list-style-type: none"> • Horse and pony events, a ladies pavilion with exhibits from the area, animal nursery, sideshows, free entertainment, free film, and free barbeque. A real outback show, only 25 kilometres from the big desert. 	<ul style="list-style-type: none"> • http://www.vic.gov.au/event/2012/10/rainbow-a-p-society-agricultural-show.html
<p><i>Royal Geelong Show Day</i></p>	<ul style="list-style-type: none"> • Over 100,000 people from Geelong and surrounding regions attended the event in 2012. • The show began in 1855. 	<ul style="list-style-type: none"> • http://www.royalgeelongshow.com.au/royal-geelong-show/ • http://www.intown.com.au/events/geelong-show.htm

Data on local regional events held in lieu of Melbourne Cup Day 2012.

<p><i>Rupanyup Show Day</i></p>	<ul style="list-style-type: none"> • Show events include the Wimmera Wheat Bag Sewing Championship, sheaf toss, plus pavilion events such as arts and crafts, school work, and a significant number of trade exhibits and horse entries. 	<ul style="list-style-type: none"> • http://www.mailtimes.com.au/story/381056/bag-champs-at-rupanyup-show/
<p><i>Warracknabeal Show Day</i></p>	<ul style="list-style-type: none"> • Hundreds of people converged on Warracknabeal Showground in 2012. • 126th annual show. 	<ul style="list-style-type: none"> • http://www.mailtimes.com.au/story/391848/show-time-in-warracknabeal/
<p><i>Warrnambool Cup Day</i></p>	<ul style="list-style-type: none"> • 14,416 people attended Warrnambool Cup Day in 2012. • Warrnambool May Racing Carnival is the largest country racing carnival in Australia. Includes the Grand Annual Steeplechase which is the longest race in Australia, at about 5,500m. The Grand Annual was first run in 1872. • The annual three day carnival event attracts around 35,000 patrons from local, national and international markets. 	<ul style="list-style-type: none"> • http://www.thoroughbrednews.com.au/australia/archive.aspx?id=59621&page=29&keyword=
<p><i>Wycheproof A & P Show Day:</i></p>	<ul style="list-style-type: none"> • 121st Annual Wycheproof Show, Wednesday 17 October 2012. 	<ul style="list-style-type: none"> • http://www.vicagshows.com.au/wycheproof.html • http://www.wycheproof.vic.au/events#Wycheproof%20Show

10.7. NEW CROWN LAND LEASE – CRESWICK PARK LAKE RESERVE GENERAL MANAGER CORPORATE SERVICES

COUNCIL IS CONSIDERING THIS REPORT IN ITS ROLE AS COMMITTEE OF MANAGEMENT FOR PARK LAKE RESERVE

In providing this advice to Council as the Property Officer, I Karen Ratcliffe have no interests to disclose in this report.

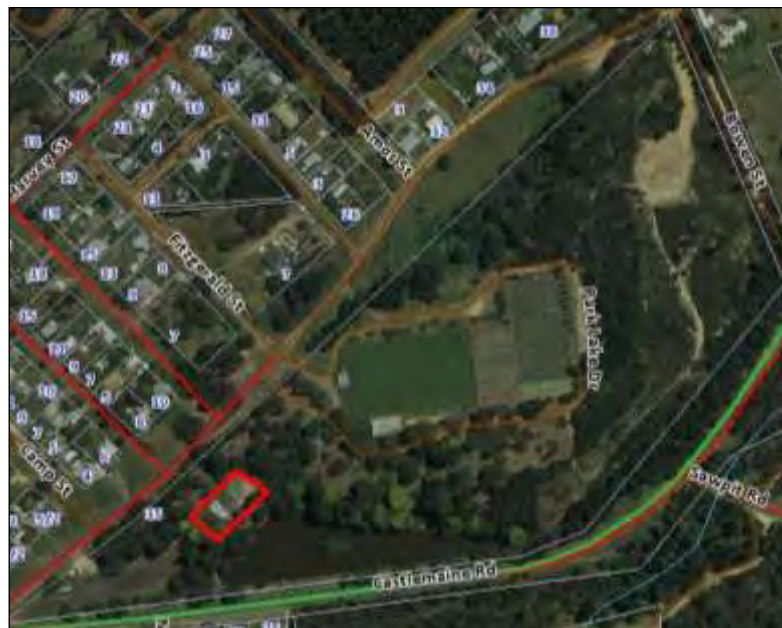
PURPOSE

The purpose of this report is to seek Council approval to enter into a ten year Crown Land lease (with a ten year option to renew) with Hepburn Health Service (HHS) for the residence at Park Lake Reserve.

BACKGROUND

The area of Park Lake Reserve at 15 Bridge Street, Creswick (CA 15, Section 69, Township of Creswick), was permanently reserved for Public Gardens by Order in Council on 23 November 1868.

Below is a map of the Park Lake Reserve, with the area of the residence, Men's Shed and garden shed shown in red. Attachment 1 shows the specific area to be leased to HHS for the residence:



HHS originally signed a lease with Council for part of the Park Lake Reserve, comprising the residence and adjacent sheds, which commenced on 1 July

2000. Since then the lease has been reviewed at three year intervals, with the last renewal for 1 July 2009 to 1 July 2012.

In the past, the residence was used for emergency accommodation, and the current lease describes the permitted use as 'Emergency and Short Term Accommodation'. Since 2009 however, the property has been sublet to a permanent tenant who acts in a caretaker capacity over the Creswick Men's Shed which sits adjacent to the residence.

ISSUE / DISCUSSION

The current agreement has expired and the HHS remains in occupation with Council's consent whilst negotiations for an entirely new lease are undertaken. The holdover provisions in the lease are being applied.

A new lease will also require Ministerial approval via the Department of Environment and Primary Industries (DEPI) as the current 'permanent' use as a residence is not consistent with the 'Public Gardens' use for which the land was reserved.

The DEPI has given approval in principle to this proposed lease arrangement.

The proposed lease is for a 10 year term with an additional 10 year renewal option, based on the standard DSE lease under section 17D of the *Crown Land (Reserves) Act 1978* with special conditions.

The Special Conditions proposed are as follows:

- HHS is responsible for non-structural maintenance and all operating costs at the property. This includes all painting, electrical and plumbing works.
- HHS will be liable to pay rates and levies applicable to the property.
- Council is responsible for major capital renewal works at the property. This is expected to include re-stumping and replacement roof works over the two terms of the lease.
- HHS must submit a risk management plan to Council each year on the anniversary date of the lease.
- HHS must reimburse Council for all insurance premiums and deductibles for claims relating to the premises.

It is proposed that HHS will pay the community lease rate of (\$104+GST per year) for the residence. It is also proposed that the lease over the residence will run concurrently with the lease for the Creswick Men's Shed which was approved at the 19 March 2013 Council meeting.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Hepburn Shire Council Policy 9: *Council Owned & Controlled Property* requires that appropriate written occupancy arrangements be in place. Good governance objectives and principles support having written occupancy arrangements.

Hepburn Shire Council is the responsible manager of the land at Park Lake Reserve by way of a restrictive Crown grant appointing Council as trustee. Pursuant to the *Crown Land (Reserves) Act 1978* and an Order made by the Governor in Council on 15 December 1998, Council has the right to lease the premises. When the use is not consistent with the purpose for which the land was reserved, ministerial approval is required.

FINANCIAL IMPLICATIONS

There are no substantial financial implications regarding the issue of a lease to HHS over the Creswick Park Lake Residence, however the Lessee is now responsible for non-structural maintenance and council rates and levies (eg: Fire Services Levy).

The annual lease fee of \$104 + GST, for community based organisations is applicable.

All costs associated with the Creswick Park Lake Residence are the responsibility of the Lessee.

RISK IMPLICATIONS

This lease has been drawn up with advice from Council's solicitors and the DEPI.

The lease requires minimum public liability insurance of \$20 million with evidence of this and Certificates of Currency to be provided.

The Lessee must provide Council with an annual risk management plan.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The residence at Park Lake Reserve provides accommodation for the caretaker of the Creswick Men's Shed. A permanent tenant on site also provides good security for the Men's Shed, and enables some rooms of the residence to be utilised for storage and office space for the Men's Shed.

Men's Sheds in turn promote recreation, physical and mental health and well-being through a range of skill sharing and companionship activities.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council officers have worked in conjunction with BJT solicitors, HHS and DEPI regarding this proposed lease.

CONCLUSION

Granting a 10 year lease with one 10 year renewal option as proposed will formalise the occupancy of the residence at Park Lake Reserve.

OFFICER'S RECOMMENDATION

- 10.7.1 Grants a 10 year lease with a 10 year option to renew to Hepburn Health Service for the residence at Creswick Park Lake Reserve, as per the attached draft lease.
- 10.7.2 Authorises the Chief Executive Officer and the Mayor to execute the lease for and on behalf of Council.
- 10.7.3 Authorises officers to formally seek Ministerial Consent to the granting of this lease.

MOTION

That Council:

- 10.7.1. Grants a 5 year lease with a 5 year option to renew to Hepburn Health Service for the residence at Creswick Park Lake Reserve, as per the revised draft lease.*
- 10.7.2. Authorises the Chief Executive Officer and the Mayor to execute the lease for and on behalf of Council.*
- 10.7.3. Authorises officers to formally seek Ministerial Consent to the granting of this lease.*

Moved: Councillor Don Henderson
Seconded: Councillor Kate Redwood
Carried.

**ATTACHMENT 8 - LEASED AREA – CRESWICK PARK LAKE
RESIDENCE (WITH THE MEN'S SHED AND CRESWICK GARDEN CLUB
SHED ALSO SHOWN)**



**ATTACHMENT 9 - PROPOSED LEASE – CRESWICK PARK LAKE
RESIDENCE
(Issued Under Separate Cover)**

10.8. CRESWICK MUNICIPAL BAND LEASE RENEWAL GENERAL MANAGER COMMUNITY SERVICES

In providing this advice to Council as the Manager Community Development, I Adam McSwain have no interests to disclose in this report.

PURPOSE

The purpose of this report is to recommend that Council enter into a one year lease with the Creswick Municipal Band Inc (Creswick Band) for the Mechanics Institute Hall, 85 Albert Street, Creswick.

BACKGROUND

The Creswick Band currently occupies the Creswick Mechanics Institute via a lease with Council that lapsed on 31 December 2012. The lease includes a three year option for renewal.

The Creswick Band previously indicated an interest in relocating to the multi purpose facility at Doug Lindsay Reserve and participated in the Community Reference Group which had input into the design of the facility. As part of this process a specific storage space adjoining the meeting room area was designed and constructed to meet the needs of the Band.

The Creswick Band is represented on Council's Doug Lindsay Reserve and Community Facility Management Advisory Committee.

ISSUE / DISCUSSION

The Creswick Band has now advised that they do not want to relocate to Doug Lindsay and requested renewal of the lease at the Creswick Mechanics Institute for a further three years.

Council's vision for the Doug Lindsay Community Facility is for a multi-use facility with a diverse range of user groups. It is recommended that a one year lease be granted to the Band. This will allow concerns raised by the Band about relocating to Doug Lindsay Reserve Community Facility to be resolved with the aim that the Band relocates there by the end of the lease.

The proposed lease includes a set rent of \$104 plus GST. The Creswick Band is also responsible for payment of any service charges and the payment of all utilities (water, sewerage, electricity, gas and telephone).

The lease also requires that the Creswick Band keeps the property in good repair and condition, undertakes minor works and prepares a program of maintenance works it will undertake throughout the year, for Council's approval.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Policy # 9 Council Owned & Controlled Property requires that appropriate written occupancy arrangements be in place which supports good governance objectives and principles.

Council is empowered to lease the premises in accordance with Section 190 of the *Local Government Act 1989*.

FINANCIAL IMPLICATIONS

There are no significant financial implications regarding the issue of a lease to the Creswick Municipal Band to occupy the Creswick Mechanics Institute.

The annual lease fee will be \$104 + GST, however the Creswick Band will undertake an agreed schedule of maintenance to the building. This will reduce the cost to Council for maintenance of the facility.

RISK IMPLICATIONS

The lease requires minimum public liability insurance of \$10m with evidence of this and a certificate of currency to be provided. The lease also stipulates a requirement that the Creswick Band submits a Risk Management Plan at commencement of the new lease.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Hepburn Shire Council recognises that participation in recreational groups and clubs provide important social connection and benefits for communities.

No other implications are envisaged regarding this lease.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

A number of meetings have been held between Council Officers and the Committee of the Creswick Band to discuss relocation to Doug Lindsay and renewal of the lease at the Creswick Mechanics Institute.

CONCLUSION

Granting a one year lease provides certainty to the band while officers continue to work with the band about relocation to the Doug Lindsay Reserve facility.

OFFICER'S RECOMMENDATION

That Council:

- 10.8.1 Grants a 1 year lease (1 June 2013 to 31 May 2014) to the Creswick Municipal Band Inc to occupy the Creswick Mechanics Institute Hall.
- 10.8.2 Authorises the Chief Executive Officer and the Mayor to execute the lease for and on behalf of Council.
- 10.8.3 Authorises officers to formally seek Ministerial Consent to the granting of this lease.

MOTION

That Council:

- 10.8.1. Grants a 1 year community lease (1 June 2013 to 31 May 2014) to the Creswick Municipal Band Inc to occupy the Creswick Mechanics Institute Hall.*
- 10.8.2. Authorises the Chief Executive Officer and the Mayor to execute the lease for and on behalf of Council.*
- 10.8.3. Authorises officers to formally seek Ministerial Consent to the granting of this lease.*

Moved: Councillor Greg May
Seconded: Councillor Neil Newitt
Carried.

**ATTACHMENT 10 - PROPOSED LEASE – CRESWICK MUNICIPAL BAND
INC
(Issued Under Separate Cover)**

10.9. DAYLESFORD STREETScape REVITALISATION PROJECT GENERAL MANAGER INFRASTRUCTURE

In providing this advice to Council as the General Manager Infrastructure, I Bruce Lucas have no interests to disclose in this report.

PURPOSE

The purpose of this report is to present the revised Daylesford Streetscape Revitalisation Strategy for Council endorsement.

BACKGROUND

During 2011 and 2012 Council worked with consultants Village Well to prepare the Daylesford Streetscape Revitalisation Strategy. The strategy was prepared following extensive community consultation in accordance with the Community Engagement Plan and project updates detailed in Project Fact Sheets. This project was guided by a Project Steering Committee, Community Reference Group and a Local Design Committee

Following a formal advertising period, Council considered submissions received and endorsed the strategy at its meeting of 18 September 2012.

The strategy provides a range of recommendations to enhance the current strengths of Daylesford under 5 general principles and provides a staged and long term view to infrastructure upgrades and streetscape enhancements. In some cases this may require further design work and / or partnerships to be established with other key stakeholders.

The 5 general principles are listed below along with some general examples of where opportunities may exist under each principle.

Principle 1 - Connected

Focussing on enhancing Burke Square and civic space around the Town Hall and create spaces for gathering and conversations

Principle 2 - Stories of Place and History embodied

Promotion of grants programs to restore Historic buildings and promoting the story of historic buildings and of Daylesford through art.

Principle 3 - Welcoming

Encouraging events and creating partnerships with trader groups and artists and improving entrances into the town centre.

Promoting Daylesford's rich cluster of healers and health professionals.

Principle 4 - Accessibility

Promoting and improving universal access to all areas and improving seating & shade and looking at traffic calming opportunities.

Improving access to information technology.

Principle 5 - Green Reflecting the Beauty of the Surrounds

Greening Vincent Street and promoting and sharing Daylesford knowledge of permaculture and sustainability, including sustainable accommodation and sustainable food outlets.

ISSUE / DISCUSSION

During early 2013 Council proceeded with a review of the Daylesford Revitalisation Strategy and the actions detailed in the implementation plan.

Following this review, a number of amendments were pursued and have been included in the revised Strategy document and are summarised as follows:

- Reference to angle parking in Vincent Street has been removed following preliminary design work demonstrating a lower parking yield than parallel parking layout.
- Greening Vincent Street with centre of road street trees has been referenced for future consideration.
- Providing free mineral water drinking fountains in Vincent Street is replaced with provision of standard drinking / bubble taps.
- Reference to developing a program of seasonal events to promote local farmers and their produce has been removed.
- Reference to promoting a sustainability journey ie wind farm, sustainable living festival etc has been removed.
- Reference to promoting retail cluster of specialty retailers & services ie vintage & recycled products, Gay & Lesbian retailers has been removed.
- Reference to commissioning a 'Happiness' study has been removed.

Council has an opportunity to again pursue external funding opportunities for the implementation of a program of works as detailed in the strategy under the 'Putting Locals First' program valued at around \$300,000.

Considering all of the revised strategy recommendations, the following infrastructure works could be progressed once funding is secured.

- Revitalise the Laneways

Provide pedestrian access and safety improvement to the Town Hall laneway connection to Bridport Street including surface improvements, possible separation of pedestrians & vehicles and lighting improvements. (Excludes provision for fence replacements and artworks). \$65,000

Prepare a prioritised listing of laneway upgrades and authorise officers to approach and negotiate with other stakeholders to provide improved pedestrian access and safety through existing laneways that are not solely under Councils control.

Provide parking layout improvements in Duke Street with minor pavement and drainage improvements, pavement markings and signage to optimise parking efficiency with available space. \$15,000

- Traffic Calming Strategies

Review the existing Vincent Street pedestrian crossing to improve safety, visual appearance and functionality and provide a common style with other traffic calming treatments in Vincent Street. This may include a raised pavement profile for improved safety. \$ 85,000

- Improving street amenity

Upgrade current street furniture and provide additional furniture including seating and possible installation of a drinking fountain and complete work to operate the fountain in the roundabout of Central Springs Road. \$30,000

Undertake footpath and pram crossing improvements to facilitate compliant access to existing paths and disable parking zones. \$20,000

Improved signage within the streetscape to facilitate access to car parking areas, improve attractiveness of existing signage and improved information for locals and tourists. \$20,000

Landscaping improvements in Bourke Square including furniture upgrades and tree plantings \$25,000

- Story telling of Historic Buildings and Streetscapes
 - Reinstate the historic horse trough in Burke Square with some interpretive signage. \$10,000
 - Explore opportunities for interpretive plaques to promote historic significance of buildings & streetscapes. \$ 10,000
- Improve entrances into the Town Centre
 - Reinstate missing boulevard tree plantings on town entrances \$20,000

It should be noted that the above costs are preliminary estimates only and the works are exempt from a Town Planning Permit requirement due to the State Government's exemption for Local Government Works up to \$1million.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

The development of this strategy directly meets objective 32 of the Council Plan 2009-2013 which states:

'We will foster a more prosperous Shire by:-

'Preparing main street revitalisation plans for our key towns and completing as a priority the rejuvenation of Vincent Street, Daylesford'.

In achieving this direct objective, the preparation and implementation of this strategy also contributes to other Council objectives and strategies such as:

- Walking and Cycling Strategy
- Health and Well Being Plan
- Economic Development Strategy
- Positive Aging Strategy

all of which deliver on Council's core commitments of

- A more Prosperous Economy, and
- Healthy Safe and Vibrant Communities.

FINANCIAL IMPLICATIONS

Council currently has funding allocated in the proposed 2013-2014 budget document along with some uncommitted funding in the current year for the implementation of the Revitalisation strategy. Subject to the approval of the proposed budget it is intended to use these allocations to leverage additional external funding under the *Putting Locals First* program to secure total funds in the order of \$300,000. It is intended that these funds will be utilised for the implementation of recommended works as detailed above.

The implementation of all works in the strategy total over \$1 million and the implementation of these future works will be subject to Council securing additional funds to progress their implementation over the longer term.

RISK IMPLICATIONS

Potential risks associated with the implementation of works recommended in this strategy will be considered and addressed as the works proceed to ensure Occupational Health and Safety concerns are considered and public safety is ensured.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

As highlighted in the strategy, the town centre needs to function as a main social and trading place for the local community and function as a an attractive and welcoming place for visitors. The significant community and stakeholder consultation sought to maximise the economic opportunities and benefits for the Daylesford community.

Council does recognise the wide variety of community views on the revitalisation concepts put forward and how difficult it is to meet the expectations of all parts of our community. The strategy has been prepared based on strengths of the Daylesford Township and endeavours to identify a number of recommendations to further enhance these strengths.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The original strategy was prepared with extensive community consultation and engagement process in accordance with the community Engagement Plan and detailed in Project Fact Sheets. The draft strategy also underwent a formal public comment process prior to its endorsement. This consultation included the following:

- Walk the Beat and Place Audit 6 June 2011
- Workshop with Council 7 June 2011
- Community Economic meeting workshop 30 Aug 2011
- Walk the beat – engagement with traders 9 & 10 Sept 2011
- Listening Posts community open day 9 & 10 Sept 2011
- Traders workshop 14 Sept 2011
- On line Community Survey 11 Oct - 15 Nov 2011
- Blog created for uploading photos 18 Oct - 11 Nov 2011
- Community Open Day 19 May 2012
- Regular Fact Sheets
- Invitation to email directly to project officers
- Community reference group meetings

- Council website

CONCLUSION

The preparation of the Daylesford Streetscape Revitalisation Strategy was identified by Council as a key objective in the Council Plan 2009-2013 and was prepared following an extensive community engagement process.

Council undertook a review of the strategy early in 2013 resulting in an updated strategy being prepared which resulted in some minor amendments to the strategy as presented

OFFICER'S RECOMMENDATION

That Council:

- 10.9.1 Revises the Daylesford Streetscape Revitalisation Strategy-September 2012.
- 10.9.2 Endorses the revised Daylesford Streetscape Revitalisation Strategy – May 2013.
- 10.9.3 Agrees to proceed with the implementation of works detailed in the body of this report subject to funding being secured.
- 10.9.4 Authorises officers to approach and negotiate with other stakeholders to provide improved pedestrian access and safety through existing laneways that are not under Council's control.

MOTION

That Council:

- 10.9.1. *Revises the Daylesford Streetscape Revitalisation Strategy- September 2012.*
- 10.9.2. *Endorses the revised Daylesford Streetscape Revitalisation Strategy – May 2013.*
- 10.9.3. *Agrees to proceed with the implementation of works detailed in the body of this report subject to funding being secured.*
- 10.9.4. *Authorises officers to approach and negotiate with other stakeholders to provide improved pedestrian access and safety through existing laneways that are not under Council's control.*

Moved: Councillor Kate Redwood

Seconded: Councillor Pierre Niclas

Carried.

**ATTACHMENT 11 - REVISED DRAFT REVITALISATION STRATEGY AND
MASTER PLAN – MAY 2013
(Issued Under Separate Cover)**

**10.10. ROAD CLOSURE - ADJACENT TO PROPERTY LOT 1 PS 703533U
46 SOUTH LYONVILLE ROAD, LYONVILLE
GENERAL MANAGER INFRASTRUCTURE**

In providing this advice to Council as the Manager Assets and Engineering Services, I Richard Russell have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to declare a portion of unused road adjacent to Lot 1 PS 703533U, 46 South Lyonville Road as unused and declare its intent to discontinue the road under Schedule 10 of the *Local Government Act 1989*. The Department of Environment and Primary Industries can then sell the land to the property owner of 46 South Lyonville Road, Lyonville.

BACKGROUND

Council has been approached to close an unused section of road on which sheds, cattle yards, dam and portion of a house have been built over the title boundary on the unused road reserve. The Department of Environment and Primary Industries (DEPI) has agreed to sell the section of road reserve to the current property owner. The section of road to be closed is shown as hatched in the survey plan from Walsh Mobbs Land Surveyors, Attachment 12.

ISSUE / DISCUSSION

The road reserve is currently unused and access to the property is from South Lyonville Road. The closure of the road reserve will not affect access to any other properties. The property has legal access to South Lyonville Road and the proposed road closure will not affect the access of any neighbouring properties. Attachment 13 is an aerial photo of the road reserve shown as hatched proposed for closure.

The plan indicates where the house, sheds, dam and cattle yards have been built on road reserve.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Local Government Act 1989 Schedule 10

FINANCIAL IMPLICATIONS

There are no financial implications for Council given there are no assets on the road reserve and all legal costs are paid by the property owner.

RISK IMPLICATIONS

There are no risk implications for Council.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The closure of the unused road reserve will allow the property owner of Lot 1 PS 703533U to have title over the land on which his dam, house, sheds and cattle yards have been built by previous property owners.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council is not required to undertake broad community in relation to the sale of the land as it is owned by DEPI who have agreed to sell the land to the adjoining property owner.

CONCLUSION

Council has been approached by Walsh Mobbs Land Surveyors on behalf of S J Davis, the owners of Lot 1 PS 703533U to close an unused section of road on which a house, sheds, cattle yards and a dam have been built on the unused road reserve. The DEPI has agreed to sell the section of road reserve to S J Davis OF 46 South Lyonville Road. To allow this sale to occur Council must declare a portion of unused road adjacent to Lot 1 PS 703533U as unused and declare its intent to discontinue the road under Schedule 10 of the *Local Government Act 1989*

OFFICER'S RECOMMENDATION

10.10.1 That Council consents to the closure of the section of Government Road shown as hatched in Attachment 12 having determined that the section of road is not reasonably required for public traffic in accordance with Section 206, Schedule 10, Clause 3 of the *Local Government Act 1989*.

MOTION

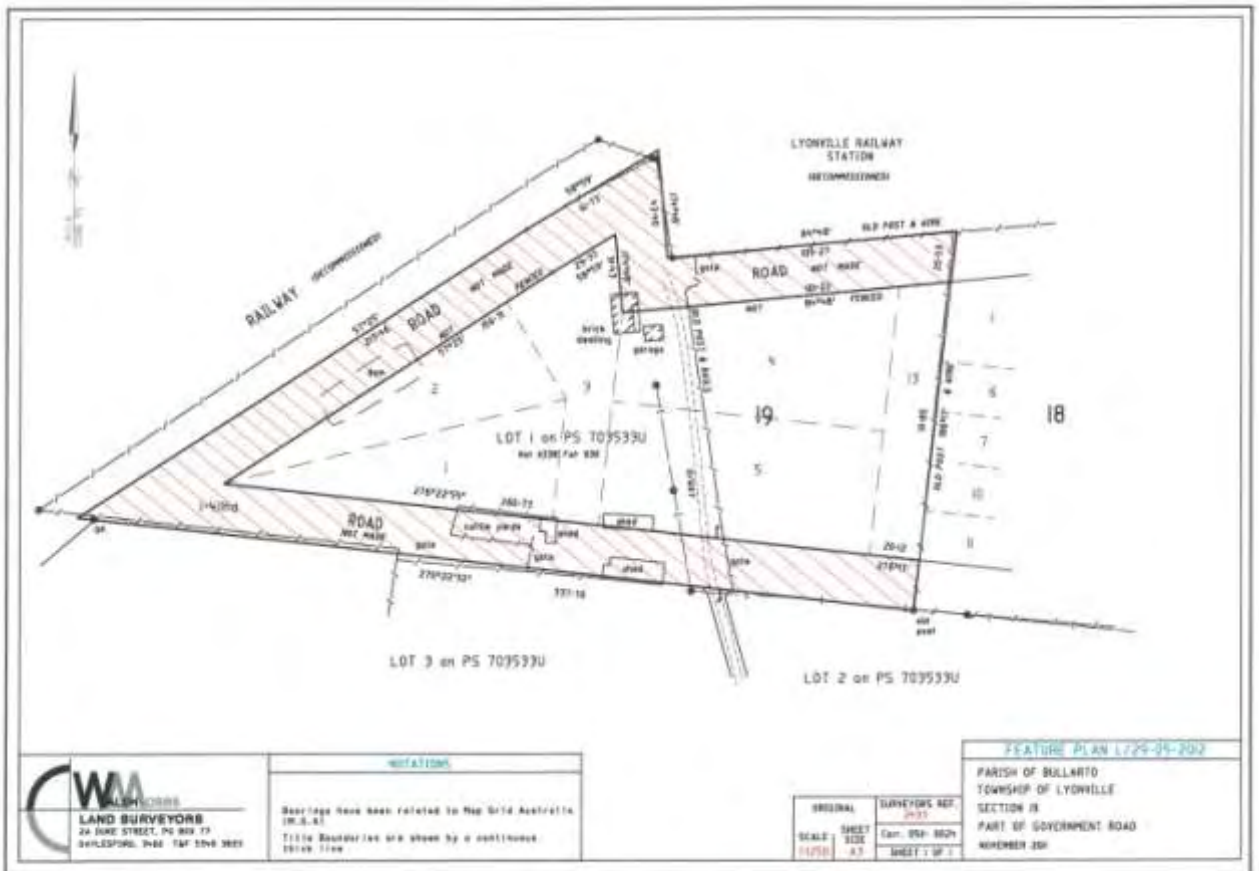
10.10.1. That Council consents to the closure of the section of Government Road shown as hatched in Attachment 12 having determined that the section of road is not reasonably required for public traffic in accordance with Section 206, Schedule 10, Clause 3 of the Local Government Act 1989.

Moved: Councillor Sebastian Klein

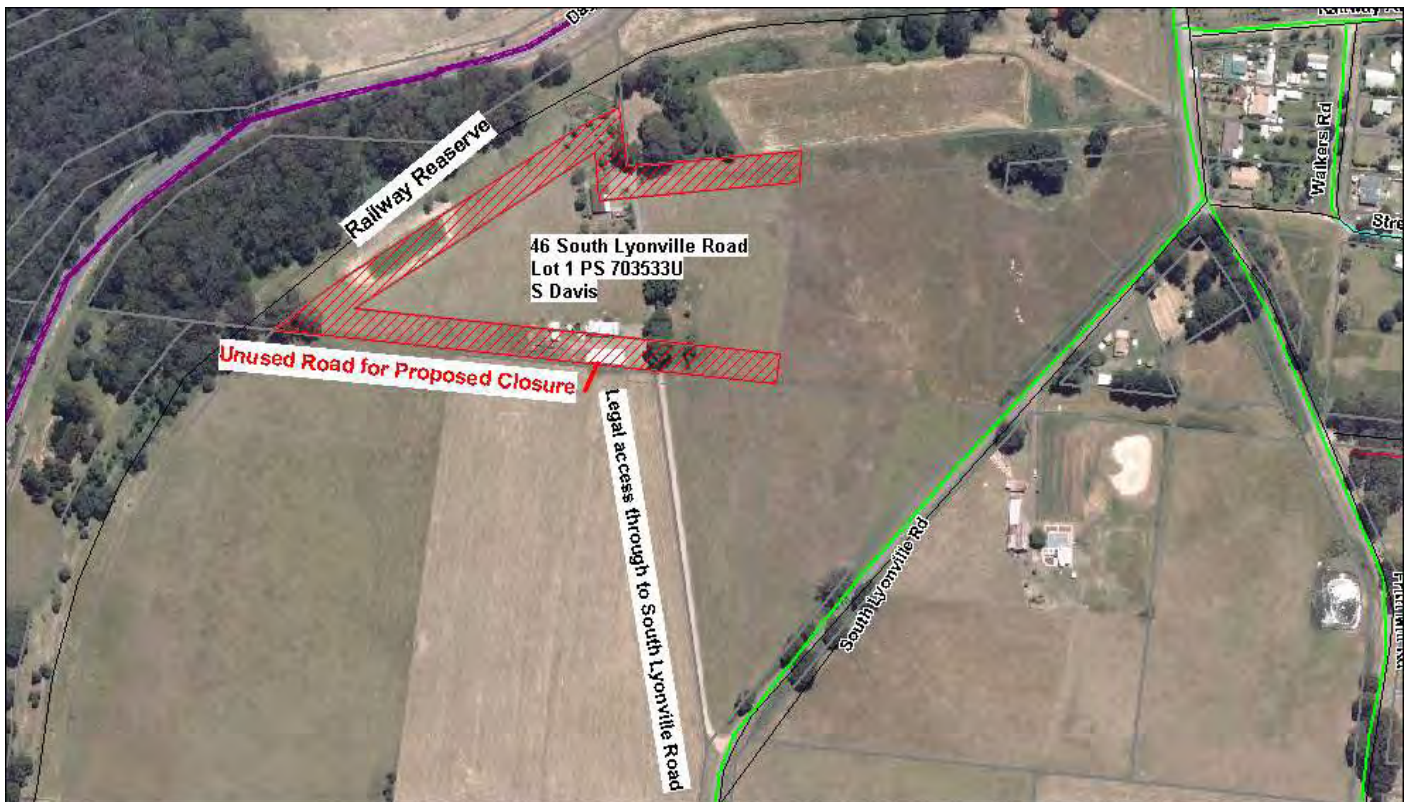
Seconded: Councillor Neil Newitt

Carried.

ATTACHMENT 12 - PLAN FROM WALSH MOBBS LAND SURVEYORS



ATTACHMENT 13 - AERIAL PHOTO OF PROPOSED ROAD CLOSURE



10.11. PEDESTRIAN PATH - BRIDGE STREET, CRESWICK

GENERAL MANAGER INFRASTRUCTURE

In providing this advice to Council as the Manager Assets and Engineering Services, I Richard Russell have no interests to disclose in this report.

PURPOSE

The purpose of this report is to provide further information regarding the condition and future use of the path from Lions Park along Bridge Street Creswick.

BACKGROUND

Creswick Ward Committee meeting minutes received by Council at its April meeting included a recommendation that Council facilitates line marking and signage to designate a walking and cycling path from Lions Park along Bridge Street to the entrance of Park Lake.

Council requested a further report on this matter prior to determining on the request.

ISSUE / DISCUSSION

Bridge Street is a sealed road with Kerb and Channel on both sides with an overall width between kerbs of 7.0 – 7.3 metres.

The minimum road width required for 2 traffic lanes and an on road cycling lane is 7.5meters. However to accomplish a shared pedestrian and cycle path as well as two way traffic flow the minimum width is 8.5 metres. The available width of sealed pavement on Bridge Street varies from 7 to 7.3 metres, therefore the line marking of shared cycling and pedestrian lanes is not able to be achieved within standards.

If a compliant shared path was marked on the road pavement, the resulting lane widths would be too narrow and not meet current design standards for the traffic lane in an urban environment and also introduce safety risk for pedestrians in this environment.

There is an existing spray seal footpath for part on the Eastern side of Bridge Street up to Haines Street which is in a very poor condition and is currently included in the 2013-2014 footpath renewal program. However this asset renewal project does not facilitate connected access to the Park Lake entrance as requested by the Creswick Ward Committee.

Council has recently received a grant for construction of pedestrian paths within the municipality. The grant titled “Hepburn Community Links Project” is

funded under the *Putting Locals First Program* provided by the Department of Planning and Community Development (DPCD).

When this grant was prepared, it included a couple of projects which have since been completed by the community or no longer have Council matching funding. This provides Council with an opportunity to include the extension of the Bridge Street path to the entrance of Park Lake, Creswick as a strategic connection between community spaces and fits with the funding objectives.

The proposed footpath would follow the road alignment and the proposed footpath width would be 1.5 metres as detailed in Council's *Walking & Cycling Strategy*.

The estimated cost for the Bridge Street footpath is \$45,000 and is able to be funded within the grant program from DPCD Hepburn Community Links Project. Council's contribution is allocated from the capital works budget \$70,000 in the current year program and DPCD contribution is \$140,000 for a total program of \$210,000.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council Plan # 5 - Increasing our spending on Shire Assets by a total of \$2.5 million over a four year period.

FINANCIAL IMPLICATIONS

The estimated cost for the Bridge Street footpath is \$45,000 and is able to be funded within the recently announced grant program from DPCD titled 'Hepburn Community Links Project' and has no additional impact on the current or proposed budget.

RISK IMPLICATIONS

To proceed with line marking and provision of a signs for a shared Walking Cycling path within the existing road pavement is expected to introduce significant risks for Council with pedestrian safety concerns and not achieving current design standards for this infrastructure.

The alternative solution to extend the current programmed works as part of the 2013-2014 program can be achieved which provides improved safety and amenity for pedestrian traffic.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The proposed footpath will link North Parade to the entrance of the Mt Prospect Tennis Courts and Park Lake Reserve which is expected to provide some social connectedness and potential environmental benefits.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Whilst the existing path is shown in Council's *Walking & Cycling Strategy* the extension is not identified. Notwithstanding this the Creswick community through the Ward Committee have identified this as requiring attention.

CONCLUSION

Council has been awarded a grant from the *Putting Locals First program-Hepburn Community Links Project* for footpath construction. This grant program is able to accommodate the proposed Bridge Street footpath which will provide safe pedestrian access from North Parade and Midland Highway to the entrance of Mt Prospect Tennis Courts and Park Lake Reserve.

OFFICER'S RECOMMENDATION

That Council:

- 10.11.1 Endorses the extension of the Bridge Street shared path to the entrance of Park Lake under the recently announced funding program as part of the 2013-2014 Capital Works Program.
- 10.11.2 Advises the Creswick Ward Committee that:
 - Installation of line marking and signage as requested is not the preferred option and is not able to be achieved within current safety standards.
 - Council's 2013-2014 footpath renewal program does include the renewal of a path for part of this length and Council has agreed to extend this project to provide a shared path extending to the entrance of Park Lake as part of Council's 2013-2014 footpath renewal and improvement program

MOTION

That Council:

10.11.1. Endorses the extension of the Bridge Street shared path to the entrance of Park Lake under the recently announced funding program as part of the 2013-2014 Capital Works Program.

10.11.2. Advises the Creswick Ward Committee that:

- Installation of line marking and signage as requested is not the preferred option and is not able to be achieved within current safety standards.*
- Council's 2013-2014 footpath renewal program does include the renewal of a path for part of this length and Council has agreed to extend this project to provide a shared path extending to the entrance of Park Lake as part of Council's 2013-2014 footpath renewal and improvement program.*

Moved: Councillor Don Henderson

Seconded: Councillor Greg May

Carried.

10.12. EXPRESSION OF THANKS TO EMERGENCY SERVICE ORGANISATIONS WITHIN HEPBURN SHIRE

CHIEF EXECUTIVE OFFICER

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

PURPOSE

The purpose of this report is to recognise formally Council's appreciation to local emergency service organisations for their outstanding contribution to the health and well-being of the residents of Hepburn Shire during times of fire, storm and flood.

BACKGROUND

Emergency services in Hepburn Shire include the Country Fire Authority (CFA), State Emergency Service (SES), police and ambulance service. Many of the members of these groups are volunteers from the local community.

This service should be acknowledged and not taken for granted.

ISSUE / DISCUSSION

Each service organisation is involved in ongoing preparedness for emergencies, including maintenance of equipment, training and community engagement, as well as responding to each emergency as it occurs, particularly during the fire season.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Nil

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Nil

CONCLUSION

All local emergency service organisations should be acknowledged and thanked for their outstanding efforts in protecting the health and well-being of Hepburn Shire residents, especially during the fire season of 2012-2013.

OFFICER'S RECOMMENDATION

That Council:

- 10.12.1 Acknowledges the outstanding efforts of all emergency services, and their members, in protecting the health and well-being of the residents of Hepburn Shire, especially during the fire season of 2012-2013.
- 10.12.2 Expresses its thanks on behalf of all residents of the Shire, in the form of a letter to each emergency service organisation located within Hepburn Shire, and a public notice in The Advocate newspaper.

MOTION

That Council:

- 10.12.1. Acknowledges the outstanding efforts of all emergency services, and their members, in protecting the health and well-being of the residents of Hepburn Shire, especially during the fire season of 2012-2013.*
- 10.12.2. Expresses its thanks on behalf of all residents of the Shire, in the form of a letter to each emergency service organisation located within Hepburn Shire, and a public notice in The Advocate newspaper.*

Moved: Councillor Kate Redwood
Seconded: Councillor Sebastian Klein
Carried.

10.13. RECORD OF ASSEMBLIES OF COUNCILLORS – APRIL 2013
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 summarises Assemblies of Councillors for 22 February 2013 and April 2013.

BACKGROUND

The Local Government Act 1989 defines Assembly of Councillors as

...a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -

(a) the subject of a decision of the Council; or

(b) subject to the exercise of a function, duty of power of the Council that has been delegated to a person or committee –

but does not include a meeting of the Council, a special committee of the Council, as audit committee established under Section 139, a club, association, peak body, political party of other organisation;

Assemblies of Councillors		
Date	Location	Committee Name
22 February 2013	Daylesford Museum	Hepburn Shire Heritage Advisory Committee
2 April 2013	Council Chamber, Daylesford	Councillor Briefing
9 April 2013	Council Chamber, Daylesford	Councillor Briefing
16 April 2013	Council Chamber, Daylesford	Wombat Hill Botanic Gardens Advisory Committee
16 April 2013	Creswick Senior Citizens Room	Councillor/CEO Meeting
16 April 2013	Creswick Senior Citizens Room	Pre Council Meeting

17 April 2013	Creswick RSL	Municipal Emergency Management Planning Committee
29 April 2013	Daylesford Secondary College	Daylesford ARC Advisory Committee
29 April 2013	Doug Lindsay Community Facility, Creswick	Doug Lindsay Reserve and Community Facility Management Advisory Committee

ISSUE / DISCUSSION

1. The *Local Government Act 1989* (as amended) requires the record of an Assembly of Councillors to be reported at an Ordinary meeting of the Council.
2. The *Local Government Act 1989* (as amended) requires the record of an Assembly of Councillors to be incorporated in the minutes of that Council Meeting.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Local Government Act 1989, Section 80A

FINANCIAL IMPLICATIONS

Nil.

RISK IMPLICATIONS

There are implications with regards to Council's compliance with the *Local Government Act 1989* (as amended) if written records of Councillor Assemblies are not reported to Council.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

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

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

CONCLUSION

Information provided for noting.

OFFICER'S RECOMMENDATION

10.13.1 That Council receives and notes the Records of Assemblies of Councillors for 22 February 2013 and April 2013.

MOTION

10.13.1. That Council receives and notes the Records of Assemblies of Councillors for 22 February 2013 and April 2013.

Moved: Councillor Neil Newitt
Seconded: Councillor Kate Redwood
Carried.

**ATTACHMENT 14 - RECORDS OF ASSEMBLIES OF COUNCILLORS –
APRIL 2013
(Issued Under Separate Cover)**

11. COUNCIL SPECIAL COMMITTEES (SECTION 86)

11.1. MINUTES OF SPECIAL COMMITTEES (SECTION 86) 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 for Council to note the minutes and recommendations from Council's Special (Section 86) Committees.

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.

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 from the Clunes Community Centre Special Committee Meeting 09/07/2012.
- Minutes from the Clunes Community Centre Special Committee Meeting 13/03/2013.
- Minutes from the Dean Recreation Reserve and Tennis Courts Special Committee Meeting 24/03/2013.
- Minutes from the Lyonville Hall Special Committee General Meeting 26/03/2013.
- Minutes from the Glenlyon Recreation Reserve Special Committee General Meeting 03/04/2013.
- Minutes from The Lee Medlyn Home of Bottles & Clunes Information Centre Special Committee General Meeting 03/04/2013.

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

The following recommendations have been received by Council and are presented for Council to consider adopting:

- Nil

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

11.1.1 That Council receives and notes the minutes of the Special Committees (Section 86) listed above which have been distributed under separate cover.

MOTION

11.1.1. That Council receives and notes the minutes of the Special Committees (Section 86) listed above which have been distributed under separate cover.

Moved: Councillor Pierre Niclas

Seconded: Councillor Sebastian Klein

Carried.

12. COUNCIL ADVISORY COMMITTEES

12.1. MINUTES OF 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

The purpose of this report is for Council to note the minutes received from Council's Advisory Committees.

BACKGROUND

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 from Advisory Committees, as provided by the Committees over the past month, for your information:

- Hepburn Shire Heritage Advisory Committee – 22/02/2013
- Wombat Hill Botanic Gardens Advisory Committee – 16/04/2013
- Municipal Emergency Management Planning Committee – 17/04/2013
- Daylesford ARC Advisory Committee – 29/04/2013.

These minutes have been provided to Councillors under 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 have been provided for noting.

OFFICER'S RECOMMENDATION

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

Moved: Councillor Don Henderson

Seconded: Councillor Sebastian Klein

Carried.

13. CONFIDENTIAL ITEMS

13.1. 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

13.1.1 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

New 21 Year Crown Land Lease – Daylesford Victoria Caravan Park

Clunes Bowling Club – Repairs to Creswick Creek Embankment – Contract H358-2012 - Variation

Contract H413-2013 – Provision of a Panel of Compliant Suppliers for Maintenance Services – Electrical, Carpentry, Plumbing and Painting

Contract H414-2013 – Provision of a Panel of Compliant Suppliers for Engineering Consultancy and Project Management Services

Contract H420-2013 – Rehabilitation of Two Tennis Courts in Clunes including Ancillary Works; and

13.1.2 89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.

MOTION

13.1.1. *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*

New 21 Year Crown Land Lease – Daylesford Victoria Caravan Park

Clunes Bowling Club – Repairs to Creswick Creek Embankment – Contract H358-2012 - Variation

Contract H413-2013 – Provision of a Panel of Compliant Suppliers for Maintenance Services – Electrical, Carpentry, Plumbing and Painting

Contract H414-2013 – Provision of a Panel of Compliant Suppliers for Engineering Consultancy and Project Management Services

Contract H420-2013 – Rehabilitation of Two Tennis Courts in Clunes including Ancillary Works; and

13.1.2. *89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.*

Moved: Councillor Sebastian Klein

Seconded: Councillor Neil Newitt

Carried.

The Meeting Closed to Members of the Public at 7:52 pm.

14. RE-OPENING OF MEETING TO PUBLIC

RECOMMENDATION

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

PROCEDURAL MOTION

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

Moved: Councillor Sebastian Klein

Carried.

The Meeting re-opened to the Public at 8:19 pm.

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

MOTIONS

That Council:

14.1.1. *Awards Contract H413-2013 – Provision of a Panel of Compliant Suppliers for Maintenance Services – Electrical, Carpentry, Plumbing and Painting for a twelve month period with a twelve month option to the following providers:*

Electrical

*Fells Powerline & Electrical Pty Ltd
Robert Squires Electrical
Spa Country Electrical Pty Ltd*

Carpentry

*Gary Collins
Peter Neil*

Plumbing:

*Chubb Gas & Plumbing Pty Ltd
GI & LM Murphy Plumbing Pty Ltd*

Painting:

*Ken Knowles Painting
JW Painting.*

14.1.2. *Awards Contract H414-2013 – Provision of a Panel of Compliant Suppliers for Engineering Consultancy and Project Management Services to the following service providers for a period of twelve months with an option for a further twelve month extension subject to satisfactory performance and demonstrated need:*

- *2MH Consulting*
- *SMH Management Consulting Services Pty Ltd*
- *John A Allen, Civil Engineer*
- *Corner Store Civil Engineering*
- *Geoff Clark Vivid Civil Engineers*
- *Last Waltz Consulting Pty Ltd*
- *CT Management Group Pty Ltd*
- *Wright Civil Engineering*
- *Driscoll Engineering Services Pty Ltd*
- *GHD Pty Ltd.*

14.1.3. *Awards Contract H420–2013 – Rehabilitation of Two Tennis Courts in Clunes including Ancillary Works for the lump sum of \$245,400.90 to Butler Excavations Pty Ltd.*

15. CLOSE OF MEETING

The Meeting closed at 8:19 pm.
