



HEPBURN SHIRE COUNCIL
ORDINARY MEETING OF COUNCIL
MINUTES

TUESDAY 16 JUNE 2015

DAYLESFORD SENIOR CITIZENS' ROOM
VINCENT STREET
DAYLESFORD

6:00PM

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MINUTES

TUESDAY 16 JUNE 2015

Daylesford Senior Citizens' Room
Vincent Street, Daylesford
Commencing 6:00PM

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AARON VAN EGMOND
CHIEF EXECUTIVE OFFICER
16 JUNE 2015

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.

VALE JOAN KIRNER AC

The Mayor led a minute of silence as a mark of mourning and respect for the passing of Ms Joan Kirner AC, Victoria's first and only female Premier.

2. OPENING OF MEETING

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

IN ATTENDANCE: Chief Executive Officer Aaron van Egmond, General Manager Corporate Services Grant Schuster, General Manager Community Services Kathleen Brannigan, General Manager Infrastructure Bruce Lucas, Manager Finance and Information Technology Trafford Thompson, Manager Planning Justin Fiddes, Manager Community and Economic Development Adam McSwain and Governance and Corporate Support Officer Mary Dancuk.

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

That Council confirms the following Minutes (previously circulated to Councillors), as required under section 93 (2) of the *Local Government Act 1989*:

- 5.1. Ordinary Meeting of Council held on 19 May 2015; and
- 5.2. Special Meeting of Council held on 25 May 2015.

MOTION

That Council confirms the following Minutes (previously circulated to Councillors), as required under section 93 (2) of the Local Government Act 1989.

5.1. *Ordinary Meeting of Council held on 19 May 2015; and*

5.2. *Special Meeting of Council held on 25 May 2015.*

Moved: Councillor Neil Newitt
Seconded: Councillor Pierre Niclas
Carried.

6. NOTICES OF MOTION

Nil

7. ITEMS OF URGENT BUSINESS

Nil

8. PRESENTATION OF COUNCILLOR REPORTS

MAYOR'S REPORT

Councillor Kate Redwood AM, Birch Ward

The business of local government is far more diverse than almost any other that I can think of. This is demonstrated by the range of activities over the last month, ranging from the formal ceremonial, to discussions on catching feral cats; from a Buddhist monastery launch to the Audit and Risk Advisory Committee; from the annual meeting with VicRoads, to an afternoon tea for the International Women's Day Committee; reading stories in our libraries for children to attending high level discussions with Central Highlands Mayors and CEOs on grant funding. Kerbside collection of waste and recyclables has been a major local issue, while for others the celebration of the ordination of a new Uniting Church minister was a highlight involving quite a different debate.

It was an honour to represent the Shire at the funeral for Joan Kirner AC. Of the six people who spoke at the funeral, two were from our Shire – Jenny Beacham, and Candy Broad. It was a remarkable celebration of a life of a woman who has left a most remarkable legacy of wonderful initiatives including Landcare, the first state policies on domestic violence, the modernisation of our state education system, and so much more.

I have attended a number of statewide forums including the recognition of Aboriginal Servicemen who served overseas. This was held at the Shrine in Melbourne and senior Dja Dja Wurrung elder, Graeme Atkinson read the Ode before the Governor and other dignitaries.

Meetings of Municipal Association of Victoria (MAV), Australian Local Government Women's Association (ALGWA), Rural Councils Victoria (RCV) and other peak bodies such as the Central Highlands Mayors and CEOs meetings have provided an opportunity to hear sector views on a range of policy issues, but particularly the financial squeeze which is of concern to most local government authorities.

The annual Hepburn Shire Council meeting with the regional representatives of VicRoads provided an opportunity to discuss the roads and intersections that are on the shortlist for attention. Among these are the intersection of the roads to Castlemaine/Trentham/Raglan Street, the five-way intersection on the Hepburn/Newstead roads, Victoria Street Clunes and a number of others that councillors will be all too familiar with.

Of particular importance in the last month has been the commencement of our annual CEO's performance appraisal. I thank all councillors for their participation in this process, which should be completed on 23 June.

I close by reminding you that the public ceremony to raise the Aboriginal flag permanently over the Daylesford Town Hall will be held at 10.30 on Sunday 5 July.

The event will be jointly sponsored by the Dja Dja Wurrung and the Hepburn Shire Council. All are welcome.

COUNCILLOR REPORTS

Councillor Greg May, Creswick Ward

No report.

Councillor Bill McClenaghan, Holcombe Ward

May and June have been busy months. Many events of significance and not much time to report on them all, hence I am running at least month behind on bringing various reports to Council. Not everything of significance that I attended in the last month will fit into this report tonight.

Since the May Council meeting, I attended the public meeting regarding Council's proposed kerbside collection rollout and it looks like we have now achieved a 'win-win' situation for many of our ratepayers.

On Friday 22nd May, I chaired a meeting at Yandoit Hall to elect a new Crown Committee of Management in charge of the Yandoit Public Park and Recreation Reserve. The Committee has been largely re-elected for a further three years.

On Monday 25th May, I attended a meeting at Glenlyon to plan what will happen from 1 July onwards when the community bus ceases operation. It looks like a community effort will be required to restore a much needed community bus service in some form. So watch this space.

On Thursday 28th May I attended a Youth Stakeholder Workshop in this very room as a major consultation process, both face-to-face and on-line, to develop a new Youth Strategy and Action Plan for Hepburn Shire. There have been many constructive responses to this consultation already.

Other events I attended in the past month include a Drummond Hall Special Committee meeting on 29th May and the opening of the new Creswick Woollen Mills store in Vincent Street, Daylesford.

Catching up on other matters over a month old, the first Municipal Association of Victoria (MAV) State Council for 2015 took place on Friday 15th May in Melbourne. As usual, many important issues affecting the local government sector were raised and 56 motions were passed to direct the MAV Board on the way forward and which may potentially affect the new MAV Strategic Work Plan for 2015-16. Councillors have been provided with information on the State Council resolutions, but briefly summarized the issues include:

- concerns on the effects of rate capping
- concerns about shire viability and our ongoing ability to provide services to the community
- fairer distribution of GST income to regions from which it came
- federalism and the recognition of local government
- funding for school based youth projects
- pensioner rates concessions and rebates
- library funding
- maternal and child health services funding
- reinstating the State's "Country Roads and Bridges" program
- problem gambling and electronic gaming machines
- issues between the MAV and the Victorian Auditor-General's Office
- level of support for local government, in general
- rating exemption for charitable land
- increasing women's participation in local government
- changes and reviews for the Local Government Act itself
- diesel emission fees
- planning fees review
- dwellings in farming zones
- asbestos removal and building demolitions
- housing affordability
- Victorian Civil and Administrative Tribunal (VCAT) costs and council liability
- changes to the VCAT Act and concerns about VCAT operations
- freight movement and transport infrastructure
- improved public transport
- fuel pricing
- noxious weed control
- emergency management
- equal services for rural people and
- mining development regulations.

These issues are sector wide and affect many or all municipalities and only a united stand by a peak local government body representing all 79 Victorian councils can produce a significant result.

The things that I brought back from the opening of the Buddhist Monastery at Newbury a few Sundays ago I will report on next month.

Councillor Pierre Niclas, Birch Ward

No report.

Councillor Neil Newitt, Cameron Ward

This month saw quite a few things happening in Cameron Ward. I participated in a youth policy stakeholder forum held in Creswick. The third Clunes Market was held on the weekend and it was good to see how groups are starting to work together. There was an Open Day for the Wesley College campus and it coincided with the delivery of information to parents to come and have a look through where your kids will be coming to school next year, come and spend time at the market and relax in Clunes. The challenge is with the problem with parking in the main street of Clunes. This is something that needs to be looked at to provide spill out parking on market days.

The highlight for me this month was a ceremony held at the Clunes Primary School on Friday. This was a further acknowledgement of the recent Gallipoli commemorations. The Clunes Primary School applied very early for one of the Gallipoli Oaks. We heard about Captain William Winter-Cooke, who was at Gallipoli and how he collected and brought acorns back to Australia which he planted in Victoria at his family property near Hamilton. A garden on the quadrangle of the school which has been cleaned up is where they planted the Gallipoli Oak tree, surrounded by four wooden statues carved by the arts teacher Mr Ross Adams which feature the soldiers, air force, nurses and navy. What struck me while standing there acknowledging the 100 years of Gallipoli, was that the children planting this tree and taking ownership of it were doing so at the school that started 40 years earlier than the Gallipoli campaign. More than likely, some of the children that played in the area where that tree was being planted actually went off to serve in World War 1 and subsequent campaigns. It was great to see the connection that the school has made with its students in having a presence in the playground which they will grow with and remember through the years.

Councillor Don Henderson, Creswick Ward

Well Madam Mayor, what a great pleasure it is to be a councillor in the Creswick Ward. There is so much positivity at the moment in Creswick. People are coming up and saying what a wonderful job the Council is doing with the footpath program. People that have been complaining for years can now walk from their home down to the street and are very happy, particularly the old folk.

On Friday we are going to have the opening of the Slaty Creek Footbridge. Our Mayor and other Councillors will attend. This project has been going for 22 years. People might think this is a small, insignificant bridge but it is a very big link to the goldfields track. I must say, there hasn't been one negative comment about that bridge. Well done to everyone concerned.

I also attended the youth strategy discussions in Creswick with Cr Newitt. I was a little bit annoyed at the fact that there was only one person from Creswick and that was me. It doesn't matter, as I understand that children will have a chance to put into the website, consultation is going on with sporting clubs and schools and with other community organisations. At the end of the day it should all work out well.

Last week I came over to Daylesford for the opening the Creswick Woollen Mills Shop. What a great business this is; started by a Polish immigrant in 1947 who came here with nothing. He came to Creswick with a vision to build a woollen mill. It is now the last coloured spinning mill of its type in Australia and it has been able to survive by diversifying. Instead of just producing woollen blankets, they still produce blankets for the Country Fire Authority, they export their goods to a fair part of the world. Daylesford now has the luxury of having those beautiful quality products here.

People in Creswick look at Council's budget and they see things there that they didn't think were possible. If the budget passes tonight, there will be things like splash parks, festivals, all manner of things. I think this Council has done very, very well. We will even see some reduction in charges. My observation of Hepburn Shire is that that we have some very affluent people in our shire, but we also have some very poor people. If we can bring fixed charges down, it is one way we can help our community.

Councillor Sebastian Klein, Coliban Ward

My month started with a stroll around the recently completed Wombat Trail with the Mayor and a couple of community members. Andy Robertson and Michael Kearney have been critical in piecing the project together from odds and ends of state and Council funding over about five years. We saw some beautiful and rare country as they showed us around the historical Trentham Racecourse, now lush with temperate forest and a range of species displayed as well as you can see them anywhere in the Wombat Forest.

It was a great chance to see what can be done when a small amount of money can be used to catalyse partnerships between state government departments, local government and community.

We were close to nature of a different kind at the opening of the Newbury Buddhist Monastery where Crs Redwood, McClenaghan and myself were all impressed, I think, by the turnout from as far afield as not just Perth and Darwin, but even Singapore and Thailand. Our Mayor made the point that this is the kind of tourism destination that we want, rounding out the narrative what we offer from indulgence to physical wellbeing, to dare I say it, spiritual well-being.

Many of the nominees and outstanding contributions later in the month at the Victorian Local Governance Association (VLGA) Community Hart Awards were also

focused on bringing communities together with nature. These awards are a great opportunity to recognise the important role of local governments in reconciliation. There is a range of ways in which councils can participate in and promote reconciliation, through cultural expressions, like festivals, and the creation of Reconciliation Action Plans, all things which I hope might follow in time after our inaugural Aboriginal flag raising in a few weeks time.

At the VLGA we had a board meeting, a resources and finance sub-committee and I attended the Local Government Minister's Fair Go Rate Capping System Advisory Group. Our financial sustainability and future of governance working groups have had their final meetings and I look forward to presenting their reports here. It is worth noting that for those councillors enthusiastic about community governance, there is an opportunity to put your name forward for the working group on this topic too.

I also attended the following events:

- A Trentham Neighbourhood Centre Committee of Management meeting to present on behalf of the community reference group for the Trentham Hub.

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 Greg May
Seconded: Councillor Bill McClenaghan
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 Chief Executive Officer before 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 Chief Executive Officer before 12 noon on the day of the Council Meeting.

If you are submitting a question, it is important to remember:

- Two questions per person, per meeting may be submitted.
- If the question has multiple parts, each will be treated as a separate question.
- A question may include an introduction of no more than 200 words.
- Each meeting is allocated a maximum of up to 30 minutes for Public Participation Time.
- You need to be present in the public gallery at the meeting in order to ask you question.
- A time limit of three minutes for each question will apply but the time may be extended at the discretion of the Chairperson.

Questions received 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

Nil

10. STATUTORY PLANNING REPORTS

10.1. PLANNING APPLICATION 803 FOR AN EXTENSION TO THE LICENSED AREA TO INCLUDE THE BEER GARDEN AND EXTENSION TO TRADING HOURS FROM 11.00PM TO 1.00AM EVERYDAY AT 31 ALBERT STREET, CRESWICK CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the Planning Coordinator, I Louise Johnston have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to determine the application for the extension to the licensed area to include the beer garden and extension to trading hours from 11.00pm to 1.00am every day at the existing Farmers Arms Hotel.

BACKGROUND

The site falls within the Commercial Zone 1 (CZ1) and is affected by Environmental Significance Overlay (ESO1) and Heritage Overlay – Schedule 34 (HO34).

The site has been used and operated as a hotel since 1882. The current liquor licence allows trading to 11.00pm every day in the existing hotel. The application seeks to extend trading hours until 1.00am everyday and extend the licensed area to include the beer garden. The trigger for the planning permit is Clause 52.27 which relates to licensed premises. The hotel has had a 1.00am licence in the past but after a fire in 2011, the hours of operation of the licence was reduced to 11.00pm to reduce costs while the hotel was refurbished.

The application was referred to the Licensing Officer at Moorabool Police who has advised there have not been any complaints or any ongoing incidents received from the local Police in relation to the hotel and its current operation. The application has been advertised by placing a notice on the site and sending notices to adjoining and adjacent landowners and occupiers and a notice in the newspaper. Five objections have been received.

ISSUE/DISCUSSION

State and Local Policy

State and Local Planning Policy encourages commercial use and development to be located within existing business centres which provide a variety of land uses and are easily accessible to the community. The Municipal Strategic Statement (MSS) seeks to encourage the consolidation of commercial activity in existing commercial areas.

Clause 17.01-1 under the heading of Business, the policy seeks to achieve to locate and retain retail business/community uses within existing business centres which provide a variety of land uses and are easily accessible to the community.

The site is centrally located within the Commercial 1 Zone, is located on a main road and the zoning encourages commercial enterprises that complement the existing area. It is considered that the proposal is appropriate at this location.

Clause 21.07 refers to Economic development and seeks to:

- *To promote traditional and new rural enterprises that provide for local value-adding opportunities while recognising the need to support existing enterprises.*
- *Encourage the consolidation of commercial activity in existing commercial areas.*

The proposal would support the above objective as the land is located within the Commercial 1 Zone in Creswick, is an existing hotel benefitting from a General Licence which previously had trading to 1.00am, already operates to 1.00am on a number of occasions throughout the year and in a location where local amenity impacts can be adequately addressed.

Zoning and Overlay provisions

The land falls within the Commercial 1 zone purpose of the Commercial Zone includes

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*

A permit is not triggered under the provisions of the Commercial 1 Zone for the proposed changes to the licensed area and trading hours of the existing liquor licence.

The site is affected by ESO1 and HO 34. No permit is triggered under these Overlays for the proposed extension to the licensed area and increase in trading hours.

Particular Provisions

The trigger for the planning permit for the extension to the licensed area and extension to trading hours is Clause 52.27 which relates to Licensed Premises and includes in its purpose

- *To ensure that licensed premises are situated in appropriate locations.*

- *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*

Council must have regard to the Decision Guidelines established under this provision, which include:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
- *The impact of the hours of operation of on the amenity of the surrounding area.*
- *The impact of the number of patrons on the amenity of the surrounding area.*
- *The cumulative impact of any existing and the proposed liquor licence, the hours of operation and number of patrons, on the amenity of the area.*

The subject premises already benefits from an existing general liquor licence which allows trading up until 11.00pm every day. The existing hotel has benefitted in the past from trading to 1.00am and under the current licence is also permitted to apply directly to Liquor Licensing, up to six times a year, for an extended licence to 1.00am which they have utilised. The Police have advised that they have not received any complaints or any ongoing issues regarding these premises.

The principal consideration of this application is the impact on the amenity of the surrounding area that will result from the increase in hours of trading up until 1.00am every day and the use of beer garden as a licensed area.

All of the five objections received have raised concerns with the proposal and its impact on the amenity of the area, including noise impacts and intoxicated patrons leaving the premises and within the beer garden.

As Council and the Police have no record of any complaints received from this premises which currently operates until 11.00pm and on a number of occasions has operated until 1.00am, the extension to trading hours and use of the beer garden is considered reasonable given its existing use, location and the inclusion of permit conditions which would seek to manage and minimise the impact of the extension to trading hours and use of the beer garden on the amenity of the surrounding area.

Objections

The application has been advertised by placing a notice on the site, sent to adjoining and adjacent owners and occupiers and a notice in the paper. As a result five objections have been received which are summarised below. Each point is addressed in italics:

- The noise level from these premises is already impacting my amenity. Increase in hours will further exacerbate this level. Noise levels and music played both within the pub and beer garden thumps through the walls of my house late at night.

Permit conditions to be placed on any permit issued would seek to control patron behaviour and safe guard the amenity of the area. The subject land is located within a Commercial 1 Zone, having a frontage to Albert Street, a designated Main Road. All entry and exit to the existing Hotel is via Albert Street. As mentioned, conditions included on any permit issued will seek to manage patrons and staff leaving the premises and measures to control noise emissions from the premises. Both adjoining properties in Albert Street are located within the Commercial 1 Zone.

- An extension of trading hours to 1.00am is unreasonable in a small town like Creswick and will set a precedent for other hotels and wine bars to follow.

Every application is considered on its merits and assessed based on the controls at the time of assessment. This hotel had a 1.00am in the past before 2011. In addition, the American Hotel located further along Albert Street has trading to 1.00am

- How are the owners going to control noise from the beer garden at the rear of the premises

Conditions to be placed on any permit issued will seek to control noise and patron behaviour to safe guard the amenity of the area.

- What security arrangements are to be made for the closest residence which backs onto the beer garden from patrons being drunk at 1.00am in the morning when Creswick has little Police protection at this time.

As above, conditions to be placed on any permit issued will seek to control noise and patron behaviour to safe guard the amenity of the area.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

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

FINANCIAL IMPLICATIONS

Any application determined by Council or under delegation of Council and which is subject to appeal rights, may incur costs.

RISK IMPLICATIONS

Not applicable

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Not applicable

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*.

CONCLUSION

The proposed extension to trading hours and use of the beer garden as a licensed area can be considered at this location given the site already benefits from an existing General Licence, is located within a Commercial 1 Zone and the extension to trading hours and use of the beer garden can be undertaken and managed in a manner that minimises its impact on the amenity of the surrounding area.

OFFICER'S RECOMMENDATION

That Council having caused notice of planning application PA 803 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 52.27 of the Hepburn Planning Scheme in respect of the land known and described as 31 Albert Street, Creswick for extension to the red line area to include the beer garden and extend trading hours to 1.00am everyday with the application dated 18/03/2015 subject to the following conditions:

10.1.1 LAYOUT NOT ALTERED – USE OF LAND

The licensed area as shown on the endorsed plan must not be altered without the written consent of the responsible authority.

10.1.2 GENERAL AMENITY PROVISION

- a) The use must be managed so that the amenity of the area is not detrimentally affected, through the
- b) transport of materials, goods or commodities to or from the land
- c) appearance of any building, works or materials
- d) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
- e) presence of vermin
- f) others as appropriate.

10.1.3 HOURS OF OPERATION

The serving and consumption of alcohol may operate only between the hours:

- 7am to 1.00am Monday to Saturday (excluding ANZAC Day and Good Friday)
- 10am to 1.00am Sunday
- 12 noon to 1.00am ANZAC Day and Good Friday.

10.1.4 CONTROL OF LIGHT SPILL

External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

10.1.5 NOISE AND AMENITY PLAN

Before the extension to trading hours and extension to the red line area to include the beer garden commences, a noise and amenity plan to the satisfaction of the responsible authority must be submitted to and approved by the authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed plan. The plan must include:

- a) staffing and other measures which are designed to ensure the orderly arrival and departure of patrons
- b) signage to be used to encourage responsible off-site patron behaviour
- c) the training of staff in the management of patron behaviour
- d) staff communication arrangements
- e) measures to control noise emissions from the premises including bottle and rubbish removal from the premises.

10.1.6 LOUDSPEAKERS

No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose after 10.00pm in the beer garden.

10.1.7 NOISE CONTROL

Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.

Notes:

This permit will expire if the permitted use of the land has not started within two years of the date of this permit, or, after starting, is discontinued for a period of two years.

The responsible authority may extend this period if a request is made in writing before the permit expires, or within six months afterwards.

MOTION

That Council having caused notice of planning application PA 803 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act decides to issue a **Notice of Decision to Grant a Permit** under the provisions of Clause 52.27 of the Hepburn Planning Scheme in respect of the land known and described as 31 Albert Street, Creswick for extension to the red line area to include the beer garden and extend trading hours to 1.00am everyday with the application dated 18/03/2015 subject to the following conditions:

10.1.1. **LAYOUT NOT ALTERED – USE OF LAND**

The licensed area as shown on the endorsed plan must not be altered without the written consent of the responsible authority.

10.1.2. **GENERAL AMENITY PROVISION**

- a) The use must be managed so that the amenity of the area is not detrimentally affected, through the
- b) transport of materials, goods or commodities to or from the land
- c) appearance of any building, works or materials
- d) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
- e) presence of vermin
- f) others as appropriate.

10.1.3. **HOURS OF OPERATION**

The serving and consumption of alcohol may operate only between the hours:

- 7am to 1.00am Monday to Saturday (excluding ANZAC Day and Good Friday)
- 10am to 1.00am Sunday
- 12 noon to 1.00am ANZAC Day and Good Friday.

10.1.4. **HOURS OF OPERATION - BEER GARDEN**

The use, serving and consumption of alcohol in the beer garden may only operate between the hours:

- 7am to 11.00pm Monday to Saturday (excluding ANZAC Day and Good Friday)
- 10am to 11.00pm Sunday
- 12 noon to 11.00pm ANZAC Day and Good Friday.

10.1.5. **CONTROL OF LIGHT SPILL**

External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

10.1.6. **NOISE AND AMENITY PLAN**

Before the extension to trading hours and extension to the red line area to include the beer garden commences, a noise and amenity plan to the satisfaction of the responsible authority must be submitted to and approved by the authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed plan. The plan must include:

- a) staffing and other measures which are designed to ensure the orderly arrival and departure of patrons
- b) signage to be used to encourage responsible off-site patron behaviour
- c) the training of staff in the management of patron behaviour
- d) staff communication arrangements
- e) measures to control noise emissions from the premises including bottle and rubbish removal from the premises.

10.1.7. **LOUDSPEAKERS**

No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose after 10.00pm in the beer garden.

10.1.8. **NOISE CONTROL**

Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.

Notes:

This permit will expire if the permitted use of the land has not started within two years of the date of this permit, or, after starting, is discontinued for a period of two years.

The responsible authority may extend this period if a request is made in writing before the permit expires, or within six months afterwards.

Moved: Councillor Neil Newitt

Seconded: Councillor Bill McClenaghan

Carried.

ATTACHMENT 1 - SITE PLAN – 33 ALBERT STREET, CRESWICK

Proposed Red line

180sqm.

10m. Base Garden.

20m

21m



ALBERT

STREET

11. OFFICERS' REPORTS

11.1. RESPONSE TO PETITION – REVIEW OF SPEED LIMIT – RIDGE ROAD, SAILORS HILL

GENERAL MANAGER INFRASTRUCTURE

In providing this advice to Council as the Manager Strategic Project Delivery, I Darren Dumesny have no interests to disclose in this report.

PURPOSE

The purpose of this report is to consider the petition requesting Council to review the speed limits in the area of Ridge Road, Sailors Hill as tabled at the Ordinary Meeting of Council on 19 May 2015.

BACKGROUND

Council received the petition at its Ordinary Meeting of Tuesday 19 May 2015. The petition has 44 signatures and reads:

To: Hepburn Shire Council

With the growing number of residences being constructed in the area around Ridge Road, Sailors Hill, local residents are becoming increasingly concerned about traffic safety.

The narrowness of the sealed section of the road, combined with a number of residences where small children live, is potentially dangerous and we believe the present 80km/h speed limit is in need of urgent review.

What is particularly worrying is that many cars using the road considerably exceed the current 80km/h speed limit – even when driving past the houses with small children.

Although there have been, to our knowledge, no recent incidents involving the pedestrians, horses or bicycle riders that regularly use Ridge Road – indeed, even cars approaching each other and needing to put wheels on the gravel to pass are placed in dangerous situations, particularly in poor visibility – we believe the road, with its current speed limit and narrowness, puts those using it at risk.

Ridge Road is becoming less of a quiet country lane than a busy part of the local road network being used frequently by pedestrians (who have no option but to walk close to, or on the sealed part of the road), horses, bicycles, cars, trucks and buses, and needs to be recognised as such.

Council resolved that it:

- 9.1.1. *Receives the Petition requesting Council to review the speed limit in Ridge Road, Sailors Hill and notes that the petition lay on the table for one month.*
- 9.1.2. *Refers the petition to the General Manager Infrastructure for preparation of a report for consideration at the June 2015 Council Meeting.*
- 9.1.3. *Advises the head petitioner of the above process.*

ISSUE/DISCUSSION

The responsibility to determine speed zones rests with the state road authority being VicRoads, however Council plays a role in undertaking preliminary assessments of local roads where concerns have been raised.

In response to the petition, Council officers have completed an investigation and review of the traffic environment and speed zones on Ridge Road, Sailors Hill including Stony Creek Road.

It was found that due to the increasing residential nature of the immediate road network, there is merit in preparing a case to VicRoads to have the speed limits lowered.

As part of the process, Council officers obtained results from the Vlimits assessment tool (a mandatory VicRoads requirement) which indicates that VicRoads will consider speed reductions in the area.

The proposed speed zones changes being considered are as follows:

- Stony Creek Road, 60km/hr, entire length;
- Ridge Road, 60km/hr, Ballan-Daylesford Road to Appleby Lane;
- Ridge Road, 50km/hr, Appleby Lane to Old Ballarat Road.

An investigation and review of the 80km/hr speed zone on Old Ballarat Road is also planned to be undertaken and the findings forwarded to VicRoads for consideration.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2013:2017:

Strategic Objective – High Performing Organisation

Key Strategic Activity:

25. Respond to the changing needs of the Hepburn Shire Communities through the provision of timely, targeted and relevant internal and external communications, including advocacy on behalf of the community for important community concerns, projects and initiatives.

FINANCIAL IMPLICATIONS

Should the speed zones as proposed be approved by VicRoads, then the cost to implement the changes will be covered as part of Council's operational budget and estimated to be in the order of \$3,000 - \$4,000.

RISK IMPLICATIONS

Whilst it is acknowledged that speed limits are only one element to maximising road safety, they do play a role in providing a safe road environment for all users and assist in meeting the expectations of all road users.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Appropriate vehicle speed limits give the community a sense of security and safety for road users.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

This report is in response to a petitioned request and the findings should be advised to the head petitioner. No additional community engagement has been undertaken.

CONCLUSION

Council received a petition with 44 signatories seeking Council to review the speed limits in the area of Ridge Road, Sailors Hill.

Council officers have investigated and reviewed the speed limits in response. The assessment indicates a possibility of merit to have speed zones lower than 80km/hr in the area. Subsequently, it has been forwarded to VicRoads for consideration to approve a speed zone application to post speed limits of 60km/hr and 50km/hr on Ridge Road and Stony Creek Road.

An investigation and review of the existing 80km/hr speed zone on Old Ballarat Road is also planned to be undertaken.

OFFICER'S RECOMMENDATION

That Council:

- 11.1 Notes the concerns raised in the petition and the outcomes of the speed zone review completed.
- 11.2 Writes to VicRoads seeking approval to implement the recommended speed zone changes following the recent review.
- 11.3 Writes to the head petitioner to advise of the speed zone review outcome.

MOTION

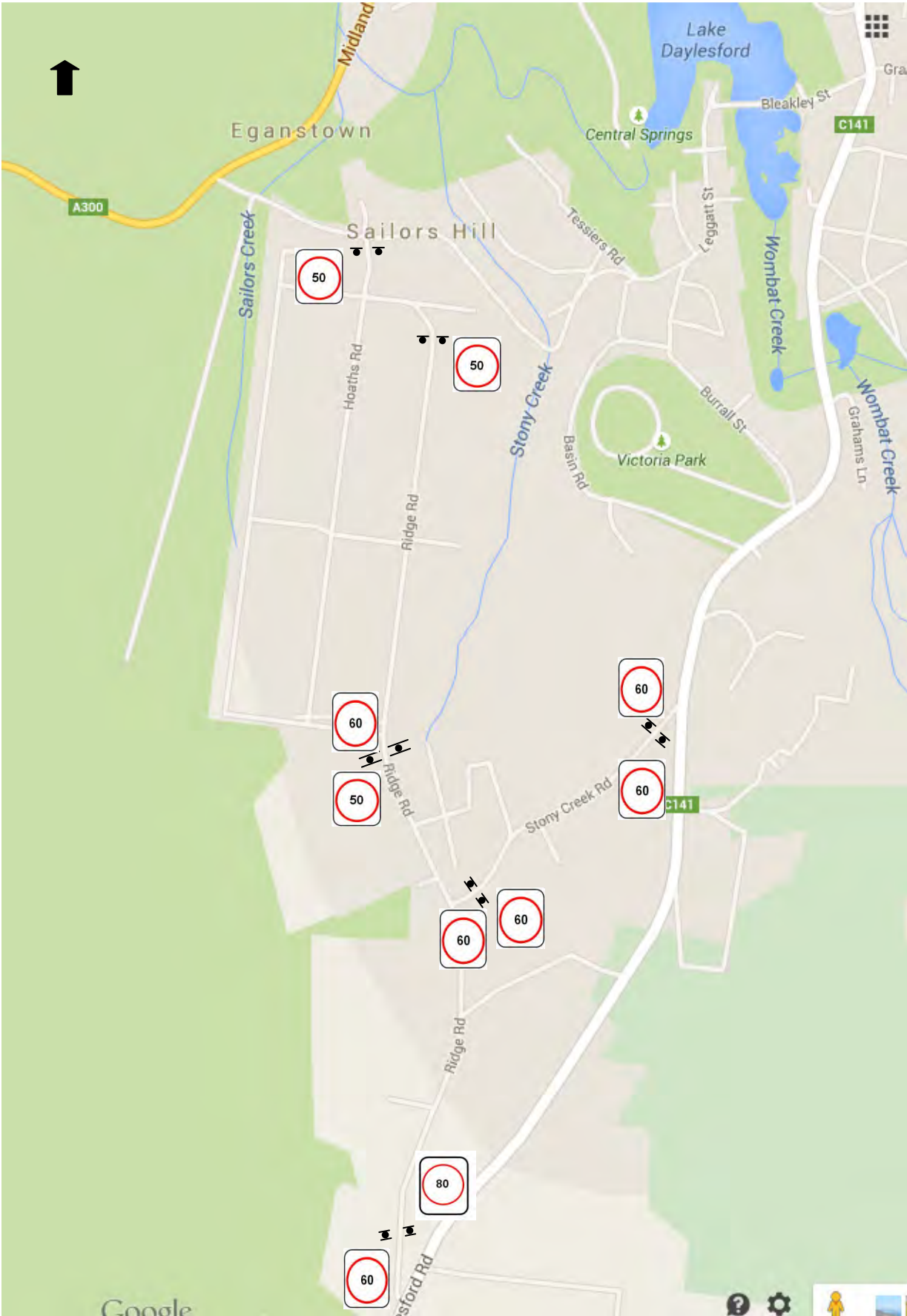
That Council:

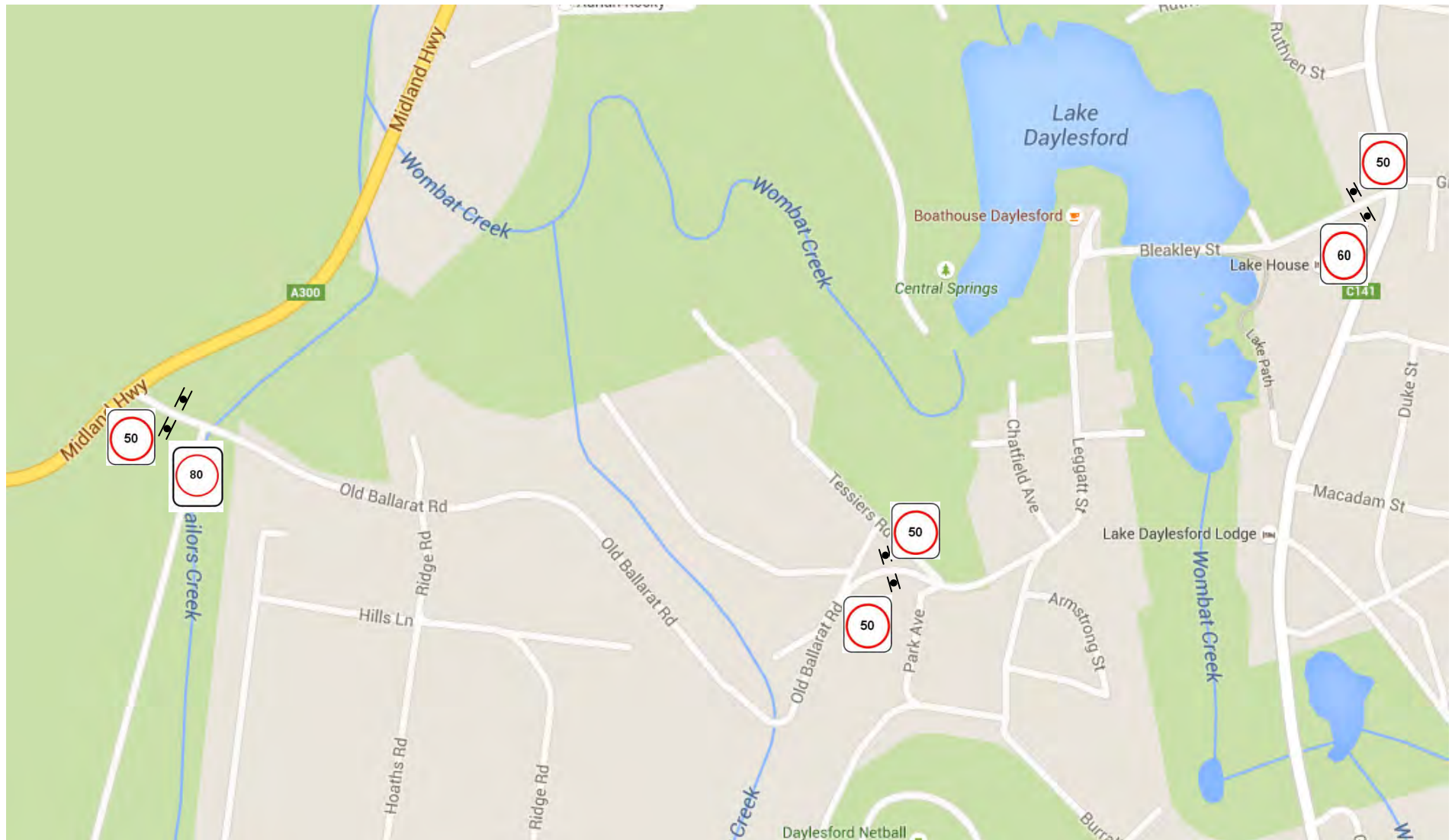
- 11.1.1. *Notes the concerns raised in the petition and the outcomes of the speed zone review completed.*
- 11.1.2. *Writes to VicRoads seeking approval to implement the recommended speed zone changes following the recent review.*
- 11.1.3. *Writes to the head petitioner to advise of the speed zone review outcome.*

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

ATTACHMENT 2 - PROPOSED SPEED LIMIT SIGNS

Proposed Speed Limit Signs





11.2. BUDGET 2015/16 AND STRATEGIC RESOURCE PLAN 2015-2019

GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Manager Finance and Information Technology, I Trafford Thompson have no interests to disclose in this report.

PURPOSE

The purpose of this report is to present the Budget 2015/16 and Strategic Resource Plan 2015-2019 for Council's consideration and adoption.

BACKGROUND

In accordance with the *Local Government Act 1989*, Council is required to prepare a Budget and Strategic Resource Plan for each financial year. At the Ordinary Meeting of Council on 21 April 2015, the Proposed Budget 2015/16, including the Strategic Resource Plan elements, was endorsed for public advertising to seek submissions. The advertising and submission process has been completed. The Budget 2015/16 and Strategic Resource Plan 2015-2019 now require formal adoption.

ISSUE/DISCUSSION

The budget seeks to balance the demand for services and facilities, the required infrastructure renewal and upgrade, management of the Shires' natural environment, and the community's capacity to pay.

The recommendations below are the formal resolutions to be passed by Council to finalise and adopt the Budget 2015/16 and Strategic Resource Plan 2015-2019.

Minor changes have been made to the budget since the proposed budget was publicly advertised. The changes are as follows:

- Correction to operating result graph for 2013/14 actual result column (pg 4)
- Removal of economic development performance indicators from within Section 2.3 due to removal of these indicators from the Local Government Performance Reporting Framework by the Victorian Government (Pgs 15 & 16)
- Identification of two additional discretionary reserves; Waste management reserve and Mineral springs reserve and removal of Financial asset valuation reserve as the financial asset has been redeemed this year (pg 35)
- Amendments to Reserves and Unrestricted Cash (pgs 34, 41, 45, 46, 55 & 56)
- Recognition that less income may be obtained from the fortnightly kerbside waste collection charges (pg 61)
- Annotation of "per hour" where required for HACC Fees and Charges (Pg 86)
- Annotation that HACC Fees will be charged where there has been no notification or late notification (Pg 86)
- Grammar and formatting of the document has also been updated.

A copy of the draft Budget 2015/16 is included as Attachment 3, issued under separate cover.

A copy of the Strategic Resource Plan 2015-2019 is included as Attachment 4, issued under separate cover.

Budget Summary

The Budget 2015/16 includes an increase of 4.0% in the rate in the dollar to be levied for each type or class of land, raising total revenue received from rates to \$15.627 million, including \$0.17 million generated from supplementary rates. In addition, \$2.412 million will be raised from the waste management and kerbside collection charges. The amount to be raised from kerbside collection charges is subject to change depending on the quantity of residents that are approved to opt-out of receiving the service and any additional residents opting-in. At mid-year, Council may need to adjust the planned expenditure on capital improvements to waste facilities or adjust the forecast cash surplus at year end.

The budgeted operating result for the 2015/16 year is a surplus of \$3.606 million, compared to a forecast surplus of \$1.979 million in 2014/15.

Total cash and investments are forecast to decrease by \$1.637 million to \$8.720 million as at 30 June 2016. There is one primary driver of this change, being projects carried forward to 2015/16. Funding carried forward for Capital Projects total \$1.135 million and \$1.053 million for operational projects. Without the inclusion of these carried forward projects, cash and cash equivalents for 2015/16 would be forecast to increase by \$551,000. This is consistent with Council's long term financial plan objective of increasing working capital and liquidity.

Carry Forward from 2014/15

Funding has been included in the 2015/16 budget for projects currently included in the 2014/15 budget but which are anticipated to be unexpended as at 30 June 2015. These funds include all sources of allocated revenue received prior to 30 June 2015. The reason for identifying and including the required carry forward funds is to provide a complete picture of the initiatives and major initiatives that will be undertaken during 2015/16. The inclusion of carry forward projects in the 2015/16 budget and 2014/15 forecast has a nil net impact over the two years and is simply a reallocation in the time in which they occur, as illustrated below.

	Carry Forward	2014/15 Forecast	2015/16 Budget	Total
Income	Excluding	\$29.973 m	\$31.699 m	\$61.672 m
	Including	\$29.973 m	\$31.699 m	\$61.672 m
Expenditure	Excluding	\$29.047 m	\$27.041 m	\$56.088 m
	Including	\$27.994 m	\$28.094 m	\$56.088 m
Surplus	Excluding	\$0.926 m	\$4.658 m	\$5.584 m
	Including	\$1.979 m	\$3.605 m	\$5.584 m
Capital Works	Excluding	\$11.747 m	\$10.930 m	\$22.677 m
	Including	\$10.612 m	\$12.065 m	\$22.677 m
Total Cash & Investments (at 30/6)	Excluding	\$8.169 m	\$8.720 m	
	Including	\$10.357 m	\$8.720 m	

Differential Rates

Rate differentials have been set in the proposed budget in accordance with the Rating Strategy.

The rate differentials that will be applied are as follows:

Type or class of land	2014/15		2015/16		Change
	\$/ \$ CIV	Differential	\$/ \$ CIV	Differential	
General Rate	0.004057	100%	0.004219	100%	4.0%
Farm Rate	0.002637	65%	0.002743	65%	4.0%
Commercial Rate	0.004706	116%	0.004895	116%	4.0%
Industrial Rate	0.004706	116%	0.004895	116%	4.0%
Mixed Use Rate	0.004706	116%	0.004895	116%	4.0%
Vacant Land Rate - Township	0.005071	125%	0.005275	125%	4.0%
Vacant Land Rate - Other	0.004057	100%	0.004219	100%	4.0%
Trust for Nature Rate	0.002029	50%	0.00211	50%	4.0%
Recreational Rate	0.002029	50%	0.00211	50%	4.0%

Charges

The annual service charges are proposed as follows:

Type of Charge	Per Rateable Property	Per Rateable Property	Change
	2014/15	2015/16	
	\$	\$	
Kerbside collection (Garbage) Existing Weekly	126.00	126.00	0.00%
Kerbside collection (Garbage) New Fortnightly	N/A	106.00	N/A
Kerbside collection (Recycling) Fortnightly	55.00	45.00	-18.18%
Commercial Garbage Charge	280.00	280.00	0.00%
Waste management charge	129.00	109.00	-15.50%

The kerbside collection charges and commercial garbage collection charge are a service charge and only those who are provided with the service are charged. Council also has a waste management charge which covers the costs of transfer stations and other costs associated with keeping the Shire clean and tidy, including

street cleaning and street litter bin collection. Council considers it equitable that this charge applies to all properties. Cost savings and efficiencies have resulted in a decrease to some of these charges and the others having no increase in 2015/16.

Capital Works Program

The cost of Council's proposed capital works program for 2015/16 is \$12.065 million. This includes \$1.135 million of works carried forward from 2014/15 that are forecast to not be completed before 30 June 2015. Highlights of the capital works program are listed below.

- Asset Renewal Programs comprising building and structures, road resealing and resheeting, road pavement rehabilitation, road safety improvements, bridge, footpath, and kerb and channel renewals - \$4.814 million
- Fleet, plant and equipment renewal - \$850,000
- Streetscape implementation completion in Clunes and Creswick, and commencing in Glenlyon, Hepburn Springs and Trentham - \$1.053 million
- Victoria Park, Daylesford multipurpose facility - \$1.880 million
- Sustainability strategy implementation - Towards Zero Emissions, Council buildings - \$150,000
- Trentham Community Hub construction - \$500,000 (first year component)
- Lake Daylesford improvements - \$500,000
- Splash Park in Creswick - \$125,000
- Town and shire road signage - \$100,000
- Hepburn Council and Community Services Hub construction documentation and tender - \$250,000
- Newlyn netball facilities upgrade - \$100,000
- Smeaton community centre / bowls club deck - \$70,000
- Trentham and Daylesford netball courts renewal - \$50,000
- Daylesford Community Park improvements - \$40,000.

Note: Some of these capital projects are contingent on receiving funding from other Government sources.

Other Non-capital Initiatives

Other new and carried forward initiatives total \$1.985 million, including \$1.053 million of carry forward funding from 2014/15 and include the following projects. Some of these projects are subject to receiving funding from other Government sources.

- Implementation of youth strategy - \$60,000
- Community planning implementation fund - \$50,000
- Implementation of economic development strategy and destination management plan - \$45,000
- Continue LED lighting the regions program - \$45,000

- Calembeen Park weed eradication, revegetation and fire risk reduction - \$20,000
- Clydesdale Hall outdoor shelter - \$15,000
- Dja Dja Wurrung recognition - \$15,000
- EPA enforceable undertaking – Mount Beckworth - \$55,000
- Old Hepburn Depot soil decontamination and rectification - \$60,000
- Municipal fire and emergency management systems improvement - \$248,000
- Street decorations extended to Creswick - \$15,000
- Sustainability strategy implementation - Towards Zero Emissions, community buildings - \$40,000
- Tree safety works - \$100,000.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Under section 127 (1) of the *Local Government Act 1989*, Council has a statutory responsibility to prepare a budget each financial year. In addition, under section 130 (3) of the Act, Council must adopt the budget by 30 June each year.

Under section 126 (3) (b) of the *Local Government Act 1989*, Council must adopt the Strategic Resource Plan not later than 30 June each year.

The budget and strategic resource plan contains the necessary statutory information required under the *Local Government Act and Local Government (Planning and Reporting) Regulations 2014*.

FINANCIAL IMPLICATIONS

A financial summary of the proposed budget is detailed above.

The budget setting process is necessary to ensure that funds are set aside to achieve the most important objectives as prioritised by Council after consulting the community.

The declaring of rates and charges will have a financial implication on each ratepayer and the capacity for Council to deliver services to the community.

RISK IMPLICATIONS

The annual budget process is a key control in mitigating and controlling financial risk.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Council appreciates the varying demographics of our Shire and has sought to keep the increase of revenue to be raised from rates and charges as low as possible, without compromising service.

Council recognises that if sufficient funds are not allocated to asset renewal then the condition of those assets will decline, along with the capacity to deliver services to the community.

Before adjusting for carry-forwards, Council has exceeded its minimum Long Term Financial Plan of having \$250,000 reserved in the budget to be used to increase the cash balance and consequently increase Council's liquidity. This is part of a long term sustainability strategy to build a level of resilience into Council's financial position.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

As per the Hepburn Shire Community Engagement Framework, level 3 engagement has been undertaken.

The budget 2015/16 has been developed through a rigorous process that is aligned with the Council Plan 2013-2017 and the initiatives in Council's other adopted strategies and plans. Significant community and stakeholder engagement has been undertaken in developing the Council Plan and related strategies and plans. The budget 2015/16, as tabled, outlines how Council intends to deliver its strategic objectives over the next year.

The Proposed Budget 2015/16 and prescribed information was publicly advertised in the local newspapers seeking submissions from interested parties in accordance with section 223 of the *Local Government Act 1989*.

The Proposed Budget 2015/16 was available for inspection for 28 days at Council offices in Daylesford, Creswick and Clunes, at all Hepburn Library branches and from Council's website www.hepburn.vic.gov.au

Community budget information sessions were conducted in each of the five wards of the Shire.

Any person was able to make a submission to Council on any proposal contained in the budget. There were two submissions received by the Council before the 5pm Thursday 21 May 2015 deadline. A Special Council Meeting was held on Monday 25 May to hear the submissions received and all submissions were considered in Council's decision to adopt the budget. No amendments to the budget have been made following the submissions received. All submitters will be written to, providing them with feedback on Council's consideration of their submissions.

The final Council Budget 2015/16 will be placed on Council's website and copies will be made available for viewing at Council's administration offices.

CONCLUSION

The Budget 2015/16 and Strategic Resource Plan include financial statements that are financially responsible and sustainable, which seek to deliver on Council's strategic objectives.

OFFICER'S RECOMMENDATION

That Council, having complied with the requirements in the Local Government Act 1989 and Local Government (Planning and Reporting) Regulations 2014 regarding the preparation and content of the Budget for the 2015/16 financial year and the updated Strategic Resource Plan:

- 11.2.1 Determines that the Budget 2015/16, as presented to this meeting, be adopted.
- 11.2.2 Determines that the Strategic Resource Plan 2015-2019, as presented to this meeting, be adopted and included in the Council Plan 2013-2017.
- 11.2.3 Makes the following declarations in relation to the Budget 2015/16, which commences 1 July 2015:
- Council intends to raise an amount of \$18,039,000 by general rates, and annual service charges as described within this recommendation, (subject to changes in the number of residents included in the new kerbside waste and recycling service).
 - It is further declared that the general rates will be raised by the application of differential rates.
 - It be recorded that Council considers that differential rates will contribute to the equitable and efficient carrying out of Council functions. The respective types or classes of land which are subject to each differential rate are those defined in the schedule to this recommendation.
 - Council resolves the following rate in the dollar for each type of rate to be levied for the period 1 July 2015 to 30 June 2016.
 - Council intends to raise \$15,627,000 from the differential general rates by multiplying the capital improved value of the rateable land by the applicable rate in the dollar.

Type or class of land	2015/16 \$/CIV
General Rate	0.004219
Farm Rate	0.002743
Commercial Rate	0.004895
Industrial Rate	0.004895
Mixed Use Rate	0.004895
Vacant Land Rate - Township	0.005275
Vacant Land Rate – Other	0.004219
Trust for Nature Rate	0.002110
Recreational Rate	0.002110

- Council intends to raise \$15,627,000 from the differential general rates by multiplying the capital improved value of the rateable land by the applicable rate in the dollar.
 - Council resolves to levy a Waste Management Charge of \$109 for the period 1 July 2015 to 30 June 2016 on all properties. Owners of farm rated properties will only pay one charge per 'single farm enterprise'. The intended amount to be raised by this charge is \$1,139,000.
 - Council resolves to levy a Kerbside Collection (Garbage) Existing Weekly Service charge of \$126 on those residential, farm, mixed use and trust for nature properties included in the service areas for the period 1 July 2015 to 30 June 2016. The intended amount to be raised by this charge is \$640,000.
 - Council resolves to levy a Kerbside Collection (Garbage) New Fortnightly Service charge of \$106 on those residential, farm, mixed use and trust for nature properties included in the service areas, excluding approved properties that have elected to opt-out following receipt of a submission by 12 June 2015, for the period 1 July 2015 to 30 June 2016. The intended amount to be raised by this charge is \$232,000, (subject to changes in the number of residents included in the new kerbside garbage service).
 - Council resolves to levy a Commercial Garbage Collection Service charge of \$280 on those properties receiving the service for the period 1 July 2015 to 30 June 2016. The intended amount to be raised by this charge is \$59,000.
 - Council resolves to levy a Kerbside Collection (Recycling) Fortnightly Service charge of \$45 on those residential, farm, mixed use and trust for nature properties included in the service areas and those other properties receiving a service, excluding approved properties that have elected to opt-out following receipt of a submission by 12 June 2015, for the period 1 July 2015 to 30 June 2016. The intended amount to be raised by this charge is \$342,000, (subject to changes in the number of residents included in the new kerbside recycling service).
- 11.2.4 Determines that interest be charged on all overdue rates and charges in accordance with section 172 (2) of the Local Government Act 1989.
- 11.2.5 That pursuant to section 167 (1) of the Local Government Act 1989, Council resolves that all rates and charges levied as a result of this declaration be payable in four instalments on the dates fixed by the Minister under section 167 (2).

- 11.2.6 Gives public notice of the decision to adopt the Budget 2015/16.
- 11.2.7 Determines that those persons who have made submissions be responded to thanking them for their comments and advising them of the outcomes.
- 11.2.8 Determines that a copy of the adopted Budget 2015/16 be submitted to the Minister by 30 June 2015, in accordance with section 130 (4) of the Local Government Act 1989.

MOTION

That Council, having complied with the requirements in the Local Government Act 1989 and Local Government (Planning and Reporting) Regulations 2014 regarding the preparation and content of the Budget for the 2015/16 financial year and the updated Strategic Resource Plan:

- 11.2.1. *Determines that the Budget 2015/16, as presented to this meeting, be adopted.*
- 11.2.2. *Determines that the Strategic Resource Plan 2015-2019, as presented to this meeting, be adopted and included in the Council Plan 2013-2017.*
- 11.2.3. *Makes the following declarations in relation to the Budget 2015/16, which commences 1 July 2015:*

- *Council intends to raise an amount of \$18,039,000 by general rates, and annual service charges as described within this recommendation, (subject to changes in the number of residents included in the new kerbside waste and recycling service).*
- *It is further declared that the general rates will be raised by the application of differential rates.*
- *It be recorded that Council considers that differential rates will contribute to the equitable and efficient carrying out of Council functions. The respective types or classes of land which are subject to each differential rate are those defined in the schedule to this recommendation.*
- *Council resolves the following rate in the dollar for each type of rate to be levied for the period 1 July 2015 to 30 June 2016.*

Type or class of land	2015/16 \$/CIV
General Rate	0.004219
Farm Rate	0.002743
Commercial Rate	0.004895
Industrial Rate	0.004895
Mixed Use Rate	0.004895
Vacant Land Rate - Township	0.005275
Vacant Land Rate – Other	0.004219
Trust for Nature Rate	0.002110
Recreational Rate	0.002110

- *Council intends to raise \$15,627,000 from the differential general rates by multiplying the capital improved value of the rateable land by the applicable rate in the dollar.*

- Council resolves to levy a Waste Management Charge of \$109 for the period 1 July 2015 to 30 June 2016 on all properties. Owners of farm rated properties will only pay one charge per 'single farm enterprise'. The intended amount to be raised by this charge is \$1,139,000.
- Council resolves to levy a Kerbside Collection (Garbage) Existing Weekly Service charge of \$126 on those residential, farm, mixed use and trust for nature properties included in the service areas for the period 1 July 2015 to 30 June 2016. The intended amount to be raised by this charge is \$640,000.
- Council resolves to levy a Kerbside Collection (Garbage) New Fortnightly Service charge of \$106 on those residential, farm, mixed use and trust for nature properties included in the service areas, excluding approved properties that have elected to opt-out following receipt of a submission by 12 June 2015, for the period 1 July 2015 to 30 June 2016. The intended amount to be raised by this charge is \$232,000, (subject to changes in the number of residents included in the new kerbside garbage service).
- Council resolves to levy a Commercial Garbage Collection Service charge of \$280 on those properties receiving the service for the period 1 July 2015 to 30 June 2016. The intended amount to be raised by this charge is \$59,000.
- Council resolves to levy a Kerbside Collection (Recycling) Fortnightly Service charge of \$45 on those residential, farm, mixed use and trust for nature properties included in the service areas and those other properties receiving a service, excluding approved properties that have elected to opt-out following receipt of a submission by 12 June 2015, for the period 1 July 2015 to 30 June 2016. The intended amount to be raised by this charge is \$342,000, (subject to changes in the number of residents included in the new kerbside recycling service).

11.2.4. Determines that interest be charged on all overdue rates and charges in accordance with section 172 (2) of the Local Government Act 1989.

11.2.5. That pursuant to section 167 (1) of the Local Government Act 1989, Council resolves that all rates and charges levied as a result of this declaration be payable in four instalments on the dates fixed by the Minister under section 167 (2).

- 11.2.6. *Gives public notice of the decision to adopt the Budget 2015/16.*
- 11.2.7. *Determines that those persons who have made submissions be responded to thanking them for their comments and advising them of the outcomes.*
- 11.2.8. *Determines that a copy of the adopted Budget 2015/16 be submitted to the Minister by 30 June 2015, in accordance with section 130 (4) of the Local Government Act 1989.*

Moved: Councillor Sebastian Klein

Seconded: Councillor Pierre Niclas

Carried.

ATTACHMENT 3 - DRAFT HEPBURN SHIRE COUNCIL BUDGET 2015/16
(ISSUED UNDER SEPARATE COVER)

ATTACHMENT 4 - DRAFT HEPBURN SHIRE COUNCIL STRATEGIC RESOURCE
PLAN 2015-2019
(ISSUED UNDER SEPARATE COVER)

11.3. DEBT REDUCTION PROPOSAL 2015

GENERAL MANAGER CORPORATE SERVICES

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

PURPOSE

The purpose of this report is for Council to consider a lump sum debt reduction payment funded from savings achieved in the 2014/15 financial year.

BACKGROUND

Through prudent financial management and organisational restructure over the past two years, Council has achieved significant operational savings in the 2014/15 financial year.

As at 30 June 2014 Hepburn Shire Council had \$4.1 million in borrowings. During 2014/15, Hepburn Shire Council did not take out any more borrowings, and items budgeted to be funded via borrowings were instead funded by savings identified at mid-year.

The estimated borrowings balance as at 30 June 2015 is \$3.7 million. The Victorian Auditor General's Office (VAGO) measures debt levels using the indebtedness ratio (non-current liabilities as a percentage of own sourced revenue). VAGO states that a Council with an indebtedness ratio of less than 40% is at a low risk and has no concern over their ability to repay debt from own-sourced revenue. Based on the current borrowings estimate for the 30 June 2015, Hepburn Shire Council will have an indebtedness ratio of 19% which is well below the 40% benchmark for low risk. Although Hepburn Shire Council has very low levels of debt, accelerated repayment of debt will save money in the future and support low future rate rises.

ISSUE/DISCUSSION

Sustainable Financial Management and Innovative Corporate Systems is a Strategic Objective of the Hepburn Shire Council. Through the implementation of sustainable financial practices and policies, Council can ensure the long term financial sustainability of the Shire. Throughout the year, savings have been identified with the goal to use these savings to reduce debt. The reduction of debt provides a number of benefits to the Shire. These benefits include reduced principal and interest payments in the future and increased flexibility in the future to take advantage of opportunities that may arise.

Operational savings and increased revenue achieved during the 2014-15 year are as follows:

Saving	Value (\$s)
Community Services- Increased income	\$25,000
Economic and Tourism Development- Increased income and salary savings	\$55,000
Recreation and Youth- Salary and contractor savings	\$45,000
Finance and Procurement- Salary savings	\$70,000
Corporate Services- Salary and legal savings	\$60,000
IT- Salary and materials savings	\$55,000
Records and Customer Service- Salary and postal savings	\$30,000
Streetlight- Electricity savings	\$30,000
Local Laws- Salary Savings and increased income	\$60,000
Planning- Increased income and salary savings	\$75,000
Environmental Health- Increased income and salary savings	\$45,000
CEO Unit- Salary savings and contractor savings	\$20,000
Risk and Property- Increased income and insurance savings	\$40,000
Assets and Engineering- Salary savings	\$40,000
Total	\$650,000

It is proposed that the \$650,000 of 2014/15 operational savings be used to reduce debt in a one off debt reduction payment before 30 June 2015.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2013-2017:

Strategic Objective – Sustainable financial management and innovative corporate systems

Key Strategic Activity:

19. Implement sustainable financial practices and policies that guide the future financial direction of Council and ensure long term financial stability.

FINANCIAL IMPLICATIONS

The \$650,000 one off debt reduction payment will reduce future interest payments and reduce future principal payments where the loan is completely paid off. Officers will determine the most financially advantageous debt reduction repayment considering loan term, interest rate and early payment penalties.

RISK IMPLICATIONS

The proposal reduces Council's loan balance which strengthens its balance sheet.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

None of note.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal engagement has occurred to achieve and confirm operational savings.

CONCLUSION

By making a \$650,000 payment from operational savings to reduce debt, in the most financially advantageous manner, Council will save future interest payments and future principal payments for loans completely paid off.

OFFICER'S RECOMMENDATION

11.3.1 That Council resolves to use the 2014/15 operational savings of \$650,000 to reduce Council debt in the most financially beneficial manner.

MOTION

11.3.1. *That Council resolves to use the 2014/15 operational savings of \$650,000 to reduce Council debt in the most financially beneficial manner.*

Moved: Councillor Pierre Niclas
Seconded: Councillor Sebastian Klein
Carried.

11.4. MUNICIPAL ASSOCIATION OF VICTORIA WORKCARE SCHEME - STATE WIDE SELF-INSURANCE PROPOSAL

GENERAL MANAGER CORPORATE SERVICES

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

PURPOSE

The purpose of this report is for Council to consider signing up to be part of the application to the Victorian Workcover Authority for the proposed Municipal Association of Victoria ('MAV') WorkCare self-insurance scheme.

BACKGROUND

The MAV has developed a proposed scheme for local government in Victoria. The intention is to replace current Work Cover arrangements with a state wide self-insurance scheme from 1 July 2016, subject to sufficient councils signing up and Victorian Workcover Authority approval.

ISSUE/DISCUSSION

The MAV has undertaken significant modelling and actuarial work in order to develop the proposed scheme. Councils have been provided with a range of information including financial analysis, presentation packs, answers to supplementary questions and a proposed Participant Agreement.

The Participation Agreement for the scheme is attached.

Based on the assessment undertaken, including a review of documentation and follow-up enquiries to MAV, the key benefits and concerns are summarised below.

Benefits

- Increased focus on Occupational Health and Safety (OHS), with additional support promised from the Scheme Manager to achieve and maintain National Audit Tool requirements
- Less delay in commencing claims and focussing on return to work, which improves return to work outcomes and is better for employees
- Likely cost savings into the future - minimum guarantee of 3%, 4% and 8% in the first three years of the Scheme
- No under excess costs for Council and no premiums for Defined Benefits Superannuation 'calls' resulting in less cost to Council
- No cross-subsidy from Local Government to other industry members, particularly the small businesses that have capped premiums that are not claims dependent
- Calculation of premium is practically unchanged from current arrangements

Concerns

- The National Audit Tool management system requirements (which go beyond compliance) may be too onerous for Hepburn Shire Council (and other smaller Councils) and we may not get enough support from the Scheme Manager
- It is highly likely to deliver cost savings, but this will be claims dependent and up to the discretion of a new 'Board' as to how much will be delivered back to councils
- The scheme Board and MAV may benefit more from the scheme than councils, depending on how much savings are returned to Councils

A summary presentation from MAV with further details is attached.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Under the *Workplace Injury Rehabilitation and Compensation Act 2013*, MAV is able to apply to become a self-insurer on behalf of itself and Victorian councils. Under the same Act, Council is either required to take out Work Cover insurance, or be a self-insurer. The proposed scheme will meet Council's obligations from 1 July 2016 onwards.

MAV has advised that section 186 of the *Local Government Act 1989* does not apply to participation in this scheme, as councils are exercising their right to participate and are not purchasing any goods or services.

FINANCIAL IMPLICATIONS

The minimum length of time that participants need to remain in the scheme is six years. It is not easy to estimate total cost over that period, as contributions from each participant in the scheme will be dependent on their future claims. Council's annual Work Cover premiums over the past five years have varied between \$160,000 and \$400,000. Assuming an average annual cost of \$200,000 for the WorkCare scheme, this would equate to \$1.2m over the minimum period of six years.

The MAV has guaranteed that a minimum 15% rebate will be provided to Council over three years based on actual 2015/16 premiums.

Similar schemes for local government have delivered significant savings over a number of years, as detailed in the attached presentation.

RISK IMPLICATIONS

This is a complex proposal, with a long time commitment (minimum of six years). We cannot be certain on the outcomes that will be achieved. However, significant work has been undertaken to model the forecast benefits and other states have demonstrated high savings. On balance, the potential benefits are considered to outweigh the risks involved.

There is a possibility that the scheme will not be approved by the Victorian Workcover Authority, in which case Council would continue to take out Work Cover insurance.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The proposed scheme is expected to deliver improved outcomes for injured employees and improved OHS systems at Hepburn Shire Council, with support from the Scheme Manager to achieve this.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

In addition to working with councils, MAV has engaged with the Victorian Workcover Authority, Trades Hall and the Australian Services Union in relation to this proposal. MAV advised that it has received positive responses from each of these.

CONCLUSION

The WorkCare self-insurance scheme as proposed by the MAV has proven to be successful in all other Australian mainland States with significantly improved outcomes for injured employees and major financial savings for councils. It is highly likely that Hepburn Shire Council will reduce its costs and improve the outcomes for workers through becoming part of the scheme and therefore it is recommended for Council to sign-up to the scheme.

OFFICER'S RECOMMENDATION

That Council:

- 11.4.1 Resolves to participate in the Municipal Association of Victoria's Application to the Victorian Workcover Authority for approval as a self-insurer for Local Government for commencement from 1 July 2016.
- 11.4.2 Authorises the Chief Executive Officer to execute the attached Participation Agreement - MAV WorkCare and submit it to the Municipal Association of Victoria.

MOTION

That Council:

11.4.1. *Resolves to participate in the Municipal Association of Victoria's Application to the Victorian Workcover Authority for approval as a self-insurer for Local Government for commencement from 1 July 2016.*

11.4.2. *Authorises the Chief Executive Officer to execute the attached Participation Agreement - MAV WorkCare and submit it to the Municipal Association of Victoria.*

Moved: Councillor Bill McClenaghan

Seconded: Councillor Neil Newitt

Carried.

ATTACHMENT 5 - PARTICIPATION AGREEMENT - MAV WORKCARE
(ISSUED UNDER SEPARATE COVER)

11.5. FINANCIAL ASSISTANCE GRANTS TO LOCAL GOVERNMENT

GENERAL MANAGER CORPORATE SERVICES

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

PURPOSE

The purpose of this report is to seek formal Council support for local government sector advocacy to maintain Financial Assistance Grants and restore indexation of the grants.

BACKGROUND

The Australian Local Government Association (ALGA) and Municipal Association of Victoria (MAV) have jointly written to Council requesting support for an advocacy campaign to maintain Financial Assistance Grants (FAGs) and restore indexation of the grants by passing a Council resolution (refer Attachment 8).

ISSUE/DISCUSSION

FAGs are a vital part of the revenue base of all councils, and this year councils will receive \$2.3 billion from the Federal Government under this important program.

The Government's decision in the 2014 Federal Budget to freeze the indexation of FAGs for three years beginning in 2014/15 will unfortunately cost councils across Australia an estimated \$925 million by 2017/18.

ALGA and state local government associations, in Victoria the MAV, are seeking the support of Council in lobbying the Federal Government to reverse the decision to freeze the indexation of FAGs.

While the FAGs are paid through each state's Local Government Grants Commission, the funding originates with the Commonwealth and it is important it is recognised as such. Hepburn Shire Council, and every other council in Australia, is being asked to pass a resolution acknowledging the importance of the Commonwealth's Financial Assistance Grants in assisting Council to provide important community infrastructure.

Council is also being asked to acknowledge the receipt of FAGs from the Commonwealth in media releases and council publications, including our annual report and to highlight to the media a council project costing a similar size to the FAGs received by Council, so that the importance and impact of the grants can be more broadly appreciated.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2013:2017:

Strategic Objective – Sustainable Financial Management and Innovative Corporate Systems

Key Strategic Activity:

19. Implement sustainable financial practices and policies that guide the future financial direction of Council and ensure long term financial stability.

FINANCIAL IMPLICATIONS

Council will receive a total of \$4.277 million (\$2.846 million for General Purposes and \$1.431 million for Roads) in FAGs in 2014/15. This is equivalent to funding our annual road reseal program, the Victoria Park Daylesford Multi-purpose Community Facility and the Excelsior Bridge replacement each year.

FAGs funding is not currently keeping pace with demand for services and infrastructure in local communities and the freeze of indexation will worsen this. Freezing FAGs at their current level until 2017/18 will result in a permanent reduction in the FAGs base by 13%.

The extrapolation of figures quoted by ALGA and MAV provides that the freeze to the indexation of FAGs for three years beginning in 2014/15 will cost Hepburn Shire Council an estimated \$1.7 million by 2017/18.

RISK IMPLICATIONS

Falling levels of FAGs threaten the provision of important services in our local communities.

It is important that the level of funding provided to councils, the sphere of government closest to the community, is adequate to ensure infrastructure and services are provided at a reasonable level in all communities.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Reduced FAGs in the future will ultimately impact on our local communities.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council will acknowledge the receipt of FAGs from the Commonwealth in media releases and council publications, including our annual report.

CONCLUSION

Hepburn Shire Council should make known the importance of Financial Assistance Grants and support the Australian Local Government Association, in association with

the Municipal Association of Victoria, in its advocacy campaign to have the Federal Government reverse the decision to freeze the indexation of Financial Assistance Grants.

OFFICER'S RECOMMENDATION

That Council:

- 11.5.1. Acknowledges the importance of Federal funding through the Financial Assistance Grants program for the continued delivery of councils services and infrastructure.
- 11.5.2. Acknowledges that Council will receive \$4.277 million (\$2.846 million for General Purposes and \$1.431 million for Roads) in 2014/15.
- 11.5.3. Will ensure that this Federal funding and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in council publications, including annual reports.

MOTION

That Council:

- 11.5.1. *Acknowledges the importance of Federal funding through the Financial Assistance Grants program for the continued delivery of councils services and infrastructure.*
- 11.5.2. *Acknowledges that Council will receive \$4.277 million (\$2.846 million for General Purposes and \$1.431 million for Roads) in 2014/15.*
- 11.5.3. *Will ensure that this Federal funding and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in council publications, including annual reports.*

Moved: Councillor Don Henderson
Seconded: Councillor Greg May
Carried.

ATTACHMENT 6 - LETTER FROM AUSTRALIAN LOCAL GOVERNMENT
ASSOCIATION AND MUNICIPAL ASSOCIATION OF VICTORIA



10 April 2015

Mayor Kate Redwood
Hepburn Shire Council
PO Box 21
DAYLESFORD VIC 3460

HEPBURN SHIRE COUNCIL

File No: F0415/142

Rec'd Date: 16 APR 2015

Rec'd By: ME
Action By: A van Egmond

Reg No:

cc. Cr Redwood

Dear Mayor Redwood

Financial Assistance Grants to Local Government

Local councils across Australia have recently received the third quarterly payment of Commonwealth Financial Assistance Grants (FAGs) to local government for this financial year. FAGs are an important untied payment to councils from the Australian Government which are invested in essential community infrastructure and services ranging from local roads and parks to swimming pools and libraries. Councils will receive \$2.3 billion from the Australian Government in 2014-15 under this important program.

ALGA welcomes the payment of FAGs to local government, and acknowledges the importance of this direct funding link between the Commonwealth and local government. However, it is also important that the level of funding provided to councils, the sphere of government closest to the community, is adequate to ensure infrastructure and services are provided at a reasonable level in all communities.

FAGs funding is not currently keeping pace with demand for services and infrastructure in local communities, and the freeze of indexation will worsen this. Freezing FAGs at their current level until 2017-18 will result in a permanent reduction in the FAGs base by 13%.

ALGA, in its 2015 Federal Budget submission, has called for FAGs indexation to be restored immediately and for the Federal Government to consider the adequacy of the quantum of FAGs and the indexation methodology in the future.

While the FAGs are paid through each state's Local Government Grants Commission, the funding originates with the Commonwealth and it is important it is recognised as such. We are asking your council, and every other council in Australia, to pass a resolution acknowledging the importance of the Commonwealth's Financial Assistance Grants in assisting councils to provide important community infrastructure. We are also asking councils to acknowledge the receipt of Financial Assistance Grants from the Commonwealth in media releases and council publications, including your annual report.

The FAGs are paid quarterly and it would help to illustrate the importance and impact of the grants if councils identified an individual project of a similar size to their annual or quarterly FAGs payment and highlighted this to the media and your local Federal Member and Senator in a positive story on the grant funds.

Falling levels of Financial Assistance Grants threaten the provision of important services in all local communities. The financial sustainability of local government is of utmost importance for our communities, and we urge you to support the campaign to maintain Financial Assistance Grants and restore indexation of the grants by passing a resolution similar to draft resolution attached. Once your council has passed this resolution, please advise MAV via comms@mav.asn.au, this will assist ALGA in compiling a national list

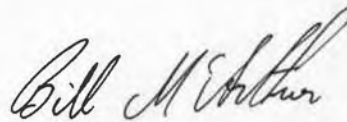
Full details on FAGs payments for the current financial year are available on the Department of Infrastructure and Regional Development website at www.regional.gov.au/local/assistance.

Thank you for your commitment to the local government sector and your assistance in our campaign to restore the indexation of Financial Assistance Grants.

Yours sincerely



Mayor Troy Pickard
President
Australian Local Government Association



Cr Bill McArthur
President
Municipal Association of Victoria

11.6. APPROVAL TO PURCHASE KERBSIDE WASTE AND RECYCLING BINS

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 seek approval for the purchase of kerbside waste and recycling bins through Procurement Australia Contract 1801/0503 - Supply of Mobile Garbage Bins, for which Council is a registered stakeholder.

BACKGROUND

Following Council determination to implement an extended kerbside waste and recycling collection service, officers have been working through the implementation. Part of this has required the acquisition of waste and recycling bins which are being sourced through Procurement Australia contract 1801/0503.

ISSUE/DISCUSSION

Council has arranged for the purchase and delivery of 1,500 mobile waste and 1,500 mobile recycling bins to commence the bin rollout towards the end of June which has been approved within the Chief Executive Officer's (CEO) delegation.

The public tender undertaken by Procurement Australia, for which Hepburn Shire Council was listed as a member, meets Council's procurement obligations under the *Local Government Act 1989* and Council's Procurement Policy. However current financial delegations to the CEO and staff do not allow purchases for goods and services exceeding \$150,000.

Depending on the number of community submissions seeking to 'opt out' of the collection service, Council may need to purchase additional bins which will require Council approval given the total value is likely to exceed the CEO's financial delegation.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2013:2017:

Strategic Objective – Quality Community Infrastructure

Key Strategic Activity:

11. Develop and Implement the waste Management Strategy with a focus on converting waste into Opportunity through education, technology and innovation.

Council is required under the *Local Government Act 1989* and in accordance with Council's Procurement Policy to undertake a public tender process for the provision of goods or services exceeding \$150,000 in value.

In addition, Council's CEO has financial delegation up to \$150,000 for goods and services and is not authorised to commit Council to transactions exceeding this value.

FINANCIAL IMPLICATIONS

The cost to procure waste and recycling bins has been considered in the planning and implementation of the service extension.

The total cost of bin purchases will depend on the number of resident submissions received and accepted to opt-out of the service.

RISK IMPLICATIONS

There are no risks identified.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

There are no economic implications identified.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council has engaged with approved suppliers under the Procurement Australia Contract to understand lead times and supply requirements.

CONCLUSION

In order for Council to be in a position to implement the kerbside waste and recycling collection service in a timely manner, 1,500 waste bins and 1,500 recycling bins have been purchased within current officer financial delegations. In order to be able to purchase additional bins if required after evaluating 'opt-out' submissions from the community, it is likely that current financial delegation will not be sufficient to cover the additional purchase. Council approval of an increased delegation to the CEO for this purchase will enable efficient roll-out of the service extension.

OFFICER'S RECOMMENDATION

- 11.6.1 That Council authorises the Chief Executive Officer to purchase additional waste and recycling bins as required to implement the kerbside waste and recycling collection service extension up to a total value of \$220,000 (including GST) through Procurement Australia Contract 1801/0503 - Supply of Mobile Garbage Bins.

MOTION

11.6.1. *That Council authorises the Chief Executive Officer to purchase additional waste and recycling bins as required to implement the kerbside waste and recycling collection service extension up to a total value of \$220,000 (including GST) through Procurement Australia Contract 1801/0503 - Supply of Mobile Garbage Bins.*

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

11.7. REVIEW OF COUNCIL'S INSTRUMENTS OF DELEGATION TO THE CEO AND STAFF

GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Governance and Corporate Support Officer, I Mary Dancuk have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to review the delegations from Council to the Chief Executive Officer (CEO) (S5) and Council to Members of 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 Council staff any power, duty or function of his or her office other than the power of delegation.

ISSUE/DISCUSSION

Delegations are reviewed at varying intervals depending on the nature of the delegation. A review is generally conducted annually. In order to facilitate the ongoing review of delegations, Council subscribes to a delegation and authorisations update service from Maddocks Lawyers. 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 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 from Council to Chief Executive Officer (CEO) is reviewed when changes in legislation require revision (refer Attachment 7 with changes highlighted).
- S6 – Instrument of Delegation from Council to Staff is reviewed annually incorporating all legislative changes since the last review (refer Attachment 8 with changes highlighted).
- S7 – Instrument of Sub-Delegation from Council's CEO to Staff is reviewed annually incorporating all legislative changes since the last review.
- S14 – Instrument of Sub-Delegation from CEO to Staff for VicSmart Applications under the *Planning and Environment Act 1987*.

Instrument of Delegation Purchasing is reviewed on an as needs basis driven by staff movements or changes to the Procurement Policy.

Instruments of Delegation to Special Committees are reviewed based on expiry date of delegation.

Delegations Relating to Previous Decisions of Council

At the Ordinary Meeting of Council held on 20 April 2010, Council resolved to:

- 13.3.2 *Require that all future applications for B-Double and Higher Mass Limits Vehicles be referred to Council for decision.*

Following legislative changes introduced by the *Heavy Vehicle National Law Application Act 2013 (Vic)*, B-Double and Higher Mass Limit Vehicle applications continued to be referred to Council for decision. It is proposed to delegate to relevant Council staff the power to determine consent for Higher Mass Limit and B-Double vehicle movements in rural areas, in accordance with Council policy and procedure for granting consent on local Council roads. Regular Higher Mass Limit and B-Double vehicle movements in urban areas (i.e. 50 and 60 kph zones) will continue to be referred to Council for decision. A documented policy and procedure, including manager approval for granting consent, is being developed and will be presented to Council for approval at a later date to complete the implementation of this process change.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

The review of officer delegations maintains compliance with the *Local Government Act (1989)* section 98(1).

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 update report was provided to the Audit and Risk Advisory Committee on 25 May 2015 on the progress of the review of Council's Instruments of Delegation, including presentation of the draft proposed changes.

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

CONCLUSION

In accordance with 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:

- 11.7.1 Exercises its powers conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached Instruments of Delegation.
- 11.7.2 Delegates to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and function set out in the attached S5 Instrument of Delegation to the Chief Executive Officer (Attachment 7), subject to the conditions and limitations specified in that instrument.

- 11.7.3 Notes that the Instrument of Delegation to the Chief Executive Officer includes a power of delegation to members of Council Staff in accordance with section 98(3) of the Act.
- 11.7.4 Delegates to the members of Council staff holding the position, acting in or performing the duties of the offices or positions referred to in the attached S6 Instrument of Delegation to Members of Council Staff (Attachment 8), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument
- 11.7.5 Adopts the attached Instruments of Delegation and resolves that the delegations:
 - 11.7.5.1 Come into force immediately the common seal of Council is affixed to the instruments.
 - 11.7.5.2 On coming into force of the instruments, all previous versions of these delegations to the Chief Executive Officer and members of Council staff are revoked.
 - 11.7.5.3 Must be exercised in accordance with any guidelines or policies which Council, from time to time, may adopt.
- 11.7.6 Authorises the Chief Executive Officer and the Mayor to sign and seal the Instruments of Delegation.
- 11.7.7 Authorises the Chief Executive Officer to delegate the determination of consent for Higher Mass Limit and B-Double vehicle movements in rural areas to relevant Council staff, in accordance with Council's policy and procedure for Higher Mass Limit and B-Double Vehicle movements on local Council roads, which will come into effect when a policy and procedure has been adopted by Council.
- 11.7.8 Notes that the determination of consent for Higher Mass Limit and B-Double vehicle movements in urban areas will continue to be referred to Council for decision.

MOTION

That Council:

- 11.7.1. *Exercises its powers conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Instruments of Delegation.*
- 11.7.2. *Delegates to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and function set out in the attached S5 Instrument of Delegation to the Chief Executive Officer (Attachment 7), subject to the conditions and limitations specified in that instrument.*
- 11.7.3. *Notes that the Instrument of Delegation to the Chief Executive Officer includes a power of delegation to members of Council Staff in accordance with section 98(3) of the Act.*
- 11.7.4. *Delegates to the members of Council staff holding the position, acting in or performing the duties of the offices or positions referred to in the attached S6 Instrument of Delegation to Members of Council Staff (Attachment 8), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument*
- 11.7.5. *Adopts the attached Instruments of Delegation and resolves that the delegations:*
 - 11.7.5.1. *Come into force immediately the common seal of Council is affixed to the instruments.*
 - 11.7.5.2. *On coming into force of the instruments, all previous versions of these delegations to the Chief Executive Officer and members of Council staff are revoked.*
 - 11.7.5.3. *Must be exercised in accordance with any guidelines or policies which Council, from time to time, may adopt.*
- 11.7.6. *Authorises the Chief Executive Officer and the Mayor to sign and seal the Instruments of Delegation.*

11.7.7. *Authorises the Chief Executive Officer to delegate the determination of consent for Higher Mass Limit and B-Double vehicle movements in rural areas to relevant Council staff, in accordance with Council's policy and procedure for Higher Mass Limit and B-Double Vehicle movements on local Council roads, which will come into effect when a policy and procedure has been adopted by Council.*

11.7.8. *Notes that the determination of consent for Higher Mass Limit and B-Double vehicle movements in urban areas will continue to be referred to Council for decision.*

Moved: Councillor Sebastian Klein

Seconded: Councillor Pierre Niclas

Carried.

ATTACHMENT 7 - S5 INSTRUMENT OF DELEGATION TO THE
CHIEF EXECUTIVE OFFICER

S5. Instrument of Delegation to Chief Executive Officer



Hepburn Shire Council

Instrument of Delegation

to

The Chief Executive Officer

June 2015

Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989 (the Act)* and all other powers enabling it, the Hepburn Shire Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 16 June 2015;
2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until Council resolves to vary or revoke it.
3. The member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

The COMMON SEAL of the
HEPBURN SHIRE CONCIL

was affixed on this
day of 2015

on the authority of the Council and signed by:

.....
Mayor Cr Kate Redwood AM

.....
Chief Executive Officer, Aaron van Egmond

SCHEDULE

The power to

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

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

Conditions and Limitations

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

4. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 4.1 awarding a contract exceeding the value of \$150,000 for goods and services or \$200,000 for works under contract;
 - 4.2 making a local law under Part 5 of the Act;
 - 4.3 approval of the Council Plan under s.125 of the Act;
 - 4.4 adoption of the Strategic Resource Plan under s.126 of the Act;
 - 4.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
 - 4.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
 - 4.7 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
 - 4.8 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
 - 4.9 appointment of councillor or community delegates or representatives to external organisations; or
 - 4.10 the return of the general valuation and any supplementary valuations;
5. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
6. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
7. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 7.1 policy; or

7.2 strategy

adopted by Council; or

8. 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
9. 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 8 - S6 INSTRUMENT OF DELEGATION TO
MEMBERS OF COUNCIL STAFF

S6. Instrument of Delegation – Members of Staff



Hepburn Shire Council

Instrument of Delegation

to

Members of Council Staff

June 2015

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:

Not Delegated	Means not delegated below Chief Executive Officer
CEO	Means Chief Executive Officer
GMCS	Means General Manager Corporate Services
GMCMS	Means General Manager Community Services
GMI	Means General Manager Infrastructure
MFIT	Means Manager Finance and Information Technology
MP	Means Manager Planning
MSAM	Means Manager Strategic Asset Management
MSPD	Means Manager Strategic Project Delivery
MSC	Means Maintenance Services Coordinator
CSC	Means Community Safety Coordinator
EHC	Means Environmental Health Coordinator
PC	Means Planning Coordinator
PAO	Means Planning Administration Officer
PCO	Means Planning Compliance Officer
SO	Means Subdivision Officer
SP	Means Statutory Planner
PLO	Means Planning and Building Liaison Officer
EHO	Means Environment Health Officer
EHTO	Means Environmental Health Technical Officer

3. declares that:
- 3.1 this Instrument of Delegation is authorised by **resolution x.x.x of Council** passed on 16 June 2015; and
- 3.2 the delegation:
- 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 3.2.2 remains in force until varied or revoked;
 - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
 - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 3.3 the delegate must not determine the issue, take the action or do the act or thing:
- 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
 - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategyadopted by Council; or
 - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
 - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

The COMMON SEAL of the
HEPBURN SHIRE CONCIL
was affixed on this
day of 2015
on the authority of the Council and signed by:

.....
Mayor Cr Kate Redwood AM

.....
Chief Executive Officer, Aaron van Egmond

SCHEDULE

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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: GMI; MSAM; MSPD; 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: GMI; MSAM; MSPD; 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: GMI; MSAM; MSPD; 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: GMI; MSAM; MSPD; MP	
s.14	power to manage multiple public cemeteries as if they are one cemetery	GMCS: GMI; MSAM; MSPD; 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; MSAM	

CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(1)	power to employ any persons necessary	Not delegated	
s.17(2)	power to engage any professional, technical or other assistance considered necessary	GMCS: GMI; MSAM; MSPD; MP	
s. 17(3)	power to determine the terms and conditions of employment or engagement	GMCS, GMI; MSAM, MSPD	subject to the any guidelines or directions of the Secretary
s.18(3)	duty to comply with a direction from the Secretary	GMCS: GMI; MSAM; MSPD; 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

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(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
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

CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.18N(3)	duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval	Not applicable	where council is a Class A cemetery trust
s.18N(5)	duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	Not applicable	where council is a Class A cemetery trust
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: GMI; MSAM; MSPD; MP	

CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.20(1)	duty to set aside areas for the interment of human remains	GMCS; GMI; MSAM	
s.20(2)	power to set aside areas for the purposes of managing a public cemetery	GMCS; GMI; MSAM; MSPD; MP	
s.20(3)	power to set aside areas for those things in paragraphs (a) – (e)	GMCS; GMI; MSAM; MSPD; MP	
s.21(1)	power to establish and operate a crematorium in a public cemetery	Not delegated	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	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; MSAM	
s.26(1)	power to make rules for or with respect to the general care, protection and management of a public cemetery	GMCS; GMI; MSAM; MSPD; 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	subject to the approval of the Minister

CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.37	power to grant leases over land in a public cemetery in accordance with this section	Not delegated	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	
s.40	duty to notify Secretary of fees and charges fixed under section 39	GMCS; MSAM	
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.

CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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; MSAM; MFIT	applies only to municipal councils, not cemetery trusts report must contain the particulars listed in s.57(2)
s.59	duty to keep records for each public cemetery	GMCS; MSAM	
s.60(1)	duty to make information in records available to the public for historical or research purposes	GMCS; MSAM	
s.60(2)	power to charge fees for providing information	GMCS; MSAM	
s.64(4)	duty to comply with a direction from the Secretary under section 64(3)	GMCS; MSAM	
s.64B(d)	power to permit interments at a reopened cemetery	GMCS; MSAM	
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; MSAM	

CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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; MSAM; GMI; MP	
s.70(2)	duty to make plans of existing place of interment available to the public	GMCS; MSAM; GMI; MP	
s.71(1)	power to remove any memorials or other structures in an area to which an approval to convert applies	GMCS; MSAM; GMI; MP	
s.71(2)	power to dispose of any memorial or other structure removed	GMCS; MSAM; GMI; MP	
s.72(2)	duty to comply with request received under section 72	GMCS; MSAM	
s.73(1)	power to grant a right of interment	GMCS; MSAM	
s.73(2)	power to impose conditions on the right of interment	GMCS; MSAM	
s.75	power to grant the rights of interment set out in subsections (a) and (b)	GMCS; MSAM	
s.76(3)	duty to allocate a piece of interment if an unallocated right is granted	GMCS; MSAM	
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	

CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.80(1)	function of receiving notification and payment of transfer of right of interment	GMCS; MSAM	
s.80(2)	function of recording transfer of right of interment	GMCS; MSAM	
s.82(2)	duty to pay refund on the surrender of an unexercised right of interment	GMCS; MSAM	
s.83(2)	duty to pay refund on the surrender of an unexercised right of interment (sole holder)	GMCS; MSAM	
s.83(3)	power to remove any memorial and grant another right of interment for a surrendered right of interment	GMCS; MSAM	
s.84(1)	function of receiving notice of surrendering an entitlement to a right of interment	GMCS; MSAM	
s.85(1)	duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	GMCS; MSAM	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; MSAM	
s.88	function to receive applications to carry out a lift and re-position procedure at a place of interment	GMCS; MSAM	

CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.89(1)	power to approve or refuse an application for a lift and re-position procedure in accordance with subsection (2) & (3)	GMCS; MSAM	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; MSAM	can only be delegated to members of a committee established under section 86 of the <i>Local Government Act 1989</i>
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; MSAM	
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; MSAM	
s.98(1)	function of receiving application to establish or alter a memorial or a place of interment	GMCS; MSAM	
s.99	power to approve or refuse an application made under section 98, or to cancel an approval	GMCS; MSAM	
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; MSAM	

CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.100(1)	power to require a person to remove memorials or places of interment	GMCS; MSAM	
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; MSAM	
s.100(3)	power to recover costs of taking action under section 100(2)	GMCS; MSAM	
s.101	function of receiving applications to establish or alter a building for ceremonies in the cemetery	GMCS; MSAM	
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; MSAM	
s.103(3)	power to recover costs of taking action under section 103(2)	GMCS; MSAM	

CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.106(1)	power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	GMCS; MSAM; GMI; MP	
s.106(2)	power to require the holder of the right of interment to provide for an examination	GMCS; MSAM; GMI; MP	
s.106(3)	power to open and examine the place of interment if section 106(2) not complied with	GMCS; MSAM; GMI; MP	
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; MSAM; GMI; MP	
s.107(1)	power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	GMCS; MSAM; GMI; 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; MSAM; GMI; MP	
s.108	power to recover costs and expenses	GMCS; MSAM; GMI; MP	
s.109(1)(a)	power to open, examine and repair a place of interment	GMCS; MSAM; GMI; MP	where the holder of right of interment or responsible person cannot be found

CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.109(1)(b)	power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	GMCS; MSAM; GMI; 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; MSAM; GMI; 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 interment holder. with consent of the Secretary	GMCS; MSAM; GMI; MP	
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; MSAM; GMI; 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; MSAM; GMI; 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; MSAM,	
s.116(5)	power to require an applicant to produce evidence of the right of interment holder's consent to application	GMCS; MSAM	
s.118	power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	GMCS; MSAM	

CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.119	power to set terms and conditions for interment authorisations	GMCS; MSAM	
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)
s.145	duty to comply with an order made by the Magistrates' Court or a coroner	GMCS; MSAM	
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; MSAM	
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; MSAM	
s.151	function of receiving applications to inter or cremate body parts	GMCS; MSAM	

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.152(2)	power to impose terms and conditions on authorisation granted under section 150.	GMCS; MSAM	
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
Schedule 1A 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 applicable	where council is a Class A cemetery trust
Schedule 1A clause 8(8)	power to regulate own proceedings	Not applicable	where council is a Class A cemetery trust subject to clause 8

DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.41A(1)	power to declare a dog to be a menacing dog	GMI; MSAM; CSC	The delegate must be an authorised officer. If there is any objection, the CEO will consider written or oral submissions and make the final determination

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

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	MP; EHC; 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	MP; EHC; 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; EHC; EHO	If section 19(1) applies
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	MP; EHC; 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; EHC; 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; EHC; 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; EHC; EHO	Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s.19AA(7)	duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with	MP; EHC; EHO	where council is the registration authority
s.19CB(4)(b)	power to request copy of records	MP; EHC; EHO	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19E(1)(d)	power to request a copy of the food safety program	MP; EHC; EHO; EHTO	where council is the registration authority
s.19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	MP; EHC; EHO; EHTO	where council is the registration authority
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	MP; EHC; EHO; EHTO	where council is the registration authority
s.19NA(1)	power to request food safety audit reports	MP; EHC; EHO; EHTO	where council is the registration authority
s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	MP, EHC	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	MP; EHC; EHO	except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	MP; EHC; EHO; EHTO	where council is the registration authority
s.19W(3)(a)	power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	MP; EHC; EHO; EHTO	where council is the registration authority
s.19W(3)(b)	power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	MP; EHC; EHO; EHTO	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	power to register, renew or transfer registration	MP; EHC; 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.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; EHC; EHO; EHTO	where council is the registration authority
s.38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	MP; EHC; EHO	where council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	MP; EHC; EHO; EHTO	where council is the registration authority
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	MP; EHC; EHO; EHTO	where council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	MP; EHC; EHO; EHTO	where council is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	MP; EHC; EHO; EHTO	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; EHC; EHO; EHTO	where council is the registration authority
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	MP; EHC; EHO; EHTO	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38D(3)	power to request copies of any audit reports	MP; EHC; EHO; EHTO	where council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	MP; EHC; EHO	where council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).
s.38E(4)	duty to register the food premises when conditions are satisfied	MP; EHC; EHO	where council is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	MP; EHC; EHO	where council is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	MP; EHC; EHO	where council is the registration authority only if satisfied of matters in subsections (2)(a)-(c)
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; EHC; EHO	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	MP; EHC; EHO	where council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	MP; EHC; 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; EHC; EHO	where council is the registration authority

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

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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.4B	power to prepare an amendment to the Victoria Planning Provisions	MP; PC; 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; PC; SP	
s.4H	duty to make amendment to Victoria Planning Provisions available	MP; PC; SP	
s.4I	duty to keep Victoria Planning Provisions and other documents available	MP; PC; SP	
s.8A(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	MP; PC; SP	
s. 8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	MP	
s.8A(5)	function of receiving notice of the Minister's decision	MP; PC; SP	
s.8A(7)	power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	MP; PC; SP	
s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	MP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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; PC; 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; PC; SP	
s.12B(1)	duty to review planning scheme	MP	
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	
s.17(1)	duty of giving copy amendment to the planning scheme	MP; PC; SP; PLO	
s.17(2)	duty of giving copy s.173 agreement	MP; PC; SP; PLO	
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	MP; PC; SP; PLO	
s.18	duty to make amendment etc. available	MP; PC; 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	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19	function of receiving notice of preparation of an amendment to a planning scheme	MP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s.20(1)	power to apply to Minister for exemption from the requirements of section 19	MP	
s.21(2)	duty to make submissions available	MP; PC; SP; PLO	
s.21A(4)	duty to publish notice in accordance with section	MP; PC; SP; PLO	
s.22	duty to consider all submissions	MP; PC; SP	
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	MP; PC; SP	
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	MP; PC; SP	
s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in section 96D)	MP; PC; SP	
s.26(1)	power to make report available for inspection	MP; PC; 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	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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.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.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; PC; SP	
s.41	duty to make approved amendment available	MP; PC; SP	
s.42	duty to make copy of planning scheme available	MP; PC; SP	
s.46AS(ac)	power to request the Growth Areas Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	MP	
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	MP; PC; SP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	MP; PC; 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; PC; SP	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	MP	
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; MFIT; 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, MFIT, 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.	MFIT, MP; PC; SP	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	MFIT, MP	only applies when levy is paid to Council as a 'development agency'

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46Q(4)(c)	duty to pay amount to current owners of land in the area	MFIT; 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
s.46Q(4)(e)	duty to expend that amount on other works etc.	MFIT; MP	with the consent of, and in the manner approved by, the Minister
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; PC; SP; SO; PAO	
s.49(2)	duty to make register available for inspection	PLO; MP; PC; SP; SO; PAO	
s.50(4)	duty to amend application	MP; PC; SP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.50(5)	power to refuse to amend application	MP	
s.50(6)	duty to make note of amendment to application in register	PLO; MP; PC; SP; SO; PAO	
s.50A(1)	power to make amendment to application	MP; PC; SP	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	MP; PC; SP	
s.50A(4)	duty to note amendment to application in register	MP; PC; SP	
s.51	duty to make copy of application available for inspection	MP; PC; 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; PC; SP	
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	MP; PC; SP	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	MP; PC; 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; PC; SP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.52(1)(cb)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	MP; PC; SP	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	MP; PC; SP	
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	MP; PC; SP	
s.52(3)	power to give any further notice of an application where appropriate	MP; PC; SP	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	MP; PC; SP	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	MP; PC; SP	
s.54(1)	power to require the applicant to provide more information	MP; PC; SP	
s.54(1A)	duty to give notice in writing of information required under section 54(1)	MP; PC; SP	
s.54(1B)	duty to specify the lapse date for an application	MP; PC; SP	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	MP; PC; SP	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	MP; PC; SP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	MP; PC; SP	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	MP; PC; SP	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	MP; PC; SP	
s.57(5)	duty to make available for inspection copy of all objections	MP; PC; SP; PLO; PAO	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	MP; PC; SP	
s.57A(5)	power to refuse to amend application	MP	
s.57A(6)	duty to note amendments to application in register	MP; PC; SP; PLO; PAO	
s.57B(1)	duty to determine whether and to whom notice should be given	MP; PC; SP	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	MP; PC; SP	
s.57C(1)	duty to give copy of amended application to referral authority	MP; PC; SP	
s.58	duty to consider every application for a permit	MP; PC; SP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.58A	power to request advice from the Planning Application Committee	MP	
s.60	duty to consider certain matters	MP; PC; SP	
s60(1A)	power to consider certain matters before deciding on application	MP; PC; SP	
s.61(1)	power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	MP; PC; SP	the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i> Power to refuse permit - 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 a relevant determining referral authority objects to grant of permit	MP; PC; SP	
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	MP; PC; 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; PC; SP	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	MP; PC; SP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.62(1)	duty to include certain conditions in deciding to grant a permit	MP; PC; SP	
s.62(2)	power to include other conditions	MP; PC; SP	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	MP; PC; SP	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	MP; PC; SP	
s.62(5)(b)	power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	MP; PC; SP	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	MP; PC; 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; PC; SP	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	MP; PC; SP	this provision applies also to a decision to grant an amendment to a permit - see section 75

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.64(3)	duty not to issue a permit until after the specified period	MP; PC; SP	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(5)	duty to give each objector a copy of an exempt decision	MP; PC; SP	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64A	duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	MP; PC; SP	this provision applies also to a decision to grant an amendment to a permit - see section 75A
s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	MP; PC; SP	
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	MP; PC; SP	
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	MP; PC; SP	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s.66(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	MP; PC; SP	if the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.66(6)	duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65	MP; PC; SP	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s.69(1)	function of receiving application for extension of time of permit	MP; PC; SP; PLO	
s.69(1A)	function of receiving application for extension of time to complete development	MP; PC; SP; PLO	
s.69(2)	power to extend time	MP; PC	The power to refuse an extension is not delegated
s.70	duty to make copy permit available for inspection	MP; PC; SP; SO; PLO; PAO	
s.71(1)	power to correct certain mistakes	MP; PC	
s.71(2)	duty to note corrections in register	MP; PC; SP; SO; PLO; PAO	
s.73	power to decide to grant amendment subject to conditions	MP; PC; SP	
s.74	duty to issue amended permit to applicant if no objectors	MP; PC; SP	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	MP; PC; SP	
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	MP; PC; SP; PAO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	MP; PC; SP; PAO	if the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	MP; PC; SP; PAO	if the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under section 64 or 76	MP; PC; SP; PAO	if the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s.76D	duty to comply with direction of Minister to issue amended permit	MP; PC; SP, SO; PLO	
s.83	function of being respondent to an appeal	MP; PC; SP; PCO	
s.83B	duty to give or publish notice of application for review	MP; PC; SP	
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	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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; PC; SP	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	MP; PC; SP; SO; PAO	
s.86	duty to issue a permit at order of Tribunal within 3 working days	MP; PC; 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; PC; SP; PCO	
s.91(2)	duty to comply with the directions of VCAT	MP; PC; SP; PCO	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	MP; PC; SP	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	MP; PC; SP	
s.93(2)	duty to give notice of VCAT order to stop development	MP; PC; SP; PCO	
s.95(3)	function of referring certain applications to the Minister	MP	
s.95(4)	duty to comply with an order or direction	MP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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; PC; SP	
s.96F	duty to consider the panel's report under section 96E	MP; PC; 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; PC; SP	
s.96H(3)	power to give notice in compliance with Minister's direction	MP; PC; SP	
s.96J	power to issue permit as directed by the Minister	MP; PC; SP	
s.96K	duty to comply with direction of the Minister to give notice of refusal	MP; PC; SP	
s. 96Z	duty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate	MP; PC; SP; SO	Note: this provision is not yet in force and will commence on 1 July 2015
s.97C	power to request Minister to decide the application	MP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	MP; PC; 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; PC; SP	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	MP; PC; SP; PAO	
s.97L	duty to include Ministerial decisions in a register kept under section 49	MP; PC; SP; PAO	
s.97MH	duty to provide information or assistance to the Planning Application Committee	MP; PC; SP	
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	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; PC; SP	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	MP; PC; SP	
s.97Q(4)	duty to comply with directions of VCAT	MP; PC; SP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	MP; PC; 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	
s.107(1)	function of receiving claim for compensation	MP; PC; 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; PC; 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	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	MP	except Crown Land
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.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	MP	
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B)power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	MP	where council is the relevant planning authority; duty of council as the relevant planning authority
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	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	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 the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	MP	
s.178	power to amend a s.173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	MP	
s.178A(1)	function of receiving application to amend or end an agreement	MP	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	MP	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	MP	
s.178A(5)	power to propose to amend or end an agreement	MP	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	MP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	MP	
s.178C(2)	duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	MP	
s.178C(4)	function of determining how to give notice under s.178C(2)	MP	
s.178E(1)	duty not to make decision until after 14 days after notice has been given	MP	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	MP	If no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	MP	If no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(c)	power to refuse to amend or end the agreement	MP	If no objections are made under s.178D Must consider matters in s.178B
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	MP	After considering objections, submissions and matters in s.148B
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	MP	After considering objections, submissions and matters in s.148B

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	MP	After considering objections, submissions and matters in s.148B
s.178E(3)(d)	power to refuse to amend or end the agreement	MP	*After considering objections, submissions and matters in s.148B
s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	MP	
s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	MP	
s.178F(4)	duty not to proceed to amend or end an agreement under s.178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	MP	
s.178G	duty to sign amended agreement and give copy to each other party to the agreement	MP	
s.178H	power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	MP	
s.178I(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	MP	
s.179(2)	duty to make available for inspection copy agreement	MP	
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	MP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	MP	
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	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.184F(1)	power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	MP	
s.184F(2)	duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	MP	
s.184F(3)	duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	MP	
s.184F(5)	function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	MP	
s.184G(2)	duty to comply with a direction of the Tribunal	MP	
s.184G(3)	duty to give notice as directed by the Tribunal	MP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.198(1)	function to receive application for planning certificate	MP; PC; SP; PLO	
s.199(1)	duty to give planning certificate to applicant	MP; PC; SP; PLO; PAO	
s.201(1)	function of receiving application for declaration of underlying zoning	MP; PC; SP	
s.201(3)	duty to make declaration	MP; PC; 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 provision of a planning scheme	MP	
s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	MP	
s.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	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; MSAM	where council is a utility under section 3
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	GMI; MSAM	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; MSAM	where council is a utility under section 3
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	GMI; MSAM	where council is the relevant road authority
s.34D(1)	function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	GMI; MSAM	where council is the relevant road authority
s.34D(2)	function of receiving written notice of opinion	GMI; MSAM	where council is the relevant road authority
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	GMI; MSAM	where council is the relevant road authority
s.34E(1)(a)	duty to identify and assess risks to safety	GMI; MSAM	where council is the relevant road authority
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; MSAM	where council is the relevant road authority
s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	GMI; MSAM	where council is the relevant road authority

RAIL SAFETY ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	GMI; MSAM	where council is the relevant road authority
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; MSAM	where council is the relevant road authority
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	GMI; MSAM	where council is the relevant road authority
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; MSAM	where council is the relevant road authority
s.34I	function of entering into safety interface agreements	GMI; MSAM	where council is the relevant road authority
s.34J(2)	function of receiving notice from Safety Director	GMI; MSAM	where council is the relevant road authority
s.34J(7)	duty to comply with a direction of the Safety Director given under section 34J(5)	GMI; MSAM	where council is the relevant road authority
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	GMI; MSAM	where council is the relevant road authority

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; EHC; EHO	
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	MP; EHC; EHO	
s. 142G(2)	power to enter certain information in the Rooming House Register	MP; EHC; EHO	
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; EHC; EHO	
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; EHC; EHO	
s.522(1)	power to give a compliance notice to a person	MP; EHC; 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	

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.526(5)	duty to keep record of entry by authorised officer under section 526	MP; EHC; EHO	
s.526A(3)	function of receiving report of inspection	MP; EHC	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	MP; EHC	

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; MSAM	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; MSAM	
s.11(9)(b)	duty to advise Registrar	GMI; GMCS; MSAM	
s.11(10)	duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	GMI; GMCS; MSAM	clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	GMI; GMCS; MSAM	where council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	GMI; GMCS; MSAM	where council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	GMI; GMCS; MSAM	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; MSAM	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; MSAM	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; MSAM	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; MSAM	duty of coordinating road authority where it is the discontinuing body does not apply where an exemption is specified by the regulations or given by the Minister
s.13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	GMI; GMCS; MSAM	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; MSAM	
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; MSAM	
s.15(2)	duty to include details of arrangement in public roads register	GMI; MSAM	
s.16(7)	power to enter into an arrangement under section 15	GMI; MSAM	
s.16(8)	duty to enter details of determination in public roads register	GMI; MSAM	

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; MSAM	where council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	GMI; MSAM	where council is the coordinating road authority
s.17(3)	duty to register a road reasonably required for general public use in public roads register	GMI; MSAM	where council is the coordinating road authority
s.17(4)	power to decide that a road is no longer reasonably required for general public use	GMI; MSAM	where council is the coordinating road authority
s.17(4)	duty to remove road no longer reasonably required for general public use from public roads register	GMI; MSAM	where council is the coordinating road authority
s.18(1)	power to designate ancillary area	GMI; MSAM	where council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)
s.18(3)	duty to record designation in public roads register	GMI; MSAM	where council is the coordinating road authority
s.19(1)	duty to keep register of public roads in respect of which it is the coordinating road authority	GMI; MSAM	
s.19(4)	duty to specify details of discontinuance in public roads register	GMI; MSAM	
s.19(5)	duty to ensure public roads register is available for public inspection	GMI; MSAM	
s.21	function of replying to request for information or advice	GMI	obtain consent in circumstances specified in section 11(2)

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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; MSAM	
s.22(5)	duty to give effect to a direction under this section.	GMI; MSAM	
s.40(1)	duty to inspect, maintain and repair a public road.	GMI; MSAM	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	GMI; MSAM	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	GMI; MSAM	
s.42(1)	power to declare a public road as a controlled access road	GMI; MSAM	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; MSAM	where council is the coordinating road authority if road is a municipal road or part thereof
s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	GMI	where council is the coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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; MSAM	where council is the responsible road authority, infrastructure manager or works manager
s.48M(3)	function of consulting with the Secretary for purposes of developing guidelines under section 48M	GMI; MSAM	
s.48N	duty to notify the Secretary of the location of the bus stopping point and the action taken by council	GMI; MSAM	
s.49	power to develop and publish a road management plan	GMI; MSAM	
s.51	power to determine standards by incorporating the standards in a road management plan	GMI; MSAM	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMI; MSAM	
s.54(2)	duty to give notice of proposal to make a road management plan	GMI; MSAM	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	GMI; MSAM	
s.54(6)	power to amend road management plan	GMI; MSAM	
s.54(7)	duty to incorporate the amendments into the road management plan	GMI; MSAM	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	GMI; MSAM	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.63(1)	power to consent to conduct of works on road	GMI; MSAM	where council is the coordinating road authority
s.63(2)(e)	power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	GMI; MSAM	where council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	GMI; MSAM	where council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	GMI; MSAM	where council is the coordinating road authority
s.67(2)	function of receiving the name & address of the person responsible for distributing the sign or bill	GMI; MSAM	where council is the coordinating road authority
s.67(3)	power to request information	GMI; MSAM. CSC	where council is the coordinating road authority
s.68(2)	power to request information	GMI; MSAM; CSC	where council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	GMI; MSAM	
s.72	duty to issue an identity card to each authorised officer	GMI; MSAM	
s.85	function of receiving report from authorised officer	GMI; MSAM. CSC	
s.86	duty to keep register re section 85 matters	GMI; MSAM. CSC	
s.87(1)	function of receiving complaints	GMI; MSAM. CSC	

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

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	GMI; MSAM	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	GMI; MSAM	
Schedule 2 Clause 5	duty to publish notice of declaration	GMI; MSAM	
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; MSAM	where council is the infrastructure manager or works manager
Schedule 7, Clause 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	GMI; MSAM	where council is the infrastructure manager or works manager
Schedule 7, Clause 9(1)	duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	GMI; MSAM	where council is the infrastructure manager or works manager responsible for non-road infrastructure
Schedule 7, Clause 9(2)	duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	GMI; MSAM	where council is the infrastructure manager or works manager

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	GMI; MSAM	where council is the infrastructure manager or works manager
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	GMI; MSAM	where council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	GMI; MSAM	where council is the coordinating road authority
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	GMI; MSAM	where council is the coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	GMI; MSAM	where council is the coordinating road authority
Schedule 7, Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	GMI; MSAM	where council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	GMI; MSAM	where council is the coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	GMI; MSAM	where council is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	GMI; MSAM	where council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	GMI; MSAM	where council is the coordinating road authority, responsible authority or infrastructure manager

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 16(5)	power to consent to proposed works	GMI; MSAM	where council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	GMI; MSAM	where council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	GMI; MSAM	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; MSAM	where council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	GMI; MSAM	where council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	GMI; MSAM	where council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	GMI; MSAM	where council is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	GMI; MSAM	where council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	GMI; MSAM	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	GMI; MSAM	where council is 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; MSAM	where council is the responsible road authority
Schedule 7A Clause (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4	GMI; MSAM	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; MSAM	
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; MSAM	
r.36	power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	GMCS; MSAM	
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; MSAM	
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; MSAM	
Schedule 6, clause 5(1)	duty to display the hours during which pedestrian access is available to the cemetery	GMI; MSPD	
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; MSAM; GMI; MP; MSPD	
Schedule 6, clause 6(1)	power to give directions regarding the manner in which a funeral is to be conducted	GMCS; MSAM	

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 7(1)	power to give directions regarding the dressing of places of interment and memorials	GMCS; MSAM	
Schedule 6, clause 11(1)	power to remove objects from a memorial or place of interment	GMCS; MSAM. GMI, MP, MSPD	
Schedule 6, clause 11(2)	duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	GMCS; MSAM; GMI; MP; MSPD	
Schedule 6, clause 12	power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	GMCS; MSAM; GM;, MP; MSPD	
Schedule 6, clause 14	power to approve an animal to enter into or remain in a cemetery	GMCS; MSAM; GMI; MP; MSPD	

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; PC; SP, PLO; SO; PAO	
r. 8	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	MP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
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; PC; SP; PLO; SO	
r.40	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of an amendment to a planning scheme	MP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.55	duty of responsible authority to tell Registrar of Titles under section 183 of the Act of the cancellation or amendment of an agreement	MP	

PLANNING AND ENVIRONMENT (FEES) FURTHER INTERIM REGULATIONS 2014			
Note: these Regulations expire on 16 October 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.16	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	MP	
r.17	power to waive or rebate a fee relating to an amendment of a planning scheme	MP	
r.18	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.16 or 17	MP	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.7	function of entering into a written agreement with a caravan park owner	MP; EHC; EHO	
r.11	function of receiving application for registration	MP; EHC; EHO	
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	MP; EHC; EHO	
r.13(2)	duty to renew the registration if satisfied that the caravan park complies with these regulations	MP; EHC; EHO	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MP; EHC; EHO	
r.13(4) & (5)	duty to issue certificate of registration	MP; EHC; EHO	
r.15(1)	function of receiving notice of transfer of ownership	MP; EHC; EHO	
r.15(3)	power to determine where notice of transfer is displayed	MP; EHC; EHO	
r.16(1)	duty to transfer registration to new caravan park owner	MP; EHC; EHO	
r.16(2)	duty to issue a certificate of transfer of registration	MP; EHC; EHO	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	MP; EHC; EHO	
r.18	duty to keep register of caravan parks	MP; EHC; EHO	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.19(4)	power to determine where the emergency contact person's details are displayed	MP; EHC; EHO	
r.19(6)	power to determine where certain information is displayed	MP; EHC; EHO	
r.22A(1)	duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	MP; EHC; EHO	
r.22A(2)	duty to consult with relevant emergency services agencies	MP; EHC; EHO	
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	MP; EHC; EHO	
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	MP; EHC; EHO	
r.25(3)	duty to consult with relevant floodplain management authority	MP; EHC; EHO	
r.26	duty to have regard to any report of the relevant fire authority	MP; EHC; EHO	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	MP; EHC; EHO	
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	MP; EHC; EHO	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MP; EHC; EHO	
r.40(4)	function of receiving installation certificate	MP; EHC; EHO	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MP; EHC; EHO	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	MP; EHC; 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; MSAM	
r.302(2)	duty to give notice of review of road management plan	GMI; MSAM	
r.302(5)	duty to produce written report of review of road management plan and make report available	GMI; MSAM	
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; MSAM	
r.306(2)	duty to record on road management plan the substance and date of effect of amendment	GMI; MSAM	
r.501(1)	power to issue permit	GMI; MSAM	where council is the coordinating road authority
r.501(4)	power to charge fee for issuing permit under regulation 501(1)	GMI; MSAM	where council is the coordinating road authority
r.503(1)	power to give written consent to person to drive on road a vehicle which is likely to cause damage to road	GMI; MSAM	where council is the coordinating road authority
r.508(3)	power to make submission to Tribunal	GMI; MSAM; CSC	where council is the coordinating road authority
r.509(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	GMI; MSAM; CSC	where council is the responsible road authority
r.509(2)	power to sell or destroy things removed from road or part of road (after first complying with regulation 509(3))	GMI; MSAM; CSC	where council is the responsible road authority

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

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; MSAM	where council is the coordinating road authority and where consent given under section 63(1) of the Act
r.18(2)	power to waive whole or part of fee in certain circumstances	GMI; MSAM	where council is the coordinating road authority

11.8. APPLICATION FOR APPROVAL TO OPERATE B-DOUBLE AND HIGHER MASS LIMIT VEHICLES ON LOCAL COUNCIL ROADS

GENERAL MANAGER INFRASTRUCTURE

In providing this advice to Council as the Project Engineer - Development, I Inoka Sanjeevanie have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider an application for consent to use B-Double and/or Higher Mass Limit (HML) vehicles on local Council roads.

BACKGROUND

The following new referral for consent to use Short Combination vehicles at HML on local Council roads has been received from the National Heavy Vehicle Regulator (NHVR).

Table 11.8.1

Ref	Organisation	Vehicles	Roads	Load Type	Time Frame as per Application	No of Trips (approx)
40318	Venmoore Pty Ltd	HML	Burma Track, Telegraph Road, Cemetery Road, Cabbage Tree Rd, Codes Forest Road, King Street, Alfred Street, Bridge Street, Frenchmans Road, Smokeytown Road, Spring Gully Road, Mosquito Road, Bald Hills Road, Ascot-Creswick Road, Reed Street, Luttet Street, Temple Road, Pollards Lane, Water Street, Moore Street, Lees Street, Brackenbury Road, St Georges Lake Road.	Logs	26/05/2015 – 25/06/2018	10 per week

ISSUE/DISCUSSION

Council officers have assessed the applications considering the following:

- Community Safety
- Local Amenity
- Physical Limitations of the network
- Economic benefits
- Alternative access
- Cost implications to Council.

The results of the assessment are provided below along with any recommended conditions to be applied to any consent granted by Council

NEW REQUEST

Venmoore Pty Ltd (Request Number 40318)

Venmoore Pty Ltd requests Council consent to use local roads as shown in Table 11.18.1 and shown below for Short Combination vehicles at HML to transport forestry logs.

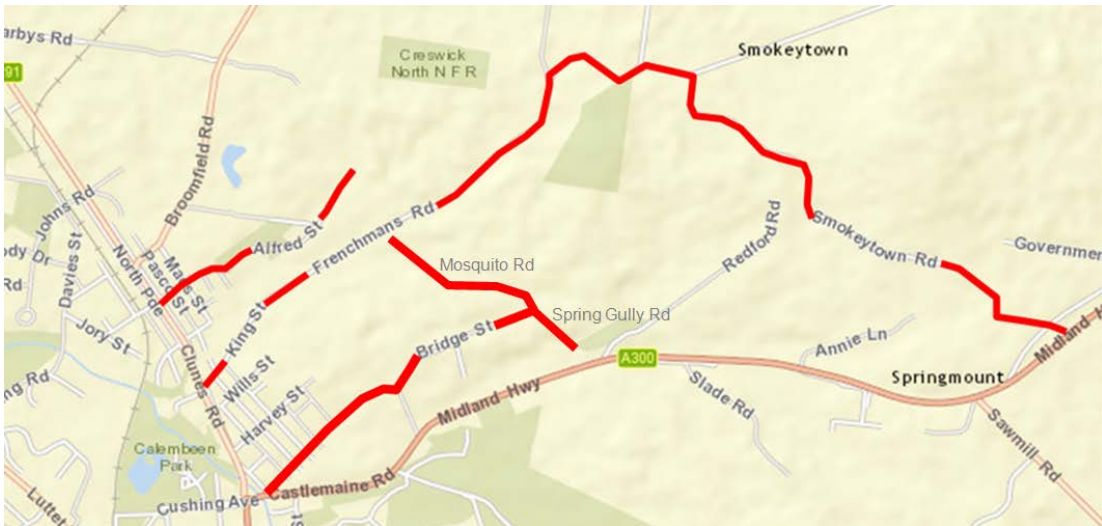
Cemetery Road, Burma Track & Telegraph Road



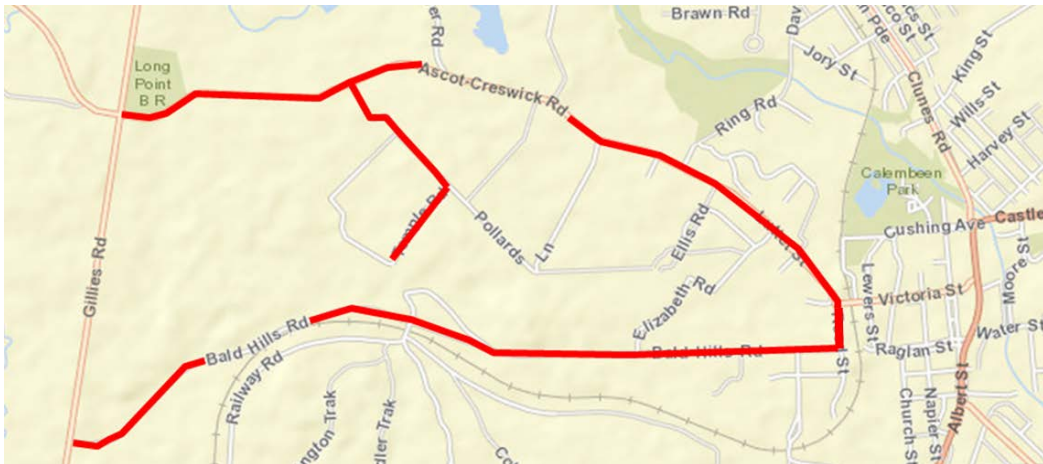
Cabbage Tree Road & Codes Forest Road



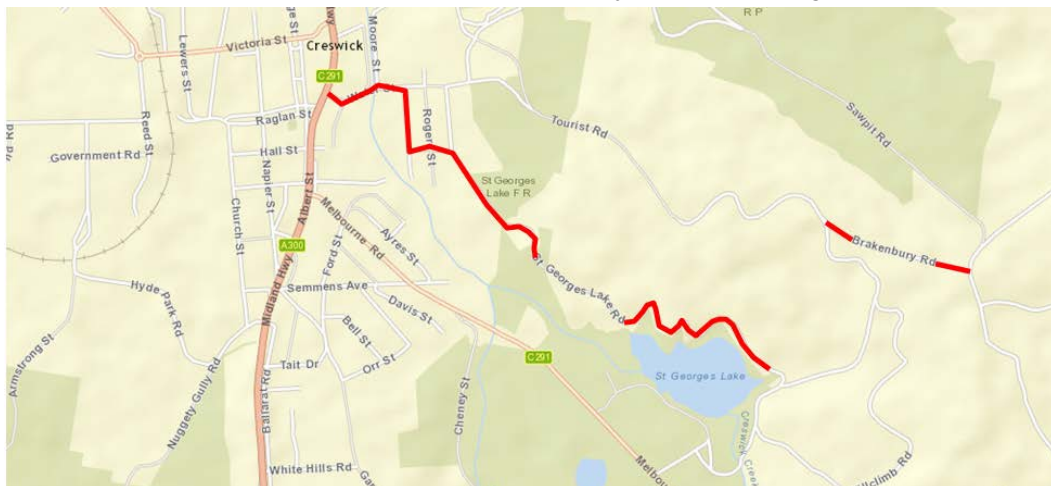
King Street, Alfred Street, Bridge Street, Frenchmans Road, Smokeytown Road, Spring Gully Road, Mosquito Road



Bald Hills Road, Ascot-Creswick Road, Luttet Street, Reed Street, Temple Road, Pollards Lane



Water Street, Moore Street, Lees Street, Brackenbury Road, St Georges Lake Road,



Venmoore Pty Ltd currently holds a permit to operate B-Doubles at HML on some local roads in the area. This is a new request to use Short Combination vehicles at HML.

Venmoore Pty Ltd sought approval for Reed Street, part of the Ascot-Creswick Road and Luttet Street (from Pollards Lane to Reed Street) and part of Bald Hills Road (from Elizabeth Road to Reed Street). These sections are not recommended for approval as they comprise an additional route that is undesirable through a built up area when an approved alternative is available to Gillies Road.

All other roads have been assessed as suitable for access by HML Vehicles

It is recommended that Council approves Venmoore Pty Ltd to use Short Combination vehicles at HML on listed local roads, except Reed Street, Part of the Ascot-Creswick Road and Luttet Street (from Pollards Lane to Reed Street) and part

of Bald Hills Road (from Elizabeth Road to Reed Street) as per application subject to the following conditions:

- Must not travel on a road, bridge or structure if it would exceed any sign posted mass or dimension limit
- It is the responsibility of the permit holder to pay attention to:
 - o Overhead cables
 - o Overhanging trees
 - o Steep inclines/declines, tight corners and narrow roads.
- Must not trim or remove any trees without all approvals being obtained
- Hours of Operation shall be 7:00am to 6:00pm.
- The use of compression brakes is to be avoided.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2013:2017:

Strategic Objective – *Sustainable Environment and a Vibrant Economy*

Key Strategic Activity:

12. Support and develop existing businesses within Hepburn Shire and continue to explore opportunities to diversify Hepburn Shire's Economic base.

FINANCIAL IMPLICATIONS

There are no expected financial implications of granting approval to above operator to use heavy vehicles on subject Council maintained roads.

RISK IMPLICATIONS

There are no expected risk implications of granting approval to above operators to use heavy vehicles on subject Council maintained roads.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

There are expected to be economic benefits for local business and economic development through the granting of consent for access.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

No external engagement was undertaken in relation to this request. Relevant internal roads and natural resource management staff have been involved in assessing these requests.

CONCLUSION

Council has received a permit referral from the National Heavy Vehicle Regulator for consent to operate HML vehicles on Council maintained local roads.

Following a review of the referral, conditional consent is recommended for the operator as detailed, with the exception of certain roads in Creswick.

OFFICER'S RECOMMENDATION

That Council:

11.8.1. Approves Venmoore Pty Ltd to use Short Combination vehicles at HML on Cemetery Road, Burma Road, Telegraph Road, Cabbage Tree Road, Codes Forest Road, King Street, Alfred Street, Bridge Street, Smokeytown Road, Spring Gully Road, Mosquito Road, part of Bald Hills Road (from Gillies Road to Elizabeth Road), part of Ascot-Creswick Road (from Gillies Road to Pollards Lane), Temple Road, Pollards Road, Water Street, Moore Street, Lees Street, Brackenbury Road and St Georges Lake Road, for a period of three years commencing 23 June 2015 and expiring on 22 June 2018, subject to the following conditions:

- Must not travel on a road, bridge or structure if it would exceed any sign posted mass or dimension limit.
- It is the responsibility of the permit holder to pay attention to:
 - o Overhead cables
 - o Overhanging trees
 - o Steep inclines/declines, tight corners and narrow roads.
- Must not trim or remove any trees without all approvals being obtained.
- Hours of Operation shall be 7:00am to 6:00pm.
- The use of compression brakes is to be avoided in residential areas.

11.8.2. Does not approve Venmoore Pty Ltd to use Short Combination vehicles at HML on Reed Street, part of Ascot-Creswick Road and Luttet Street (from Pollards Lane to Reed Street) and part of Bald Hills Road (from Elizabeth Road to Reed Street).

MOTION

That Council:

11.8.1. Approves Venmoore Pty Ltd to use Short Combination vehicles at HML on Cemetery Road, Burma Road, Telegraph Road, Cabbage Tree Road, Codes Forest Road, King Street, Alfred Street, Bridge Street, Smokeytown Road, Spring Gully Road, Mosquito Road, part of Bald Hills Road (from Gillies Road to Elizabeth Road), part of Ascot-Creswick Road (from Gillies Road to Pollards Lane), Temple Road, Pollards Road, Water Street, Moore Street, Lees Street, Brackenbury Road and St Georges Lake Road, for a period of three years commencing 23 June 2015 and expiring on 22 June 2018, subject to the following conditions:

- Must not travel on a road, bridge or structure if it would exceed any sign posted mass or dimension limit.
- It is the responsibility of the permit holder to pay attention to:
 - Overhead cables
 - Overhanging trees
 - Steep inclines/declines, tight corners and narrow roads.
- Must not trim or remove any trees without all approvals being obtained.
- Hours of Operation shall be 7:00am to 6:00pm.
- The use of compression brakes is to be avoided in residential areas.

11.8.2. Does not approve Venmoore Pty Ltd to use Short Combination vehicles at HML on Reed Street, part of Ascot-Creswick Road and Luttet Street (from Pollards Lane to Reed Street) and part of Bald Hills Road (from Elizabeth Road to Reed Street).

Moved: Councillor Pierre Niclas

Seconded: Councillor Greg May

Carried.

11.9. LIABILITY MUTUAL INSURANCE SCHEME (PUBLIC AND PRODUCTS LIABILITY INSURANCE AND PROFESSIONAL INDEMNITY INSURANCE) RENEWAL 2015-2016

GENERAL MANAGER INFRASTRUCTURE

In providing this advice to Council as the Manager Strategic Asset Management, I Steve Millard have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to approve the renewal of Council's Liability Mutual Insurance for 2015-2016 through MAV Insurance.

BACKGROUND

Under section 76A of the *Local Government Act 1989* ('Act'), Council is required to hold both public and products liability insurance and professional indemnity insurance. Council complies with this requirement by participating in the Liability Mutual Insurance Scheme approved by the Minister for Local Government (section 76A (2) of the Act) administered by MAV Insurance.

Broadly, these insurances cover Council in the event of claims by third parties for injury (including death), damages or other losses that may be suffered as a result of Council's negligence or breach of its duty of care.

ISSUE/DISCUSSION

Council has received a Renewal Proposal from MAV Insurance for 2015-2016. Proposal documentation has been completed and returned to MAV Insurance in order to determine premiums.

Under the Scheme, all participating councils are covered for \$400m public and products liability and \$300m for professional indemnity.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

As the Minister for Local Government has approved participation by Victorian councils in a mutual liability scheme, Council is not required to tender for this service under section 186 of the Act even though the premium is likely to exceed \$150,000.

FINANCIAL IMPLICATIONS

The premium for these classes of insurance for 2015-2016 has not yet been determined by MAV Insurance. However, verbal advice received from MAV Insurance indicates that Council's anticipated premium increase over its 2014-2015 premium will be 3-5% which will equate to an annual premium for 2015-2016 of between \$164,760 to \$167,960 (excluding GST).

RISK IMPLICATIONS

Insurance is considered to be essential for the prudent management of Council's affairs and is a primary control in relation to the mitigation of many risk items on Council's Risk Register.

Major claims under these classes of insurance may run to several millions of dollars.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

No environmental/social/economic implications noted.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

No community or stakeholder engagement required nor undertaken.

CONCLUSION

It is a statutory requirement for all Victorian councils to take out and maintain public and products liability insurance and professional indemnity insurance in order to protect the financial interests of the community.

OFFICER'S RECOMMENDATION

That Council resolves to authorise the Chief Executive Officer to:

- 11.9.1. Place Council's public and products insurance and public liability insurance with MAV Insurance for the period 2015-2016; and
- 11.9.2. Approve payment of the premium for public and products liability insurance and professional indemnity insurance for 2015-2016.

MOTION

That Council resolves to authorise the Chief Executive Officer to:

- 11.9.1. Place Council's public and products insurance and public liability insurance with MAV Insurance for the period 2015-2016; and*
- 11.9.2. Approve the payment of the final premium for public and products liability insurance and professional indemnity insurance for 2015-2016 to the order of \$167,960 (excluding GST) or for the premium set before 30 June 2015.*
- 11.9.3. Immediately inform Council should the final premium payable exceed the expected level.*

Moved: Councillor Bill McClenaghan

Seconded: Councillor Don Henderson

Carried.

11.10. REVIEW OF PROCUREMENT POLICY

GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Manager Finance and Information Technology, I Trafford Thompson have no interests to disclose in this report.

PURPOSE

The purpose of this report is to recommend that Council adopts the updated Council Policy 46 – Procurement Policy.

BACKGROUND

Section 186A of the *Local Government Act, 1989* requires Council to prepare and approve a procurement policy. Subsection 186A (7) requires Council, at least once in each financial year, to review the current procurement policy and may, in accordance with this section, amend the procurement policy. This section of the Act defines procurement policy to mean the principles, processes and procedures that will apply to all purchases of goods, services and works by Council.

ISSUE/DISCUSSION

The Procurement Policy has been reviewed taking into consideration requirements of the Act and Model Procurement Policy as prepared by the Municipal Association of Victoria.

Changes have been made to facilitate the best value principles by reducing the purchasing thresholds that require multiple quotations. The required number of quotations has now been annotated as a minimum requirement. The threshold of requiring three written quotations has now been reduced to \$10,000 from \$25,000, including GST. An additional threshold requiring two written quotations has been established for purchases between \$5,000 and \$10,000. Purchases between \$1,000 and \$5,000 require a minimum of one written quotation. Purchasing delegation thresholds have now been included within the policy to apply a consistent delegation for similar staff positions across Council. These delegations are enacted through the CEO's Instrument of Delegation to Staff for Purchasing.

Purchases can be made directly with one panel supplier when the *full cost* of the purchase order can be determined, e.g. supply of quarry materials, otherwise the minimum number of quotations is required.

Specific references to Expressions of Interest as identified within the *Local Government Act, 1989* have been included within the Policy under 2.3.1.1 Tenders and Expressions of Interest. In addition, the use of Expressions of Interest for purchases under the legislated tender thresholds has been clarified.

The requirements for setting the selection criteria and weighting for the evaluation of tenders has been reworded to be allow staff to select relevant criteria for each purchasing decision. The example criteria are included as a guide only. The previous sample weighting of criteria has been removed, and the options for considering Cost/Value for Money have been explained in more detail.

The principles of Council Policy 29 – Buy Recycle and Waste Minimisation Policy have been incorporated into section 3.3 Sustainability. This will remove the need for a separate policy and enable council to rescind Policy 29 (C) – Buy Recycle and Waste Minimisation Policy.

The specified amount of 10% allowance for support of local business has been removed. The policy still identifies Council's commitment to supporting procurement from local businesses in order to build a stronger community and allows for local content to be considered in the evaluation criteria, without having a specific allowance.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Section 186A of the *Local Government Act, 1989* requires Council to prepare and approve a procurement policy. Subsection 186A (7) requires Council, at least once in each financial year, to review the current procurement policy and may, in accordance with this section, amend the procurement policy.

FINANCIAL IMPLICATIONS

The revised Procurement Policy provides support to Council's objective to obtain value for money in purchasing activities.

RISK IMPLICATIONS

The Procurement Policy is a key control in managing purchasing risks for Council.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The Procurement Policy provides a mechanism for considering environmental and social implications through the use of questionnaire templates which may be used when seeking expressions of interest or evaluating tenders. Economic implications are addressed by providing suppliers a fair opportunity to compete for work with Council.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

As per the Hepburn Shire Community Engagement Framework, Level 1 Community engagement will be undertaken. The policy will be made available to the public via the minutes published on the Council's website. The Policy will also be available for inspection on Council's website and in its offices.

CONCLUSION

The revised Procurement Policy strengthens Council's focus on obtaining Best Value for rate-payers in all purchasing decisions and supports Council in purchasing goods, services and works in a fair and transparent manner.

OFFICER'S RECOMMENDATION

That Council:

- 11.10.1. Adopts Policy 46 – Procurement Policy – June 2015 and makes it available for public inspection on Council's website and at Council's offices.
- 11.10.2. Rescinds Policy 29 – Buy Recycle and Waste Minimisation Policy and removes it from Council's website.

MOTION

That Council:

- 11.10.1. Adopts Policy 46 – Procurement Policy – June 2015 and makes it available for public inspection on Council's website and at Council's offices.*
- 11.10.2. Rescinds Policy 29 – Buy Recycle and Waste Minimisation Policy and removes it from Council's website.*

Moved: Councillor Sebastian Klein

Seconded: Councillor Neil Newitt

Carried.

ATTACHMENT 9 - POLICY 46 (C) – PROCUREMENT POLICY

POLICY NUMBER:	46 (C)
NAME OF POLICY:	Procurement Policy
DATE AMENDED:	June 2015
DATE OF NEXT REVIEW:	June 2016
DATE APPROVED:	16 June 2015
RESPONSIBLE OFFICER:	Manager Contracts and Procurement

REFERENCES:

Local Government Act 1989

Corporate Credit Card Policy No 54

Youth Policy No 43

Staff Code of Conduct Policy No 57

Complaints Handling Policy No 64

Acceptance of Gifts or Other Gratuities by Employees Policy No 51

CEO Instrument of Delegation to Staff – Purchasing DOC/15/17697

Sustainable Purchasing Guidelines DOC/10/14559

Contract Procedure Manual – Procurement and Risk Management Processes
DOC/13/4999

TechOne - Purchasing Procedure – DOC/12/4903

TechOne - Purchasing Frequently Asked Questions – DOC/12/4794

Best Value Principles

Hepburn Shire Council has the responsibility to provide its ratepayers with best value, with all services provided by Council meeting the expectations in terms of quality and cost. In providing this, all services need to be accessible, responsive to the needs of the community, considerate of the natural environment and subject to continuous improvement.

To achieve the best over life outcome for Council's expenditures, which meets quality and service expectations, there will be periodic review of services against best on offer in both the public and private sectors.

All Council staff members are responsible for supporting best value principles in their normal day to day actions to ensure services are recognised by the community as delivering best value.

To promote the best value principles, Council has, through this policy, developed processes where consistent and continual market testing is required to deliver and demonstrate best value for all areas of procurement. When procuring any goods or services, staff should seek to spend Council funds as if they were their own.

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Attachments

1. Procurement Quick Reference Guide
2. Tender Contract Checklist
3. Environmentally Sustainable Purchasing Questionnaire
4. Social Procurement Questionnaire

Procurement Policy

1. INTRODUCTION

Hepburn Shire Council requires that Council's contracting, purchasing and contract management activities endeavour to:

- support the Council's corporate strategies, aims and objectives including, but not limited to those related to value for money, sustainability, waste minimisation, protection of the environment, youth, local employment and corporate social responsibility;
- take a long term strategic view of its procurement needs while continually assessing, reviewing and auditing its procedures, strategy and objectives;
- provide a robust and transparent audit trail which ensures that projects are delivered on time, within cost constraints and that the needs of end users are fully met;
- are conducted, and are seen to be conducted, in an impartial, fair and ethical manner;
- achieve value for money and quality in the acquisition of goods, services and works by the Council;
- ensure that risk is identified, assessed and managed at all stages of the procurement process;
- use strategic procurement practices and innovative procurement solutions to promote sustainability and best value, in particular making use of collaboration and partnership opportunities;
- use social procurement to enhance sustainable and strategic procurement to effectively contribute towards building stronger communities and meeting the wider social objectives of the Council;
- comply with legislation, corporate policies or other requirements, ensuring that all staff responsible for procurement and contract management are aware of and adhere to the legislative requirements, Council standards and best practice.

1.2 Scope

Section 186A of the *Local Government Act 1989* ("the Act") requires Council to prepare, approve and comply with a Procurement Policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by the Council.

This policy applies to all contracting and procurement activities at Council and is binding upon Councillors, Council Officers, and temporary employees, contractors and consultants while engaged by the Council.

Expenditure not applicable to this policy includes:

- Payments for utilities where the utility provider is the only provider in the market
- A contract for Legal Services (refer Part 4 – Local Government Regulations)
- All Payroll expenses and deductions and
- All refunds

1.3 Purpose

The purpose of this policy is to:

- achieve consistency and control over procurement activities;
- demonstrate accountability to rate payers;
- provide guidance on ethical behaviour in public sector purchasing;
- apply best practice in purchasing;
- obtain best value when purchasing goods and services; and
- support the achievement of Council objectives such as sustainable and socially responsible procurement; bottom-line cost savings, supporting local economies; achieving innovation; and better services for communities.

1.4 Treatment of GST

All monetary values, being Procurement Thresholds stated in this policy include GST except, where specifically stated otherwise.

1.5 Definitions and Abbreviations

Term	Definition
Act	<i>Local Government Act 1989.</i>
Commercial in Confidence	Information that, if released, may prejudice the business dealings of a party e.g., prices, discounts, rebates, profits, methodologies and process information.
Contract Management	The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money.

Council Staff	Includes full time and part-time council officers, and temporary employees, contractors and consultants while engaged by the Council.
Expression of Interest Process	A process, either public or to select respondents, seeking submissions from potential supplier to provide goods, services or works. An Expression of Interest may be followed by a select tender, request for quotations or negotiation with a shortlisted number of respondents. Depending on the amount of the purchase, specific rules relate to purchasing options following an expression of interest process.
Probity	Probity relates to Council conducting its business in a fair, honest, ethical and open manner, demonstrating the highest levels of integrity consistent with the public interest. In the context of a procurement process, probity is a defensible process which is able to withstand internal and external scrutiny – one which achieves accountability and transparency, and provides potential suppliers with fair and equitable treatment.
Preferred /Panelled Supplier Agreements	Preferred/Panelled suppliers are in place for regular use items, commodities and services that have been market tested, and compliant with copies of insurances and qualifications held to file for on demand whole of Council use. However, no commitment is made under the agreement to purchase a specified value or quantity of goods or services.
Standing or Annual Purchase Order	A procurement arrangement whereby agreement a Standing/Annual Purchase Order is issued on a supplier for regular or on demand or for the pickup of materials as may be required. However, no commitment is made under the agreement to purchase a specified value or quantity of goods or services
Sustainability (LGV Definition)	“a process whereby organisations meet their needs for goods, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society and the economy, whilst minimising damage to the environment”

Procurement	Procurement is the whole process of acquisition of external goods, services and works. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.
Tender Process	The process of inviting parties to submit a tender within a set timeframe, followed by evaluation of submissions and selection of a successful bidder or tenderer. Under the Act, purchasing thresholds dictate when a tender is mandatory and the options for conducting it. A tender can also be used for purchases less than the mandated thresholds.
Local Supply	Refers to suppliers and potential supplier businesses located within or around the boundaries of Hepburn Shire and also includes potential suppliers within the Central Highlands Region.
Sole Provider in a Monopoly Market	For some purchases, it may be that there is only one provider providing the required supply in the market. The only transparent means of demonstrating that multiple suppliers do not exist is to undertake a public tender or expression of interest. If that action demonstrates that there is only one supplier then a council is free to enter into a contract with that supplier, while being mindful of its obligation to obtain value for money.
Public Notice	Public notice is defined as notice published in a newspaper generally circulating in a municipal district of the council chosen by the council for the purpose. The council must also ensure any public notice required to be given by the council is published on its internet website

2. POLICY COMPLIANCE AND CONTROL

2.1 Ethics and Probity

Council's procurement activities shall be performed fairly, openly and honestly. Procurement activities must be able to withstand the closest possible internal or external scrutiny.

2.1.1 Conduct of Councillors and Council Staff

Councillors and Council Staff shall at all times conduct themselves in ways that are, and are seen to be, ethical and of the highest integrity (Refer to both the Councillors Code of Conduct and Employees Code of Conduct). Staff and Councillors will:

- treat potential and existing suppliers with equality and fairness;
- not seek or receive personal gain;
- maintain confidentiality of Commercial in Confidence information such as contract prices, intellectual property and other sensitive information;
- present the highest standards of professionalism and probity;
- deal with suppliers in an honest and impartial manner;
- declare and appropriately manage conflicts of interest so that they do not impact on purchasing decisions;
- provide all suppliers and tenderers with the same information and equal opportunity; and
- be able to account for all decisions and provide feedback on them.

2.1.2 Members of Professional Bodies

Councillors and Council Staff belonging to professional organisations shall, in addition to the obligations detailed in this policy, ensure that they adhere to any code of ethics or professional standards required by that body.

2.1.3 Tender Processes

All tender processes shall be conducted in accordance with the requirements of this policy and any associated procedures, relevant legislation, relevant Australian Standards and the Act.

2.1.4 Conflict of Interest

Councillors and Council staff shall at all times avoid situations in which private interests conflict, or might reasonably be thought to conflict, or have the potential to conflict, with their Council duties.

Councillors and Council staff involved in the procurement process must declare any interest that may conflict or could be perceived to conflict with an impartial assessment of the purchasing decision being made.

Conflicts of interest can be any personal or professional association or interest which may influence, or be perceived to influence, an individual's decision-making in relation to a particular matter. The conflict of interest may or may not be financial in nature. For example, a conflict may arise from a personal relationship or from involvement with a community based organisation.

Having an actual or potential conflict of interest in itself is not a bad thing, but it must be declared promptly to avoid creating problems for Council and the employee. (Refer Employee Code of Conduct Policy 57) (Refer TRIM DOC/15/14726 Conflict of Interest and Confidentiality Declaration-Internal).

Following declaration of a potential conflict of interest by a staff member, that staff member's supervisor or a member of the Leadership Team needs to determine how the conflict will be managed. Managing a conflict can be achieved by excluding the staff member from the related procurement or determining that there is no conflict and allowing the staff member to continue to be involved. If there is any doubt as to the impact of the potential conflict on fairness and probity, the staff member must be excluded from any further involvement in the related procurement process.

Declarations of conflicts by Councillors are managed in accordance with the Act.

2.1.5 Fair and Honest Dealing

All prospective contractors and suppliers must be afforded an equal opportunity to tender or quote.

Impartiality must be maintained in selecting contractors and suppliers.

The commercial interests of existing and potential suppliers must be protected.

Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to prices, discounts, rebates, profit, manufacturing and product information.

2.1.6 Accountability and Transparency

Council Staff must be able to account for all procurement decisions made over the lifecycle of all goods, services and works purchased by the Council and provide feedback on them. All documentation (including but not limited to specifications,

correspondence, meeting notes, tenders, quotes, and evaluation notes) related to procurement activities must be saved into Council's records management system (TRIM).

2.1.7 Acceptance of Gifts and Hospitality

All offers of gifts from potential suppliers to staff must be considered in accordance with Council's Acceptance of Gifts or Other Gratuities Policy 51(O). Under section 78C of the Act, a conflict exists if a staff member has accepted a cumulative value of gifts greater than \$500 from a particular person or supplier over a five year period.

No Councillor or member of Council Staff shall, either directly or indirectly solicit gifts or presents from any member of the public who is involved, either directly or indirectly, with any matter that is connected with the duties of the officer, or in which the Council is interested and must not use his/her position, knowledge, contacts or influence to extract, demand, intimidate, cajole or coerce any supplier, customer or competitor of the Council to provide or offer any gift, hospitality or gratuity to the employee or any other person.

2.2 Governance

2.2.1 Structure

Council shall:

- establish a procurement management responsibility structure and delegations ensuring accountability, traceability and audit ability of all Procurement decisions made over the lifecycle of all goods, services and works purchased by the Council;
- ensure that the Council's procurement structure:
 - is flexible enough to purchase in a timely manner the diverse range of material, goods, works and services required by Council;
 - ensures that prospective contractors and suppliers are afforded an equal opportunity to tender/quote;
 - encourages competition; and
- ensure that policies that impinge on the purchasing policies and practices are communicated and implemented.

2.2.2 Standards

The Council's procurement activities shall be carried out to the professional standards required by best practice and in compliance with:

- The Act,
- Council's Code of Conduct;

- Other Council policies;
- Other relevant legislative requirements such as but not limited to the Trade Practices Act, Goods Act, Environmental Protection Act and OH&S Act.

2.2.3 Methods

The Council's standard methods for purchasing goods, services and works include:

- purchasing card or corporate credit card;
- store card;
- purchase order following a quotation process, including obtaining a minimum number of quotations, from suppliers for goods or services that represent best value for money;
- purchase order following an Expression of Interest (EOI) and/or Request for Quotation (RFQ) process;
- under contract following a Expression of Interest (EOI) and Tender process;
- under contract following a Tender process;
- using aggregated purchasing arrangements with other Councils, MAV Procurement, Victorian Government, or other bodies;
- other arrangements authorised by the Council or the CEO on a needs basis as required by exceptional circumstances such as emergencies.

2.2.4 Responsible Financial Management

The principle of responsible financial management shall be applied to all procurement activities.

To give effect to this principle:

- the availability of existing funds within an approved budget, or source of funds, shall be established prior to the commencement of any procurement action for the supply of goods, services or works.
- Council Staff must not authorise the expenditure of funds in excess of their financial delegations. (Purchasing-Instrument of Delegation-DOC/12/40378)

2.2.5 Preferred Supplier Selection and Review

Preferred Suppliers will be selected or determined through annual spend review of trends and as requested by Council staff to support their activities.

Market testing and approvals including obtaining copies of insurance policies and or qualifications as appropriate will be required. Preferred suppliers must be recommended by the Manager and signed off by the General Manager. All appropriate documentation must be stored in Council's records system (TRIM).

Preferred suppliers will be subject to at least an annual review for performance and at least bi-annual market test for value for money. The same approval process must occur.

The use of a preferred supplier does not eliminate the requirement to obtain quotations in accordance with quotation thresholds and the minimum number and type of quotations received.

2.3 Procurement Thresholds and Competition

The following thresholds are set by the Act and Council and define the minimum requirements in terms of publically advertising EOIs and tenders, and the number of quotations required.

2.3.1 Competition Thresholds

2.3.1.1 Public Tenders and Expressions of Interest

Purchase of all goods and services for which the estimated expenditure exceeds \$150,000 inc GST, and all works for which the estimated expenditure exceeds \$200,000 inc GST, must be undertaken by a public process. These thresholds are set in the Act, and may be varied by the Victorian Government in accordance with the process detailed in the Act.

Before Council enters into a contract for the purchase of goods or services, to the value of \$150 000, or for the carrying out of works, to the value of \$200,000 or more, it must -

- (a) give public notice of the purpose of the contract and invite tenders from any person wishing to undertake the contract; or
- (b) give public notice of the purpose of the contract or the project to which the contract relates and invite expressions of interest from any person interested in undertaking the contract or all, or any part of, the project.

Where Council invites expressions of interest -

- (a) it must register those expressions of interest; and
- (b) when it is ready to enter into the contract, it must invite tenders from some or all of those who registered their interest in undertaking the contract (or part of the project to which the contract relates).

The public notice, tenders and expressions of interest must be in the prescribed form (if any) and must contain any details that are prescribed by the Act.

Nothing in this policy requires Council to accept the lowest tender or to accept any tender.

Whenever practicable, a Council must give effective and substantial preference to contracts for the purchase of goods, machinery or material manufactured or produced in Australia or New Zealand.

The above thresholds dictate the value of purchases that must use a public tender and/or EOI process. However, should the CEO or delegated staff member consider that the nature of the requirement and the characteristics of the market are such that a public process would lead to a better result for the Council, public expressions of interest and/or tenders may be called for the purchase of goods, services or works for which the estimated expenditure is below these thresholds.

Excluded Respondents - Where a consultant has been utilised to substantially develop or determine the specification this would normally exclude that consultant from then providing a subsequent tender response. Any such deviation would require CEO approval.

Emergency Situations – Council may enter into a contract up to or beyond the limits above for the provision of goods, services or works without first putting that contract to public tender if the Council resolves that the contract must be entered into because of an emergency.

As a matter of policy and principle, the use of this emergency provision, should be limited to situation where a real emergency has arisen. Situations where this might occur include:

- the occurrence of a natural disaster such as flooding, bushfire or epidemic which may require the immediate procurement of goods, services or works to provide relief;
- the occurrence of an event such as flooding or fire at an LGE (Local Government Entity) property which may require the immediate procurement of goods, services or works to ensure business continuity;
- the unforeseen cessation of trading of a service provider due to bankruptcy and a need to appoint a replacement service provider on the grounds of public safety; and
- unforeseen delays to the finalisation of a tender process arising from circumstances outside the control of the LGE, for example legal action taken by one of the tenderers.

By the very nature of the provisions, contracts entered into under the emergency provisions must be limited in scope to that which is necessary to only deal with the emergency. The period for any contract should only be sufficient to enable Council to call for tenders for a new contract or replacement service provider. All details, including approvals, for use of the emergency provision must be documented in Council's records system (TRIM).

2.3.1.2 Late Tenders

As a general rule, Council should not accept late tenders or expressions of interest.

The integrity of the tender process may be compromised if a tenderer is provided with extra time to submit a tender response, thus providing an unacceptable advantage in comparison to compliant tenders.

Similarly if tender submissions have been distributed to the evaluation panel members the possibility arises that the confidentiality of compliant tender submissions is compromised.

Once tenders have closed, late tenders should to be kept unopened in a secure location pending a decision on acceptance. Late tenders which are rejected should, where practicable, be returned to the tenderer unopened with appropriate accompanying advice.

There may be circumstances where a council wishes to accept tenders or expressions of interest which are not received by the closing time in exceptional circumstances and where the integrity of the tender process is not compromised.

A late tender should only be accepted if it can be clearly documented that:

- there was system failure/interruptions in case of the electronic tender system
- access was denied or hindered in relation to the physical tender box.

Any policy which accepts late tenders in exceptional circumstances must clarify the grounds upon which they will be accepted and authorised as follows:

- Tender Panel to make recommendation
- Endorsed by Tender Panel Chairperson
- Approved by General Manager or CEO

Where this occurs, it must be disclosed in the tender evaluation report, e.g. Late Tender received - rejected as recommended by panel (for reason) or accepted as recommended by panel (for reason) endorsed by Panel Chairperson and approved by General Manager or CEO.

2.3.1.3 Quotations

Purchase of goods or services having a total annual value of up to \$150,000, or for contracts carrying out works having a total value of up to \$200,000 or less may be undertaken by obtaining a minimum number of quotations as listed in the table below:

Purchase value (inc GST)	Minimum Number of Quotes
Up to \$1,000	1 verbal or written
\$1,001 – \$5,000	1 Written / email
\$5,001 - \$10,000	2 Written / email

\$10,001- \$150,000 (up to \$200,000 for works)	3 Written / email
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The application of the above purchasing ranges and associated minimum quotation numbers will assist staff to deliver and demonstrate best value for money to Council in all procurement practices. Staff are encouraged to obtain additional quotations beyond the minimum number required to further seek best value for money.

Copies / evidence of the request for quotations and all quotations received must be held to file to support best value for money, policy compliance and audit. Successful quotations must be attached to purchase requisitions for future reference.

On occasions, when the minimum number of quotations cannot be received after being reasonably requested, approval to proceed with one of the quotations can be granted by General Manager. For this to apply, the council officer must document the reasonable action taken to obtain the necessary quotations and provide this with the request for approval.

2.3.1.4 Purchases through an existing Council, or Collaborative Purchasing scheme

Council Officers should:

- utilise the established Hepburn Shire Preferred Suppliers listing for supplier selection Refer TRIM Doc/13/41912;
- be aware of the Procurement Australia Supplier contracts available to Council for use as a participant in their contracts;
- be aware of the MAV Procurement contracts available to Council as a MAV member organisation; and
- be aware of the Victorian State Government Whole of Government (WHOG) Contracts that are available for Local Government use.

All procurement involving hourly rates requires the minimum number of quotes to be obtained in order to achieve best value. The existing supply arrangements or panels provide a convenient method to identify potential suppliers to seek the number of quotes required.

When the purchase value can be fully derived from the services and rate structures contained within these contracts or agreements, and best value is confirmed, then the minimum number of quotes is not required. In these cases, and only these cases, a preferred supplier on an existing contract or supply agreement may be engaged without obtaining the minimum number of quotes. An example of this would be supply of raw materials that are charged per tonne. This exemption is not able to be applied if there is any uncertainty in the total costs due to hourly rates or delivery fees.

If an existing supply arrangement was not established, or a preferred supplier was not selected, through a public tender and/or expression of interest process, then the annual spend with that supplier cannot exceed \$150,000 for goods and services, or \$200,000 for works. If the spend is forecast to exceed these thresholds, then a compliant public process must be undertaken.

For support on understanding or access to these available supply facilities, Council Officers can contact the Manager Contracts and Procurement.

2.3.1.5 Evaluation Criteria

Selection Criteria

The Selection Criteria must be selected before advertising for a tender or EOI and must be specified in the tender or EOI documentation.

The Selection Criteria must reflect the outcome that you desire. e.g. **Highly Qualified** and or **Experienced**, providing **Value for Money**, and the **Timely** delivery of the service and have consideration to social procurement and sustainability issues.

Cost and value for money are essential factors to consider in awarding any contract. As Best Value is essential to any decision, total cost to council or value for money needs to be assessed with a significant weighting in any evaluation.

In addition to assessing cost or value for money, Tender and EOI selection criteria should include qualitative criteria such as, but not limited to, the following:

Selection Criteria	Definition
Proven Quality	Potential supplier of goods or services or works is of known industry/category quality
Previous Experience	Potential supplier has provided these goods or services or works on other occasions and can be supported by testimonials
Capacity to Supply	Stated or confirmed capacity to provide the goods or services or works
Social Procurement/Sustainability	Social Procurement – Refer Attachment 4 Environmental Sustainability Questionnaire – Refer Attachment 3

Individual weightings of each criterion should be set, prior to reading tenders or EOI responses. Cost or value for money can be assessed on its own and other qualitative criteria assessed separately, or it can be assessed in conjunction with other

qualitative criteria provided that it is provided with a significant weighting. Weightings should be set to suit the factors relevant to the purchase with increased weightings on the most critical criteria. It is not necessary to indicate weightings of criteria in your tender or EOI document, but they need to be applied consistently in assessing all responses.

All tenders and EOI responses must then be evaluated against the published/advertised selection criteria and **no other criteria** can subsequently be included. It is therefore important to have well considered and clearly defined selection criteria.

Depending on the complexity of the purchasing decision, selection criteria should also be developed, documented and consistently applied for purchases less than the tender thresholds where multiple quotes are being obtained.

2.4 Delegation of Authority (Section 98 of the Act)

Delegations define the limitations within which Council staff are permitted to authorise expenditure. Delegation of procurement authority allows specified Council staff to approve certain purchases, quotation, tender and contractual processes without prior referral to the Council. This enables the Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

2.4.1 Delegations

2.4.1.1 Council Officer

Council will maintain a documented scheme of procurement delegations, identifying Council staff (employees only and excluding contract staff) authorised to make procurement commitments in respect of goods, services and works on behalf of the Council.

The delegated limits are set out in the Instruments of Delegation, "S5 Council to CEO" and "CEO to Staff – Purchasing". The delegations of authority will be reviewed annually.

Council officers without purchasing delegations and contract staff members are unable to make purchasing commitments in writing or verbally to suppliers, until a purchase requisition has been approved either by a staff member with appropriate delegation or by a formal Council resolution.

2.4.1.2 Purchasing Decisions reserved for the Council.

Commitments and processes which exceed the Chief Executive Officer's delegation must be approved by the Council at an Ordinary or Special Council meeting.

2.4.1.3 Contract Variation

Contract variations must follow delegations and where the Council approved contract value is exceeded a further report to Council may be deemed necessary as determined by the CEO.

2.4.1.4 Purchasing Delegation Thresholds

These thresholds align with Council’s adopted Instrument of Delegation Purchasing. Where inconsistencies exist, the most recently adopted document is to be enforced.

Delegation (Includes GST)	Position
Goods or Services Up to \$150,000 <i>or Works Contract</i> Up to \$200,000	Chief Executive Officer
Up to \$50,000	General Managers (Executive Team)
Up to \$25,000	Managers (Leadership Team)
Up to \$10,000	Supervising Coordinators
Up to \$3,000	Other Delegated Council Officers, as appropriate and specified in the instrument of delegation
Up to \$500	Other Delegated Council Officers, as necessary and specified in the instrument of delegation

Implementation of threshold values:

All Thresholds Include GST	Minimum Number of Quotes	Quote
Up to \$1,000 (\$909 Excl. GST)	One (1) Verbal	Prices can be obtained from known or Preferred Suppliers and Purchase Order Raised under delegation

All Thresholds Include GST	Minimum Number of Quotes	Quote
\$1,001 – \$5,000 (<i>\$4545 Excl. GST</i>)	One (1) Written	Written Quotation obtained for file for future audit and Purchase Order raised under delegation
\$5,001 - \$10,000 (<i>\$9,090 Excl. GST</i>)	Two (2) Written	Written quotations where an expenditure/analysis report is prepared and presented to supervisor/manager for approval under delegation and held to TRIM file for future audit
\$10,001 - \$150,000 Goods or Services (<i>\$136,363 Ex. GST</i>)	Three (3) Written	Written quotations where an expenditure/analysis report is prepared and presented to supervisor/manager for approval under delegation and held to TRIM file for future audit
\$25,001 - \$200,000 Works (<i>\$181,818 Ex. GST</i>)	Three (3) Written	Written quotations where an expenditure/analysis report is prepared and presented to supervisor/manager for approval under delegation and held to TRIM file for future audit

2.5 Internal Controls

Council will maintain a framework of internal controls over procurement processes that will ensure:

- dual authorisation of payments;
- transparency in the procurement process;
- a clearly documented audit trail exists for procurement activities;
- appropriate authorisations are obtained and documented; and
- systems are in place for appropriate monitoring expenditure within the thresholds and performance measurement.

2.6 Risk Management

Risk Management will be appropriately applied at all stages of Procurement activities which will protect and enhance Council's capability to prevent, withstand and recover from interruption to the supply of goods services and works (TRIM DOC/13/4999 Contract Procedure Manual-Procurement and Risk Management Processes).

2.6.1 Supply by Contract

Council will minimise its risk exposure by measures such as:

- standardising contracts to include current, relevant clauses;
- establishing where appropriate a panel of suitable suppliers ;
- requiring security deposits where appropriate;
- requiring signed contractual agreement before allowing the commencement of work;
- referring complicated technical specifications to relevant experts;
- adhering to Council's Risk Management Policy and OH&S contractor compliance procedures.

2.7 Contract Terms

All contractual relationships will be documented in writing based on standard terms and conditions.

Where this is not possible, approval must be sought from the CEO or relevant General Manager. A request for such an approval should be supported with procurement details and relevant legal advice.

2.8 Terms of Payment

Council's standard terms of payment are 30 days from receipt of invoice.

These terms must be included as the standard payment for organisations dealing with Council and any change to these standard terms must be negotiated to the advantage of Council and further approved by Manager Finance and Information Technology or delegate.

2.9 Dispute Resolution

All Council contracts shall incorporate dispute management and alternative dispute resolution provisions to minimise the chance of disputes leading to claims of loss or legal action.

2.10 Contract Management

A contract supervisor will be assigned for each Contract to ensure that the Council, and where applicable its clients, receive the goods, services or works provided to the required standards of quality and quantity as intended by the contract by establishing a system reinforcing the performance of both parties' responsibilities and obligations under the contract. Furthermore, contracts are to be proactively managed by the member of Council staff responsible for the delivery of the contracted goods, services or works to ensure the Council receives value for money.

2.11 Engagement of Contract Staff

All contractors engaged as personnel are to be authorised by the Chief Executive Officer, as with the recruitment of staff.

In order to facilitate the Chief Executive Officer authorisation and account payment the following process will be required to be followed:

- requirement for a contractor identified;
- preferred supplier listing checked for employment agencies;
- quotes obtained from employment agencies as per the Procurement Policy;
- preferred contractor selected;
- engagement contract obtained;
- the following documentation prepared for authorisation by General Manager, Human Resources Manager and Chief Executive Officer
 - Request For Chief Executive Officer Signature Memorandum
 - Request to Engage a Contractor Form
 - Engagement Contract
 - Purchase Order regardless of value so that the Finance Department know that the Chief Executive Officer has authorised the engagement of the contractor.

This process will ensure that the Chief Executive Officer authorises all contractors engaged as personnel; Human Resources are aware of all new contractors and can undertake induction programs; and, the Finance Department has a Chief Executive Officer authorised purchase order for the payment of accounts.

This process does not apply where we have an external contractor engaged on a specific task, i.e. (Architects/Design/Consultants) and not located at Council's premises to carry out the required work, this should be covered by our procurement policy where quotations and purchase orders have been raised for the specific task. This comparison should not be used to circumvent the engagement of contractors/personnel process in any way.

3. DEMONSTRATE SUSTAINED VALUE

This Council procurement policy supports the Council Plan, its corporate aims and objectives, including but not limited to those related to sustainability, waste minimisation, protection of the environment, corporate social responsibility and meeting the needs of the local community such as:

- feeling safe,
- living in a clean and pleasant environment
- providing good quality well managed Council services that deliver value for money

3.1 Achieving Value for Money

Council's procurement activities will be carried out on the basis of obtaining value for money. This means minimising the total cost of ownership over the lifetime of the requirement consistent with acceptable quality, reliability and delivery considerations.

Value for money will be subject to regular and ongoing market testing against annual expenditure review and requesting of quotation or tenders or confirming ongoing participation in agreed appropriate collaborative purchasing schemes

To test value for money, Council will:

- review annual expenditure by commodity groups or service provision for aggregation;
- conduct market tests including internal versus external;
- request competitive quotation or tenders;
- investigate the inclusion of Council expenditures in Local Government Procurement Contracts with MAV or Procurement Australia or Victorian Government WHOG Contracts.

3.1.1 Approach

This will be facilitated by:

- developing, implementing and managing procurement strategies that support the co-ordination and streamlining of activities throughout the lifecycle;
- effective use of competition;
- using aggregated spend where appropriate;
- identifying and rectifying inefficiencies in procurement processes;
- developing a more cost efficient tender process including appropriate use of e-solutions;

3.1.2 Role of Specifications

Specifications used in quotations, tenders and contracts will support and contribute to the Council's value for money objectives through being written in a manner that:

- ensures impartiality and objectivity;
- encourages the use of standard products;
- encourages sustainability and, where relevant, includes the "Environmental Sustainability Questionnaire";
- eliminates unnecessarily stringent requirements;
- wherever possible specifies technical standards and requirements that are within the capabilities of local suppliers; and

- include outcome measures or key performance indicators (KPIs) to ensure ongoing performance standards are met.

3.2 Performance Measure and Continuous Improvement

Appropriate performance measures will where appropriate be put in place. Reporting systems will be used to monitor performance against compliance with procurement policies, procedures and controls.

Procurement procedures, practices and costs will be benchmarked externally. Internal service standards will be agreed within the Council as appropriate and performance against these targets will be measured and reviewed regularly to support continuous improvement.

3.2.1 Standard Processes

Council will provide effective commercial arrangements covering standard products and standard service provisions across the Council to enable employees to source requirements in an efficient and cost effective manner.

This will be achieved via harmonisation of the following areas where possible:

- information systems;
- relevant established preferred supplier arrangements;
- processes, procedures and techniques;
- tools and business systems;
- reporting requirements;
- application of standard contract terms and conditions.

3.2.2 Performance Indicators

Performance indicators will be determined where appropriate to measure procurement performance. They will include criteria such as:

- the proportion of spend against corporate contracts;
- user and supplier satisfaction levels;
- the extent to which procurement is involved in supporting larger projects;
- measuring the success of procurement initiatives e.g. purchasing cards.

3.2.3 Management Information

The Council will capture where information systems allow Procurement Management information in a variety of areas, including:

- volume of spend;
- number of transactions per supplier;

- supplier performance;
- user satisfaction;
- category management;
- green spend;
- supplier responses to “Environmental Sustainability Questionnaire”.

Council will also use external sources of management information to assist with the procurement decision making process including:

- benchmarking data with other Local Government Enterprises;
- information from professional bodies such as MAV and Procurement Australia Supplier generated reports.

3.3 Sustainability – (refer Attachment 3 Environmental Sustainability Questionnaire)

Council is committed to achieving sustainable procurement outcomes incorporating the following waste minimisation principles:

1. AVOID: Purchases will only be made once it has been determined that the product or service is necessary.
2. REDUCE: Using less in the first place and avoiding waste
3. REUSE: Using the same item more than once, and extending the useful life of products and equipment before replacing an item
4. RECYCLE: Purchase products that contain recycled materials or those that have been or can be re-manufactured

Council will increase the percentage of green product purchasing, aligning to strategic documents and ensuring it monitors and reports on Council activities and programs that have an impact on or contribute to the environment including but not limited to:

- minimise waste;
- minimise greenhouse gas emissions;
- maximise energy efficiency;
- maximise water efficiency;
- minimise habitat destruction;
- minimise soil degradation;
- minimise toxicity.

3.3.1 Sustainable Procurement

Council is committed to adopting environmentally responsible procurement approach by supporting the principles of sustainable procurement within the context of purchasing on a value for money basis.

Value for money purchasing decisions made by the Council are made on the basis of cost and non cost factors including contribution to Council's sustainability objectives.

Council has a lead role to play to send a market signal to suppliers to uptake sustainable products and practices. Suppliers and potential suppliers will be required to complete the "Environmental Sustainability Questionnaire" allowing Council to evaluate the suppliers own internal environmental conduct.

The Council will therefore encourage suppliers to:

- reduce, reuse, and recycle;
- buy recycled;
- promote green procurement;
- adopt sustainable practices.

The purpose of the Environmental Sustainability Questionnaire is to provide suppliers or contractors that have business dealings with our Council a positive environmental lead into their own internal operations.

The questionnaire deliberately does not discuss or question their product or service to be provided but rather questions their typical internal behaviour in consideration to the environment.

The questions are intended to be basic and a first point of dialogue to engender discussion with suppliers to encourage their good environmental behaviour and further promote ideas exchange between the parties for mutual benefit.

Where relevant to the purchase, the Environmental Sustainability Questionnaire document should be used in all initial dealings or potential dealings with suppliers to provide them with the opportunity to inform Council of their environmental considerations and if appropriate a copy of their environmental plan or policy.

The questionnaire should therefore be a part of all requests for quotations and Requests for Tender or Expressions of Interest if environmental impacts are relevant to the purchasing decision. The document can provide a further assessment or differential of potential suppliers in the selection or tender/quotation evaluation process. The document should also be used as a data collection and environmental rating of existing established suppliers.

It is anticipated that through the use of this questionnaire, Council will encourage suppliers to:

- reduce, reuse, and recycle;

- buy recycled;
- promote green procurement;
- adopt sustainable practices.

Potential benefits that may be achieved include:

- awareness by suppliers of Councils ongoing consideration of the environment in its business dealings;
- encouragement of suppliers to adopt “simple” in-house good environmental behaviour;
- a reward in recognition for those suppliers with sound environmental policies;
- an opportunity for information exchange and review for continual improvement;
- a positive promotion of Council image in regard to carry for the environment with a broad base of constituents and others.

3.4 Diversity

Promoting equality through procurement can improve competition, value for money, the quality of public services, satisfaction among users, and community relations.

3.5 Support of Local Business

Council is committed to supporting procurement from local businesses in order to build a stronger community. As such Council will have consideration for those local businesses in procurement decisions in determining best value for money and as may be considered and recommended by the evaluation panel. This support to local business will have regard to local employment, local youth initiatives by local suppliers and those aspects of environmental good governance and social procurement relative to the commodity supply or service provision.

The mechanism for incorporating the support of local businesses into procurement decisions may be through the use of a local content element in the evaluation criteria. Higher weighting may be given to local production and processing activities which produce greater local employment outcomes whilst achieving value for money.

3.6 Social Procurement – Refer Attachment 4 Social Procurement Questionnaire

Social Procurement generates positive outcomes by building on initiatives already undertaken by Council in enhancing sustainable and strategic procurement practice, further enabling procurement to effectively contribute towards building stronger communities and meeting the social objectives of Council. Hepburn Shire Council will have regard for:

- employment of disadvantaged groups;
- employment of apprentices;

- employment of recognised youth traineeships;
- employment of youth labour permanent or part time in relation to council contracts;
- additional cost to the contract or service provision in compliance to social procurement;
- youth outcomes and other community benefits;

If relevant to the purchase, suppliers and potential suppliers will be required to complete the "Social Procurement Questionnaire" allowing Council to evaluate the supplier's broader impact on the community.

3.7 Performance Reporting

It is typical through the life of a Supply Contract to record by regular review the ongoing performance of the supplier and ensure these review outcomes are placed on file as a future reference and support or otherwise for contract extension or renewal.

As suppliers are aware of these reviews they are encouraged to continue to provide that quality of performance, value for money and supply sustainable products and services which supported their initial selection.

4. BUILD AND MAINTAIN SUPPLY RELATIONSHIPS

Council recognises that in order to achieve sustainable value, appropriate relationships must be developed and maintained with suppliers and that it seeks to operate with 'informed choice' on what supply strategy it adopts – whether to 'do it yourself', participate in regional or sector aggregated projects or to access Procurement Australia, MAV or State Government panel agreements. Council will consider which supply arrangement delivers best value outcomes for council in terms of time, cost, value and outcome. Where relevant, this process will include the supplier response to the "Environmental Sustainability Questionnaire" as part of the supplier evaluation process. Within these desired supply relationship, suppliers to Council will have knowledge of Councils ongoing review of such commodity supply and service needs to ensure measured ongoing value for money.

5. POLICY REVIEW

Council will review this Policy annually in accordance with the requirement as determined within section 186 of the Act, and this is the responsibility of the Manager Contracts and Procurement.

Purchasing Policy Quick Reference Guide

Attachment 1

Quotations must be obtained where:

- Purchase of goods, services having a total valuation of up to \$150,000 including GST, or
- For contracts carrying out works having a total valuation of up to \$200,000 including GST

Quotations must be obtained in accordance with the thresholds listed in the table below:

Threshold (Inc GST)	Minimum Quotes	Quote
Up to \$1,000	1 Verbal	Prices can be obtained from known or Preferred Suppliers and Purchase Order Raised under delegation
\$1,001 – \$5,000	1 Written	Written Quotation obtained for file for future audit and Purchase Order raised under delegation
\$5,001 - \$10,000	2 Written	Written quotations where an expenditure / analysis report is prepared and presented to supervisor / manager for approval under delegation and held to TRIM file for future audit
\$10,001 - \$150,000 (Goods or Services)	3 Written	Written quotations where an expenditure / analysis report is prepared and presented to supervisor / manager for approval under delegation and held to TRIM file for future audit
\$10,001 - \$200,000 (Carrying out Works)		

These thresholds align with Council's adopted Instrument of Delegation – Purchasing.

NOTE:

- Quotations must be saved to Council's records management system (TRIM) and attached to the relevant purchase in TechOne;
- Public requests for expressions of interest, tenders or quotations may be carried out at the Managers discretion despite these thresholds;

Request for tenders or expressions of interest **must be** publicly advertised for all goods, services and works where the estimated or known expenditure (s) including contingencies is above these thresholds.

Where expenditure estimates, including GST, are close to these thresholds it is advisable to utilise the request for tender or expressions of interest process to avoid any possible non compliance.

Following receipt and assessment of the quotations, a Purchase Order must be raised prior to provision of the goods or services or works. All expenditures must be within budget and authorised with regard to Council's Instrument of Delegation. Where insufficient quotations

(2/3) are obtained the reasons should be documented and approved by a General Manager prior to raising the purchase order.

Applying Delegations and Thresholds

- Do not “split” orders to fit within delegations or purchase thresholds

Example: Two like plant items say tractors at \$80,000 require a tender process where the combined expenditure is above \$150,000

- Where there is no fixed term, the purchasing threshold is based on the annual expenditure with a specific supplier or for a specific service.

Example: Typical annual spend is six transactions of \$5,000 (annual spend \$30,000) then three quotes should be obtained for this service.

- For fixed term contracts, the aggregate spend over the life of the contract shall be utilised to determine the appropriate threshold. The aggregate spend includes the proposed tenure of the procurement arrangement plus planned or optional extensions i.e. three years plus two one year extensions is five years planned expenditure or commitment.

Purchases using established Preferred/Panelled Supplier Agreements

- Where Council has “panelled” suppliers, Council Officers should choose value for money in the lowest overall cost by price/rate or location to works or specific expertise and in any event purchasing thresholds still must be observed in obtaining the required number of quotations.
- Where the known or estimated spend is over the tender thresholds, the public tender and/or expression of interest process must be followed.
- If the full order amount cannot be confirmed, or is unclear from the panel arrangements (e.g. hourly rates quoted but unconfirmed quantity of hours) officers must obtain quotations for specific works from these “panelled” suppliers and other suppliers as necessary to ensure the appropriate minimum number of quotations are obtained.
- When prices are derived from the specific Panelled / Preferred Supplier Contract, reference to this should be included as an attachment to the Purchase Order.
- For Goods and Services currently under Preferred or Panelled Suppliers refer TRIM DOC/13/41912

If you require assistance or advice in determining your process requirement for any action relative to the above please contact:

- Manager Contracts and Procurement
- Manager Finance and Information Technology

Attachment 2

Tender Contract Checklist

The following points are listed to support a consistent tender process across the organisation

- 1. Tender Number Allocated & Details Inserted in Contract Register
- 2. Trim Folder requested and entered into Contract Register
- 3. Specification Approved, by..... Date.....
- 4. Tender Document Approved, by.....Date.....
- 5. Advertisement Approved, by.....Date
- 6. Tender Request entered on Council’s e-tender portal
- 7. Document Issue Mail List Form to appropriate Officer
- 8. Copy of Tender (placed on file-TRIM)
- 9. Evaluation Scoring/Weighting determined by Panel
- 10. Tender Evaluation Conducted by Evaluation Panel
- 11. Conflict of Interest Doc’s/10/38571&38556 signed by tender panel
- 12. Interviews Questions determined by panel (if required)
- 13. Tenderers to be interviewed notified (if required)
- 14. Risk Management (Risk Assessment if required)
- 15. Negotiation Details (if required)
- 16. Tender Recommendation-Council Report reference Tender Analysis
- 17. Council Approval
- 18. Letter of Acceptance
- 19. Unsuccessful Letters
- 20. Copy of *signed* Contract
- 21. Contract Register Updated Date
- 22. Insurance policies obtained from successful tender and held to file ...

ALL OF THE ABOVE MUST BE PLACED IN THE CONTRACT/TENDER ELECTRONIC-TRIM FOLDER

Environmental Sustainability Questionnaire

Attachment 3

Environmental Management

Does the respondent have an Environmental Management System? YES / NO

Provide details _____

If YES, is the System certified by a recognised independent authority? YES / NO

Provide details _____

Please provide responses to the following questions:

Question	Yes/No	Comments
1. Has your company conducted an energy assessment to identify energy saving opportunities in your business?		
2. If yes to question 1, have you implemented changes to reduce energy consumption (e.g. insulation, low energy lights, light sensors, renewable energy sources)?		
3. Does your company use recycled copy paper?		
4. Are your photocopiers defaulted to double sided?		
5. Does your company have an in-office paper recycling process in place?		
6. Do your company vehicles receive the recommended manufacturer's servicing?		
7. Do you have low emissions and smaller four cylinder vehicles in your fleet? If yes, provide your average L/100kms fuel consumption of your fleet.		
8. Are your plant items (e.g. graders, excavators) eligible for the fuel rebate in relation to age?		
9. Do you have water minimisation strategies in place (e.g. water saving taps/toilets, waterless urinals)?		
10. Do you have waste minimisation strategies in your staff kitchens (e.g. non-disposable cups/cutlery and food compost bins)?		

To be included in Tender/Quotation documents as required or to establish a new preferred supplier.

Social Procurement

Attachment 4

The Following Questionnaire needs to be included in Quotation/Tender/Expression of Interest Requests

Social Procurement Questionnaire

Questions to be answered by potential suppliers

1. Employment and Training

- 1.1 Describe the steps that will be taken to ensure that local apprentices, trainees, unemployed persons and residents of the Hepburn Shire Council will be engaged for the duration of each contract.
- 1.2 Describe how you will achieve compliance from sub-contractors necessary to meet the employment requirements.
- 1.3 Describe your policy with regard to training and new apprenticeships and identify and describe opportunities for increasing skills of employees.

2 Targeted Recruitment

- 2.1 Describe the steps that will be taken to ensure that all vacancies, including those with subcontractors, are notified to local agencies.
- 2.2 Describe the steps that will be taken to ensure that information on the numbers of vacancies filled by local people are recorded for monitoring and reporting purposes.
- 2.3 Describe the steps that will be taken to ensure that suitable apprentices / trainees are engaged.

3 Local Business

- 3.1 Describe activities that you will undertake to identify local SMEs and assess their capacity to deliver works, services or supplies that are required for the contract.
- 3.2 Describe any actions you will undertake to support or assist local SMEs to obtain contracts in relation to the Revitalising Clunes Township initiative.

4 Social Enterprise

- 4.1 Describe any experience or evidence from other areas that has influenced your thinking on support for social enterprises.
- 4.2 Describe the support you will give to social enterprises, including development support, business support and funding.

5 Youth and Community Development

- 5.1 Does your company support any of the youth groups in Trentham, Clunes, Daylesford or Creswick? (If so please circle which)

5.2 Does your company provide any other form of support for young people such as, youth mentoring or donations to local sporting bodies? Please outline

Contractors are also required to complete information about how the above will be recorded, monitored and reported, including sub-contractor requirements. In addition contractors are required to name who will be responsible for ensuring that the Community Benefit requirements are met.

Finally, potential suppliers are required to list the predicted outcomes for each community benefit requirement.

Requirement	Unit of Measure	Predicted Outcome
Number of new recruits	No. of people	
Number of apprentices that will be recruited	No. of people	
Number of trainees that will be recruited.	No. of people	
Level of local content	No. of people	
Vacancies to be advertised	No. of vacancies	
Work opportunities for social enterprises	% of overall spend	
Work experience opportunity	No. of placements	
Local SMEs assessed as potential suppliers	% of overall spend	

Certification

The information provided in this questionnaire and in the attachment is true and correct.

Company Name:

.....

Signed: Name:

Position: Date:

To be included in Tender/Quotation documents as required

**11.11. MELBOURNE CUP PUBLIC HOLIDAY ARRANGEMENTS IN HEPBURN SHIRE
GENERAL MANAGER CORPORATE SERVICES**

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

PURPOSE

This purpose of this report is for Council to consider the arrangements for the 2015 and 2016 Melbourne Cup Public Holidays. Council is requested to consider the substitution of the Melbourne Cup Day Public Holiday with the 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.

A public holiday has been declared by Ballarat City Council for the 2015 Ballarat Show on Friday 13 November 2015. The date for 2016 has not been declared at the time of preparing this report.

To streamline the process for the Melbourne Cup Public Holiday, it is proposed to seek Council approval for 2015 and 2016 simultaneously to coincide with the current Council's term.

ISSUE/DISCUSSION

From 2011 – 2014, 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.

Council is required to notify The Hon Adem Somyurek MLC, Minister for Small Business, Innovation and Trade of its intention to make any alternative local public holiday arrangements in lieu of Melbourne Cup Day

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

In accordance with the *Public Holidays Act 1993*, Council is required to request the Minister to make a declaration of its non metropolitan Melbourne Cup Public Holiday arrangements specifying:

- 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.

FINANCIAL IMPLICATIONS

Costs associated with advertising Council's 2015 and 2016 Melbourne Cup Public Holiday arrangements are minimal.

Hepburn Shire Council Staff based in Creswick and Clunes have observed Ballarat Show Day from 2011 – 2014 with no significant implications 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 significant risks associated with Council choosing to substitute the Melbourne Cup Public Holiday with Ballarat Show Day.

Part-Shire holiday arrangements provide continuity of Council services to the community with minimal disruption.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

None identified.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council's decision will be advertised in *The Advocate*, *The Courier Ballarat* and Maryborough newspapers, on Council's website and on its Facebook page.

CONCLUSION

Part-Shire holiday arrangements have been well received in Hepburn Shire over the past five years with little impact. It seems reasonable that Council continues with this practice in 2015 and 2016.

OFFICER'S RECOMMENDATION

That Council

- 11.11.1 Substitutes the 2015 Melbourne Cup Public Holiday with the 2015 Ballarat Show Day on Fri 13 November 2015 for the townships and surrounding localities of Clunes, Creswick, Smeaton and Newlyn within Hepburn Shire.
- 11.11.2 Substitutes the 2016 Melbourne Cup Public Holiday with the 2016 Ballarat Show Day (date to be declared) for the townships and surrounding localities of Clunes, Creswick, Smeaton and Newlyn within Hepburn Shire.
- 11.11.3 Writes to the Minister for Small Business, Innovation and Trade, requesting that the Minister makes a declaration to substitute the 2015 Melbourne Cup Public Holiday with the 2015 Ballarat Show Day on Friday 13 November 2015 for the townships and surrounding localities of Clunes, Creswick, Smeaton and Newlyn within Hepburn Shire.
- 11.11.4 Writes to the Minister for Small Business, Innovation and Trade, requesting that the Minister makes a declaration to substitute the 2016 Melbourne Cup Public Holiday with the 2016 Ballarat Show Day, when the date for 2016 has been declared, for the townships and surrounding localities of Clunes, Creswick, Smeaton and Newlyn within Hepburn Shire.

MOTION

That Council

- 11.11.1. *Substitutes the 2015 Melbourne Cup Public Holiday with the 2015 Ballarat Show Day on Fri 13 November 2015 for the townships and surrounding localities of Clunes, Creswick, Smeaton and Newlyn within Hepburn Shire.*
- 11.11.2. *Substitutes the 2016 Melbourne Cup Public Holiday with the 2016 Ballarat Show Day (date to be declared) for the townships and surrounding localities of Clunes, Creswick, Smeaton and Newlyn within Hepburn Shire.*
- 11.11.3. *Writes to the Minister for Small Business, Innovation and Trade, requesting that the Minister makes a declaration to substitute the 2015 Melbourne Cup Public Holiday with the 2015 Ballarat Show Day on Friday 13 November 2015 for the townships and surrounding localities of Clunes, Creswick, Smeaton and Newlyn within Hepburn Shire.*
- 11.11.4. *Writes to the Minister for Small Business, Innovation and Trade, requesting that the Minister makes a declaration to substitute the 2016 Melbourne Cup Public Holiday with the 2016 Ballarat Show Day, when the date for 2016 has been declared, for the townships and surrounding localities of Clunes, Creswick, Smeaton and Newlyn within Hepburn Shire.*

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

11.12. RECORD OF ASSEMBLIES OF COUNCILLORS – MAY 2015
GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Governance and Corporate Support Officer, I Mary Dancuk have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to receive and note Assemblies of Councillors.

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.

ISSUE / DISCUSSION

The *Local Government Act 1989* (as amended) requires the record of an Assembly of Councillors to be:

1. reported at an Ordinary Meeting of the Council; and
2. incorporated in the minutes of that Council Meeting.

For this purpose, the following records of Assemblies of Councillors are reported:

Assemblies of Councillors		
Date	Location	Committee Name
5 May 2015	Council Chamber, Daylesford Town Hall	Councillor Briefing
11 May 2015	Council Chamber, Daylesford Town Hall	Mineral Springs Reserves Advisory Committee
19 May 2015	Creswick Senior Citizens' Centre	Councillor/CEO Meeting
19 May 2015	Creswick Senior Citizens' Centre	Pre Council Meeting Briefing

Assemblies of Councillors		
Date	Location	Committee Name
25 May 2015	Daylesford Senior Citizens' Room	Councilor Briefing

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 RECOMENDATION

11.12.1 That Council receives and notes the Records of Assemblies of Councillors for the month of May 2015.

MOTION

11.12.1. *That Council receives and notes the Records of Assemblies of Councillors for the month of May 2015.*

Moved: Councillor Bill McClenaghan
Seconded: Councillor Neil Newitt
Carried.

ATTACHMENT 10 - RECORDS OF ASSEMBLIES OF COUNCILLORS –
MAY 2015

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: Councillor Briefing
 Date: Tuesday 5 May 2015
 Time: 11:00am - ~~4:30pm~~ 4:55pm

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Other (specify)

Councillors present:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Cr Don Henderson | <input checked="" type="checkbox"/> Cr Greg May |
| <input checked="" type="checkbox"/> Cr Kate Redwood AM | <input checked="" type="checkbox"/> Cr Neil Newitt |
| <input checked="" type="checkbox"/> Cr Sebastian Klein | <input checked="" type="checkbox"/> Cr Pierre Niclas |
| <input checked="" type="checkbox"/> Cr Bill McClenaghan | |

Members of Council Staff present:

- | | |
|--|--|
| <input checked="" type="checkbox"/> CEO Aaron van Egmond | <input checked="" type="checkbox"/> Other, please specify: |
| <input checked="" type="checkbox"/> GM Corporate Services Grant Schuster | Manager Community & Economic |
| <input checked="" type="checkbox"/> GM Community Services Kathleen Brannigan | Development, Adam McSwain |
| <input checked="" type="checkbox"/> GM Infrastructure Bruce Lucas | Property Officer, Karen Ratcliffe |
| | Manager Planning, Justin Fiddes |

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned
<i>Cr Don Henderson</i>	<i>2:10pm - 2:41pm</i>
<i>Cr Bill McClenaghan</i>	<i>4:37pm - 4:45pm</i>

Matters Considered:

Agenda Attached

Name and title of Officer responsible for this written record:

- | | |
|--|--|
| <input type="checkbox"/> CEO Aaron van Egmond | <input type="checkbox"/> GM Infrastructure Bruce Lucas |
| <input checked="" type="checkbox"/> GM Corporate Services Grant Schuster | <input type="checkbox"/> Other, please specify: |
| <input type="checkbox"/> GM Community Services Kathleen Brannigan | |

Signature: *Grant Schuster*

Note: This form MUST be completed by the attending Council Officer and returned immediately to Governance Officer for filing.

CONFIDENTIAL

► COUNCILLOR BRIEFING AGENDA
TUESDAY 5 MAY 2015

Tuesday 5 May 2015
Council Chamber, Daylesford Town Hall
11:00am – 4:30pm

PRESENT:

Councillors	Kate Redwood AM, Don Henderson, Sebastian Klein, Greg May, Bill McClenaghan, Neil Newitt, Pierre Niclas
Officers	Chief Executive Officer, General Manager Corporate Services, General Manager Community Services, General Manager Infrastructure and other officers as required

CHAIR: Mayor Cr Kate Redwood AM

APOLOGIES:

No	Time	Agenda Item		Presenter	No
1.	11:00am	Presentation	MAV WorkCare Self-Insurance Scheme Proposal	General Manager Corporate Services	Page 3
2.	11:30am	Presentation	Waste Services Contracts – Implementation at Transfer Stations and Consolidation Facility	General Manager Infrastructure	Page 4
3.	12:15pm	Workshop	Economic Development	Manager Community and Economic Development	Page 5
	1:15pm	Lunch Break Lunch will be provided			
4.	1:45pm	Report	Possible Purchase of Old Hepburn CFA Property at 13A Seventh Street, Hepburn Springs Attachment 1 - Photos 13A Seventh Street Hepburn Springs	Property Officer	Page 6 Page 8

CONFIDENTIAL

► COUNCILLOR BRIEFING AGENDA
TUESDAY 5 MAY 2015

No	Time	Agenda Item	Presenter	No
5.	2:00pm	Report Proposed New Five Year Crown Land Lease – 94 Vincent Street, Daylesford	Property Officer	Page 10
6.	2:15pm	Presentation Community Grants Round Two 2014/15	Manager Community and Economic Development	Page 12
	3:00pm	Break		
7.	3:15pm	Presentation Performance Reporting System	Chief Executive Officer	Page 13
8.	3:45pm	Presentation National Heavy Vehicle Regulator and Applications to Operate B-Double and Higher Mass Limit Vehicles on Council Roads	General Manager Infrastructure	Page 14
9.	4:15pm	Planning Update	Manager Planning	Page 15
10.		For Noting Agenda Items – Next Council Meeting		Page 16
11.	4:30pm	CLOSE OF MEETING		Page 17

	6-8pm	Budget Information Session – Glenlyon
	6-8pm	Budget Information Session – Trentham

DISCLOSURE OF CONFLICT OF INTEREST

I, Councillor DO N HENDERSON hereby disclose
a conflict of interest in the following matter COMMUNITY GRANTS

This matter is being considered at a meeting of

- Council Meeting
- Councillor Briefing
- Special Committee
- Audit and Risk Advisory Committee
- Assembly of Councillors

on

The class of the interest is (tick appropriate box)

- a direct interest
- OR
- an indirect interest (see below)

Please select from the following types of indirect interest:

- Indirect interest - close association (section 78)
- Indirect financial interest (section 78A)
- Indirect interest – conflicting duty (section 78B)
- Indirect interest – applicable gift(s) (section 78C)
- Indirect interest – party to matter (civil proceedings) (section 78D)
- Indirect interest – impact on residential amenity (section 78E)

NB All references to sections are references to sections in the *Local Government Act 1989*.

The nature of the interest is as follows:

SPOUSE SECRETARY OF CRESWICK DISTRICT
RESIDENTS + RATEPAYERS

Print Name: DO N HENDERSON

Signed: [Signature]

Date: 5/5/2015

DISCLOSURE OF CONFLICT OF INTEREST

I, Councillor BILL M'CLEENAGHAN hereby disclose
a conflict of interest in the following matter PLANNING UPDATE AT
COUNCILLOR BRIEFING MEETING RE - (1) 63A
RAGLAN ST & (2) WATER BORES - WHEELERS HILL
RD MUSK

This matter is being considered at a meeting of

- Council Meeting
- Councillor Briefing
- Special Committee
- Audit and Risk Advisory Committee
- Assembly of Councillors

on TUESDAY 05 MAY 15.

The class of the interest is (tick appropriate box)

- a direct interest
- OR
- an indirect interest (see below)

• A PERSONAL INTEREST
AND

Please select from the following types of indirect interest:

- Indirect interest - close association (section 78)
- Indirect financial interest (section 78A)
- Indirect interest - conflicting duty (section 78B)
- Indirect interest - applicable gift(s) (section 78C)
- Indirect interest - party to matter (civil proceedings) (section 78D)
- Indirect interest - impact on residential amenity (section 78E)

NB All references to sections are references to sections in the Local Government Act 1989.

The nature of the interest is as follows:

- ① RE 63A RAGLAN ST - DECLARE A PERSONAL INTEREST IN ISSUE AS I HAVE BEEN A CONTRACTOR TO THE OWNER AT THIS PROPERTY
- ② RE WHEELERS HILL RD MUSK - AS A DIRECTOR OF THE CENTRAL HIGHLANDS TOURIST RAILWAY - AN OBJECTOR TO THE ORIGINAL PLANNING APPLICATION
- Print Name: CR. BILL M'CLEENAGHAN
- Signed: [Signature]
- Date: 05 May 15

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: Mineral Springs Reserves Advisory Committee Meeting

Date: 11 May 2015

Time: 5.30pm – 7.30pm

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Other (specify)

Councillors present:

- | | |
|--|--|
| <input type="checkbox"/> Cr Don Henderson | <input type="checkbox"/> Cr Greg May |
| <input type="checkbox"/> Cr Kate Redwood AM | <input type="checkbox"/> Cr Neil Newitt |
| <input type="checkbox"/> Cr Sebastian Klein | <input checked="" type="checkbox"/> Cr Pierre Niclas |
| <input type="checkbox"/> Cr Bill McClenaghan | |

Members of Council Staff present:

- | | |
|---|--|
| <input type="checkbox"/> CEO Aaron van Egmond | <input checked="" type="checkbox"/> Other, please specify: |
| <input type="checkbox"/> GM Corporate Services Grant Schuster | James Lowe |
| <input type="checkbox"/> GM Community Services Kathleen Brannigan | |
| <input checked="" type="checkbox"/> GM Infrastructure Bruce Lucas | |

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned

Matters Considered:

Agenda Attached

Name and title of Officer responsible for this written record:

- | | |
|---|---|
| <input type="checkbox"/> CEO Aaron van Egmond | <input type="checkbox"/> Other, please specify: |
| <input type="checkbox"/> GM Corporate Services Grant Schuster | |
| <input type="checkbox"/> GM Community Services Kathleen Brannigan | |
| <input checked="" type="checkbox"/> GM Infrastructure Bruce Lucas | |

Signature: 

Note: This form MUST be completed by the attending Council Officer and returned immediately to Governance Officer for filing.

Mineral Springs Reserve Advisory Committee
Monday 11 May 2015
Council Chambers
5.30pm – 7.30pm

Attendees: Cr Pierre Niclas, Bruce Lucas, Bill Guest, Gary Lawrence, Sissy Austin, Lisa Rodier, Andrew Shugg, Victor Szwed, James Lowe
Apologies:

Item No	Time	Agenda Item	Presenter
1	5.30pm	Welcome and Apologies	Cr Pierre Niclas
2	5.35pm	Adoption of Minutes – 5 March 2015	Cr Pierre Niclas
3	5.40pm	Debrief Mineral Springs Tour – 9 May	
4	6.00pm	Maintenance Schedules	
5	6.20pm	Funding Sources	
6	6.40pm	Promotion of Reserves - brochures	
7	7.00pm	Interpretive Signage	
8	7.20pm	General Business	
	7.30pm	Meeting Close	
Next meeting – Monday 8 June			

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: Councillor/CEO Meeting
 Date: Tuesday 19 May 2015
 Time: 1:30pm

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Other (specify) – Creswick Senior Citizens' Centre

Councillors present:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Cr Don Henderson | <input checked="" type="checkbox"/> Cr Greg May |
| <input checked="" type="checkbox"/> Cr Kate Redwood AM | <input checked="" type="checkbox"/> Cr Neil Newitt |
| <input checked="" type="checkbox"/> Cr Sebastian Klein | <input checked="" type="checkbox"/> Cr Pierre Niclas |
| <input checked="" type="checkbox"/> Cr Bill McClenaghan | |

Members of Council Staff present:

- | | |
|---|---|
| <input checked="" type="checkbox"/> CEO Aaron van Egmond | <input type="checkbox"/> Other, please specify: |
| <input type="checkbox"/> GM Corporate Services Grant Schuster | |
| <input type="checkbox"/> GM Community Services Kathleen Brannigan | |
| <input type="checkbox"/> GM Infrastructure Bruce Lucas | |

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned

Matters Considered:

Agenda Attached

Name and title of Officer responsible for this written record:

- | | |
|---|---|
| <input checked="" type="checkbox"/> CEO Aaron van Egmond | <input type="checkbox"/> Other, please specify: |
| <input type="checkbox"/> GM Corporate Services Grant Schuster | |
| <input type="checkbox"/> GM Community Services Kathleen Brannigan | |
| <input type="checkbox"/> GM Infrastructure Bruce Lucas | |

Signature: 

Note: This form MUST be completed by the attending Council Officer and returned immediately to Governance Officer for filing.

COUNCILLOR + CEO MEETING

Tuesday 19 May 2015

Creswick Senior Citizen's Centre

1:30PM

PRESENT: Councillors Kate Redwood AM, Neil Newitt, Don Henderson, Pierre Niclas, Greg May, Bill McClenaghan, Sebastian Klein, CEO Aaron van Egmond

CHAIR: Councillor Kate Redwood AM

APOLOGIES: N/A

No.	Time	Agenda Item	Presenter
1.	1:30PM	By-laws around animals on public land (eg - goats for weed control)	Cr Greg May
2.		Possible actions around people submitting questions for public question time at council meetings and not bothering to show up to ask their question.	Cr Greg May
3.		Progress / outcomes (if any) of the recent kerbside collection mapping exercise and any recommendations that might be brought forward to us for consideration.	Cr Pierre Niclas
4.		Hepburn Hub	Aaron van Egmond
5.		Creswick Museum	Aaron van Egmond
6.			

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: Pre Council Meeting Briefing

Date: Tuesday 19 May 2015

Time: 3pm - 4:10pm

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Other (specify) – *Creswick Senior Citizen's Centre*

Councillors present:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Cr Don Henderson | <input checked="" type="checkbox"/> Cr Greg May |
| <input checked="" type="checkbox"/> Cr Kate Redwood AM | <input checked="" type="checkbox"/> Cr Neil Newitt |
| <input checked="" type="checkbox"/> Cr Sebastian Klein | <input checked="" type="checkbox"/> Cr Pierre Niclas |
| <input checked="" type="checkbox"/> Cr Bill McClenaghan | |

Members of Council Staff present:

- | | |
|--|--|
| <input checked="" type="checkbox"/> CEO Aaron van Egmond | <input checked="" type="checkbox"/> Other, please specify: |
| <input checked="" type="checkbox"/> GM Corporate Services Grant Schuster | Manager Community & Economic |
| <input checked="" type="checkbox"/> GM Community Services Kathleen Brannigan | Development, Adam McSwain, |
| <input checked="" type="checkbox"/> GM Infrastructure Bruce Lucas | <i>Manager Strategic Assets, Steve Millard</i> |

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned
<i>[Signature]</i>	

Matters Considered:

Council Meeting Agenda – Tuesday 19 May 2015

Agenda Attached

Name and title of Officer responsible for this written record:

- | | |
|--|---|
| <input type="checkbox"/> CEO Aaron van Egmond | <input type="checkbox"/> Other, please specify: |
| <input checked="" type="checkbox"/> GM Corporate Services Grant Schuster | |
| <input type="checkbox"/> GM Community Services Kathleen Brannigan | |
| <input type="checkbox"/> GM Infrastructure Bruce Lucas | |

Signature: *Grant Schuster*

Note: This form MUST be completed by the attending Council Officer and returned immediately to Governance Officer for filing.

DISCLOSURE OF CONFLICT OF INTEREST

I, Councillor DON HENDERSON hereby disclose
a conflict of interest in the following matter COMMUNITY GRANTS

This matter is being considered at a meeting of

- Council Meeting
- Councillor Briefing
- Special Committee
- Audit and Risk Advisory Committee
- Assembly of Councillors

on

The class of the interest is (tick appropriate box)

- a direct interest
- OR
- an indirect interest (see below)

Please select from the following types of indirect interest:

- Indirect interest - close association (section 78)
- Indirect financial interest (section 78A)
- Indirect interest – conflicting duty (section 78B)
- Indirect interest – applicable gift(s) (section 78C)
- Indirect interest – party to matter (civil proceedings) (section 78D)
- Indirect interest – impact on residential amenity (section 78E)

NB All references to sections are references to sections in the *Local Government Act 1989*.

The nature of the interest is as follows:

SPOUSE IS SECRETARY OF CRESWICK +
DISTRICT RESIDENTS ASSOCIATION

Print Name: CR DON HENDERSON

Signed: [Signature]

Date: 19/05/2015

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: Councillor Briefing – Waste Service Changes
 Date: Mon 25 May 2015
 Time: 6:15 pm – 7:15pm

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Other (specify)

Councillors present:

- | | |
|---|--|
| <input type="checkbox"/> Cr Don Henderson | <input type="checkbox"/> Cr Greg May |
| <input checked="" type="checkbox"/> Cr Kate Redwood AM | <input checked="" type="checkbox"/> Cr Neil Newitt |
| <input checked="" type="checkbox"/> Cr Sebastian Klein | <input checked="" type="checkbox"/> Cr Pierre Niclas |
| <input checked="" type="checkbox"/> Cr Bill McClenaghan | |

Members of Council Staff present:

- | | |
|--|---|
| <input checked="" type="checkbox"/> CEO Aaron van Egmond | <input type="checkbox"/> Other, please specify: |
| <input checked="" type="checkbox"/> GM Corporate Services Grant Schuster | |
| <input type="checkbox"/> GM Community Services Kathleen Brannigan | |
| <input checked="" type="checkbox"/> GM Infrastructure Bruce Lucas | |

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned

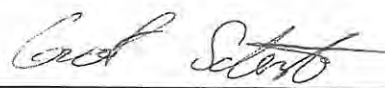
Matters Considered:

Waste Service Changes

Agenda Attached

Name and title of Officer responsible for this written record:

- | | |
|--|---|
| <input type="checkbox"/> CEO Aaron van Egmond | <input type="checkbox"/> Other, please specify: |
| <input checked="" type="checkbox"/> GM Corporate Services Grant Schuster | |
| <input type="checkbox"/> GM Community Services Kathleen Brannigan | |
| <input type="checkbox"/> GM Infrastructure Bruce Lucas | |

Signature: 

Note: This form MUST be completed by the attending Council Officer and returned immediately to Governance Officer for filing.

12. COUNCIL SPECIAL COMMITTEES (SECTION 86)

12.1. MINUTES OF SPECIAL COMMITTEES (SECTION 86) GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Governance and Corporate Support Officer, I Mary Dancuk 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 Committees (Section 86).

BACKGROUND

Special Committees are established by Council under section 86 of the *Local Government Act 1989* and their function and responsibilities outlined in an Instrument of Delegation. Under the Instruments 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 Committees, as provided by the committees over the past month, for your information:

- Minutes from the Lee Medlyn Home of Bottles Special Committee – 06/05/2015.
- Minutes from the Glenlyon Recreation Reserve Special Committee – 12/05/2015.
- Minutes from The Warehouse-Clunes Special Committee – 21/05/2015.
- Minutes from the Drummond Hall Special Committee – 29/05/2015.

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

The following advice has been received by Council and is presented for Council to consider:

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

That Council:

12.1.1. Receives and notes the following minutes of Special Committees (Section 86) which have been distributed under separate cover:

- Minutes from the Creswick Museum Special Committee – 5/04/2015.
- Minutes from the Lee Medlyn Home of Bottles Special Committee – 06/05/2015.
- Minutes from the Glenlyon Recreation Reserve Special Committee – 12/05/2015.
- Minutes from The Warehouse - Clunes Special Committee – 21/05/2015.
- Minutes from the Drummond Hall Special Committee – 29/05/2015.

MOTION

That Council:

12.1.1. *Receives and notes the following minutes of Special Committees (Section 86) which have been distributed under separate cover:*

- *Minutes from the Creswick Museum Special Committee – 5/04/2015.*
- *Minutes from the Lee Medlyn Home of Bottles Special Committee – 06/05/2015.*
- *Minutes from the Glenlyon Recreation Reserve Special Committee – 12/05/2015.*
- *Minutes from The Warehouse - Clunes Special Committee – 21/05/2015.*
- *Minutes from the Drummond Hall Special Committee – 29/05/2015.*

Moved: Councillor Pierre Niclas

Seconded: Councillor Greg May

Carried.

13. COUNCIL ADVISORY COMMITTEES

13.1. MINUTES OF ADVISORY COMMITTEES GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Governance and Corporate Support Officer, I Mary Dancuk 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

- Audit and Risk Advisory Committee – Draft Minutes – 25/05/2015.

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

13.1.1 That Council receives and notes minutes of the following Advisory Committees which have been distributed under separate cover:

- Audit and Risk Advisory Committee – Draft Minutes – 25/05/2015.

MOTION

13.1.1. *That Council receives and notes minutes of the following Advisory Committees which have been distributed under separate cover:*

- *Audit and Risk Advisory Committee – Draft Minutes – 25/05/2015.*

Moved: Councillor Don Henderson

Seconded: Councillor Sebastian Klein

Carried.

14. CONFIDENTIAL ITEMS

14.1. 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

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:

14.1.1. 89(2)(d) Contractual matters

Contract H615-2015 – Design and Construct Victoria Park, Daylesford Community and Sporting Facility; and

14.1.2. 89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person

MOTION

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:

14.1.1. 89(2)(d) Contractual matters

Contract H615-2015 – Design and Construct Victoria Park, Daylesford Community and Sporting Facility; and

14.1.2. 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 Don Henderson

Carried.

The Meeting Closed to Members of the Public at 7:19pm.

15. RE-OPENING OF MEETING TO PUBLIC

OFFICER'S RECOMMENDATION

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

MOTION

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

Moved: Councillor Bill McClenaghan

Seconded: Councillor Don Henderson

Carried.

The Meeting re-opened to Members of the Public at 7:30pm.

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

14.2.1 *Awards the Tender for Contract H615-2015 – Design and Construct Victoria Park, Daylesford Community and Sporting Facility to Fairbrother Pty Ltd at a price of up to \$1,488,630 (excluding GST).*

16. CLOSE OF MEETING

The Meeting closed at 7:30pm.
