

HEPBURN SHIRE COUNCIL ORDINARY MEETING OF COUNCIL PUBLIC MINUTES

Tuesday 19 September 2023

Daylesford Town Hall
76 Vincent Street Daylesford

5:30PM

A LIVE STREAM OF THE MEETING CAN BE VIEWED VIA COUNCIL'S FACEBOOK PAGE

Confirmed at the Ordinary Meeting of Council held on 17 October 2023

150

Chair, Cr Brian Hood, Mayor



MINUTES

Tuesday 19 September 2023

Daylesford Town Hall

76 Vincent Street Daylesford

Commencing at 5:30PM

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BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

Tuesday 19 September 2023

CONDUCTING HYBRID COUNCIL MEETINGS

In the spirit of open, transparent and accountable governance, this meeting will be livestreamed on Council's Facebook page. The meeting will also be recorded and made available on Council's website as soon as practicable after the meeting.

- Council's meeting will be conducted tonight in accordance with:
- The Local Government Act 2020
- The Minister's Good Practice Guideline MGPG-1: Virtual Meetings
- Council's Governance Rules; and
- The Hepburn Shire Council Councillor Code of Conduct.

1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Hepburn Shire Council acknowledges the Dja Dja Wurrung as the Traditional Owners of the lands and waters on which we live and work. On these lands, Djaara have performed age -old ceremonies of celebration, initiation and renewal. We recognise their resilience through dispossession and it is a testament to their continuing culture and tradition, which is strong and thriving.

We also acknowledge the neighbouring Traditional Owners, the Wurundjeri to our South East and the Wadawurrung to our South West and pay our respect to all Aboriginal peoples, their culture, and lore. We acknowledge their living culture and the unique role they play in the life of this region.

2 SAFETY ORIENTATION

Emergency exits and convenience facilities at the venue to be highlighted to members of the public in attendance.

3 OPENING OF MEETING

COUNCILLORS PRESENT: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley Hewitt, Cr Tessa Halliday, Cr Tim Drylie OFFICERS PRESENT: Mr Bradley Thomas - Chief Executive Officer, Mr Bruce Lucas - Director Infrastructure and Delivery, Dr Karina Lamb - Director Community and Corporate, Ms Brooke Holmes - Executive Manager People and Transformation, Mr Ron Torres - Executive Manager Development, Ms Amy Boyd - Manager Planning and Building, Ms Bronwyn Southee, Manager Strategic Planning, Mr Chris Whyte - Manager Information and Communication Technology, Ms Rebecca Smith - Manager Governance and Risk

The meeting opened at 5:31pm.

STATEMENT OF COMMITMENT

"WE THE COUNCILLORS OF HEPBURN SHIRE

DECLARE THAT WE WILL UNDERTAKE ON EVERY OCCASION

TO CARRY OUT OUR DUTIES IN THE BEST INTERESTS OF THE COMMUNITY

AND THAT OUR CONDUCT SHALL MAINTAIN THE STANDARDS OF THE CODE OF GOOD GOVERNANCE

SO THAT WE MAY FAITHFULLY REPRESENT AND UPHOLD THE TRUST PLACED IN THIS COUNCIL BY THE PEOPLE OF HEPBURN SHIRE"

4 APOLOGIES

Nil.

5 DECLARATIONS OF CONFLICTS OF INTEREST

Cr Tim Drylie declared a general conflict of interest for Item 8.1 Item of Urgent Business as it is in consideration of his leave.

6 CONFIRMATION OF MINUTES

Go to 00:04:59 in the meeting recording to view this item.

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 15 August 2023 (as previously circulated to Councillors) be confirmed.

MOTION

That the Minutes of the Ordinary Meeting of Council held on 15 August 2023 (as previously circulated to Councillors) be confirmed with the following addition to the minutes for item 12.1 The Voice Referendum:

Mindful of their obligation under the Local Government Act to provide good governance for the benefit and wellbeing of the community and the need to consider the diversity of interests and needs of the community councillors unanimously resolved to adopt the officers' recommendation.

In so doing councillors acknowledged that a First Nations Voice to Parliament would be an independent, representative advisory body that will provide a permanent means to advise Parliament and Government on matters affecting the lives of First Nations communities – including advice on practical steps to improve health, education, employment and housing. Most importantly, a Voice to Parliament would

be the means for recognising Aboriginal and Torres Strait Islander peoples in the Australian Constitution for the first time.

Councillors further noted that supporting constitutional recognition aligns with Hepburn Shire Council's Reconciliation Plan and its underlying commitments to self-determination, partnerships, community dialogue and truth-telling.

Moved: Cr Jen Bray

Seconded: Cr Don Henderson

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley

Hewitt, Cr Tessa Halliday, Cr Tim Drylie

Voted against: Nil Abstained: Nil

7 NOTICES OF MOTION

7.1 REGISTER OF COUNCILLOR INTERACTIONS WITH DEVELOPERS

Go to 00:08:36 in the meeting recording to view this item.

The Notice of Motion was put forward by Cr Brian Hood.

BACKGROUND

In August 2022, the Local Government Inspectorate issued a recommendation regarding Councillor interactions with developers.

The report included 5 recommendations:

- 1. Councillors should avoid comment before a decision
- 2. Councillors should avoid meeting developers one-on-one
- 3. Councillors should avoid accepting gifts and hospitality from developers
- 4. Councils should create a policy to guide councillor interactions with developers
- 5. Councils should keep a register of councillor interactions with developers

The recommendation was recently updated following the release of the Operation Sandon Report by IBAC.

This Notice of Motion proposes a process to address these recommendations.

<u>Interactions with developers must be appropriate | Local Government Inspectorate</u> (lgi.vic.gov.au)

MOTION AS PROPOSED

That Council:

- Acknowledges the Local Government Inspectorate recommendation that Councils should keep a register of Councillor interactions with developers in order to prevent corruption and maintain the integrity of the planning process;
- 2. Makes the following adjustment to the Councillor Code of Conduct which was adopted by Council on 23 February 2021 and signed by all Councillors:
 - a. Include a new requirement at section 6.8 of the Code of Conduct,
 - i. That within seven days of the interaction, Councillors must disclose all interactions with planning applicants (applicant and their representatives), developers and objectors, via any and all means, and these details are to be recorded on a register.

- ii. Subject to privacy requirements, the register will be made public each month via Council's website, and include details of interactions disclosed within the previous 12 months; and,
- 3. Requests the Chief Executive Officer to design a mechanism for Councillors to adhere to the above by 1 November 2023.

MOTION

That Council:

- Acknowledges the Local Government Inspectorate recommendation that Councils should keep a register of Councillor interactions with developers in order to prevent corruption and maintain the integrity of the planning process;
- 2. Makes the following adjustment to the Councillor Code of Conduct which was adopted by Council on 23 February 2021 and signed by all Councillors:
 - a. Include a new requirement at section 6.8 of the Code of Conduct,
 - i. Councillors must disclose all interactions via any and all means with planning applicants (applicant and their representatives), developers and objectors within seven days of the interaction and these details are to be recorded on a register.
 - ii. Subject to privacy requirements, the register will be made public each month via Council's website, and include details of interactions disclosed within the previous 12 months; and,
- 3. Requests the Chief Executive Officer to design a mechanism for Councillors to adhere to the above by 1 November 2023.

Moved: Cr Don Henderson **Seconded:** Cr Lesley Hewitt

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Lesley Hewitt, Cr Tessa Halliday and

Cr Tim Drylie

Voted against: Cr Jen Bray and Cr Juliet Simpson

Abstained: Nil

8 ITEMS OF URGENT BUSINESS

Go to 00:16:56 in the meeting recording to view this item.

8.1 ITEM OF URGENT BUSINESS

Councillor Tim Drylie left the meeting at 5:48pm.

MOTION

That Council resolve to admit the item relating to a leave of absence for Councillor Tim Drylie into urgent business in accordance with Council's Governance Rules Division 3, item 20 as the item:

- relates to or arises out of a matter which has arisen since distribution of the agenda; and
- cannot safely or conveniently be deferred until the next Council meeting.

Moved: Cr Don Henderson **Seconded:** Cr Juliet Simpson

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley

Hewitt and Cr Tessa Halliday

Voted against: Nil Abstained: Nil

MOTION

That Council grants Cr Tim Drylie a leave of absence from 24 September 2023 to 30 September 2023 inclusive, noting that Cr Drylie will be an apology for Briefings and Council Meetings that may be scheduled during his leave.

Moved: Cr Don Henderson **Seconded:** Cr Tessa Halliday

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley

Hewitt and Cr Tessa Halliday

Voted against: Nil Abstained: Nil

Cr Drylie returned to the meeting at 5:49pm and was advised of the outcome.

9 COUNCILLOR AND CEO REPORTS

9.1 MAYOR'S REPORT

Go to 00:19:18 in the meeting recording to view this item.

Councillor Brian Hood, Coliban Ward

Councillors,

The past month has seen a continuation of work on important matters that go the wellbeing of this organisation. Together with CEO Mr Thomas I have met with Minister Shing and her advisers, seeking an equitable share of the funds available for critical housing and sporting infrastructure emanating from the cancellation of the Commonwealth Games. As we will hear tonight housing affordability and availability remains a significant challenge for our community and it is imperative that our shire secures funding that will help address the housing crisis. Our advocacy efforts in that area continue.

Similarly, we continue to advocate, on behalf of our community, for a fairer outcome in the VNI West and WRL projects. The past month has also seen the launch of the Greater Ballarat Alliance of Councils, a six-member body that strengthens the voice of local councils, including Hepburn Shire. A coordinated and collective approach to common issues, including advocacy with other levels of government, makes logical sense.

I have held meetings with DEECA, the regulator Earth Resources and Red Rock on the matter of mineral exploration in the shire, with an emphasis on protecting our valuable aquifers. I have also met with representatives of Daylesford Speedway as we explore the possibility of resuming activities at the speedway.

At last month's meeting of Council I reported on my meeting with Neil Para when I welcomed him to our shire, just as he set off on his long walk from Ballarat to Sydney to meet the PM. Neil was not only representing himself and his young family but also the thousands of other refugees seeking a fairer and more certain future. I am delighted to report that Neil's quest for permanent residency has recently been granted. Neil has already established himself as a valuable member of his community and on behalf of Council I extend our congratulations and best wishes.

Tonight's meeting agenda includes an opportunity to embrace a recommendation from the LGI to adopt a process that guards against corruption and strengthens the integrity of the planning process; the possible adoption of the eagerly-awaited affordable housing strategy and action plan; and the proposed adoption of the 2022/23 financial statements.

The financial statements quantify the size and scale of another extensive capital works program – at \$14.6m – building and renewing infrastructure for the benefit of the community. I congratulate staff on the delivery of these works, especially in the context of sharply rising costs, difficulties in the construction industry and tough economic conditions.

The financials also bring into sharp contrast the financial impact of numerous weather-driven storm and flood events. Their impact on Council's workforce should not be underestimated. Work to repair our road network continues as the highest priority.

The financial statements, to their credit, transparently disclose the impact of numerous one-off and unusual events.

That includes quantifying the cash loss of the disastrous Rex project. Acquired under dubious circumstances and against the community's wishes in 2016 for \$6.345m the building was disposed of in 2022/23 for \$3.75m. Although those proceeds exceeded the building's current valuation of \$3.7m the net cash loss of \$5.6m has caused long-lasting harm to Council's financial position.

Our attention will now focus on the development of a long-term financial plan aimed at ensuring Council's ongoing viability.

The financial statements, and the recently adopted budget for 2023/24, very clearly indicate to all stakeholders of Council that the current and projected financial position is very constrained. We are a small regional council with very limited resources. Among other things the long-term financial plan will determine Council's capacity to undertake major capital works. Securing grant funding for the ambitious array of projects will be essential.

On a lighter note, I congratulate Creswick Health on the remarkable milestone of 160 years of fund raising to support community health facilities. And I applaud the Daylesford Rotary club on their recent event to raise awareness of mental health.

9.2 COUNCILLOR REPORTS

Councillor Don Henderson, Creswick Ward

Presented a verbal report.

Councillor Tim Drylie, Creswick Ward

Presented a verbal report.

Councillor Juliet Simpson, Holcombe Ward

I met with Mary-Anne Thomas and the Glenlyon Recreation Reserve Committee to look around the reserve and at the Pavilion. On Saturday 26 August I joined the celebrations to commemorate the 125 year anniversary of the planting of the avenue of trees in Barkly St Glenlyon. We extended the Avenue with the planting of three oak trees. On Tuesday 29 August I spent the day doing a strategic planning briefing in the Daylesford Town Hall. I attended the Drummond Hall Committee meeting including the AGM. I attended three full day briefings. On Saturday 9 September I attended the Wheatsheaf Fireguard meeting at the Glenlyon Fire Station. Preparation for the coming fire season was discussed and the Friends of Kangaroo Creek who plan to remove weeds off a section of the Kangaroo Creek in Wheatsheaf.

Councillor Jen Bray, Birch Ward

Activities since Tue 15 August 2023

25 – 27 August Words in Winter

I attended the locally run Words in Winter festival here in Hepburn Springs and Daylesford with other events in Yandoit, Creswick and Trentham. Its impressive that this has been running for 20 years through the efforts of volunteers. It was a wonderful weekend celebrating local and visiting writers, discussions, local performers, and workshops.

These kinds of cultural festivals and events are vital for our community – a wonderful celebration of local talent, gathering spaces for community to share stories, performances, art and music. They are largely run by volunteers and really cater for the needs and interests of their local people. Council owes a lot to these community groups who take the initiative to make wonderful events happen in our shire. In support, council can offer funding through community grants and our event funding. We can also provide important in-kind support such as use of council facilities, promotion and assistance with logistics. Hepburn Shire supports over 20 locally run events annually. It's a great partnership that means our community gets to enjoy high quality events – created by locals, for locals, and council can support that happening.

1 September

I also attended the Daylesford College Music Show Case at the Palais and saw and heard the incredible array of talent on display from our secondary school students. From solo acts, to duets, and bands, from rock to pop to classical - It was a really impressive performance from all year levels. And the way the students encouraged and supported each other on stage was truly inspiring. Congratulations to staff and students at the college on a fantastic night.

13 September

I also attended the Daylesford Primary School music and drama concert. These very confident young performers really owned the stage and it is a credit to their teachers that they have encouraged these young people to bring their own ideas and creativity to their performance pieces. Well done.

4 September

Western Renewables Link - VNI West monthly catch-up with community group reps, council staff and councillors

4 September

Community Information Night for Legal Action against Western Renewables Link and VNI West transmission Lines projects. Newlyn Recreation Reserve was well attended with concerned local farmers and community members hearing about the efforts of the team putting up a Supreme Court case against the Victorian Government. Community

Responded to concerns and questions from community members regarding:

- Compliance matters
- Planning matters
- Walking paths
- Dan Murphy's

Promoting
Birch Ward Listening Post
Heather Mutimer Honour Roll Nominations
Agricultural Forum
Early Years Survey
School Holiday Activities
Neil Para's walk for Refugees
Words in Winter

Councillor Lesley Hewitt, Birch Ward

My report will be a brief one tonight as, since the last Council meeting, I was in Vietnam and Cambodia. Both are countries that are continuing the process of rebuilding after civil wars where both sides were supported by the superpower countries, USA, Russia, and China. And in both countries, you can still see the ongoing intergenerational impact of that trauma. This led me to reflect on the ongoing intergeneration trauma experienced by various groups in Australia including our First Nations People. Something that may not be understood by all. In my Councillor report last month, I noted several incidences of intolerance in our area towards First Nations People as well as our LGBTQIA+ and Jewish communities. Such incidences compound intergenerational trauma experienced by these groups. I attended the MAV Gender Equity for Councillors' Workshop. This was very valuable and as you are aware Councils are mandated under the *Local Government Act 2020* to provide gender equity assessments on any new or revised policies and services that have an impact on our community.

I want to congratulate the Daylesford Under 13 girls' netball team and the Hepburn Under 17 girls' netball team for winning their respective premiership finals. It's a great effort and for Daylesford, the first time a netball premiership has been won. Congratulations also to the Daylesford A Grade Netball team and the Hepburn Under 15 Netball team for making their respective finals. You don't get to play in a final without a great deal of work, commitment, and skill. All the young women involved will be physically fit and have developed skills including teamwork and interpersonal skills that they will take and use through their lives. Hepburn Shire has an Active Girls Strategy and our netballers have demonstrated the importance of that for physical and mental health, connection and social inclusion.

As usual I have attended several events that the mayor and other Councillors have also attended. A list of activities has been tabled with this report. Of note is the 160-year celebration of the Creswick Hospital. Daylesford Hospital had it's 160-year celebration last year. The value of these hospitals in our community is demonstrated by both their longevity and the community support they receive in fund raising. The hospitals and health services do need to be continually upgraded to meet the needs of the community and this is something we all need to continually work towards. I also want to mention the Daylesford Rotary Club event last Sunday to raise money for mental health research and to particularly thank the Mayor for attending and participating in the Vinnie's Op Shop Fashion Parade. It raised money for important research into mental health and at the same time demonstrated the use of fashionable recycled clothing – so sustainability and mental health well-being – both key aspects of our current Council plan.

Councillor Diary Activities

Council Meeting – 15/8/23
Councillor Briefings – 22/8/23; 12/9/23;
Gender Equity for Councillors MAV workshop – 17/8/23
Winter Sounds 2023 Opening Night – 17/8/23
Leave – 18/8/23-8/9/23
Mental Health Research fundraiser Daylesford Rotary – 10/9/23

Listening Post Daylesford – 13/9/23 Dan Murphy's Community Briefing – 14/9/23 Central Highlands Rural Health 160 years of Creswick Health fundraiser – 15/9/23

Councillor Tessa Halliday, Cameron Ward

This month I presented at Wesley College on the benefits of rural living to assist students in preparing their semester projects.

I also attended the Clunes Football netball club presentation evening to present the 2023 Hepburn Shire Team Spirit award. A big congratulations to everyone who won an award. What an impressively run event, the evening ran to time and fed 120 people in 30 minutes! Very impressive!!

I attended the Dean Kite Festival which was a wonderful event and so well attended they ran out of everything by about 2pm. A perfect day to sit back and watch the kites and meet fellow community members. I'll definitely be back next year. I attended the Community pop up session to discuss the Clunes masterplans and the

project advisory committee. There was a great turn out and a lot of great feedback! I encourage people who weren't able to attend to fill out the survey, which is open till 22 September.

And finally I attended the Smeaton bowling club season launch and had the opportunity to play a couple of social games. I had a fabulous time, the club is such a vibrant friendly group of people. I was very happy with my performance for a beginner and was thrilled that I won a round. I appreciated the encouragement from the other players and maybe Cr Henderson could take a leaf out of their book.

RECOMMENDATION

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

MOTION

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

Moved: Cr Juliet Simpson **Seconded:** Cr Jen Bray

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley

Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil Abstained: Nil

9.3 CHIEF EXECUTIVE OFFICER'S REPORT

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

CHIEF EXECUTIVE OFFICER UPDATE

Last month a new electric vehicle station was opened at Hepburn Springs. The station is located near the Hepburn Bathhouse and Spa at 1 Mineral Springs Reserve Road, Hepburn Springs.

The new 50kW charger brings the number of public fast chargers in Hepburn Shire to three (adding to Vincent Street Daylesford and the Visitor Information Centre at Creswick)

This initiative is due to a collaboration led by Chargefox with partners Hepburn Energy, Council and Central Highlands Water. The project received co-funding from the State Government's Destination Charging Across Victoria program and was installed by Fells Electrical.

The project is supported by the Z-NET Community-Council partnership, which is helping to lower transport emissions, support the tourism sector, and power vehicles with 100% clean renewable electricity produced right here in Hepburn Shire.



Council officers, Councillors and one of the project partners Hepburn Energy.

(L-R) Council's Sean Ludeke, Manny Pasqualini and Bruce Lucas with Cr Jen Bray, Cr Tim Drylie, Hepburn Energy's Carlena D'Arma and Cr Lesley Hewitt.

Thank you to everyone who took part in the waste survey held earlier this year. 438 people participated, which was terrific. Respondents told us:

There's not enough information about what goes into each bin - 44%

I sort my waste correctly - 57%

I want more information on how to separate my rubbish from recycling - 33%

Many residents told us what they would like to change about their service and how we could help them improve their kerbside collection. Many comments related to having a collection for food scraps and garden organics and separating glass from their recycling bin.

State government legislation requires all Councils to offer a food organics, garden organics (FOGO) service by 2030 and a glass service by 2027. Rolling out services also aligns with our Sustainable Hepburn Strategy.

Each week our Waste team will be share information to help you to build your skills in resource recovery, so you recycle like a pro, help to reduce contamination, and send only the bare minimum to landfill in your red-lidded bin. You can find out more on our website at https://www.hepburn.vic.gov.au/bins



If you'd like to know more about Council's sustainability initiatives, the Sustainable Hepburn e-newsletter is where we report back on the progress with the strategy, we co-designed with the community. This is how we work together to reach a circular, zero emission, climate resilient and biodiverse Shire. You can subscribe here https://ow.ly/LHmO50Pzb9l

Last month Councillors and our new Executive Team visited the new Trentham Hub to review progress. We anticipate the Hub will be completed mid 2024.





On 18 August, Hepburn Shire held its Community Emergency Risk Assessment (CERA) with its state agency partners. The CERA is an all-hazard risk assessment to the

community and is critical to the Shire's municipal emergency planning. In attendance were Council staff, Cr Tim Drylie, with representatives from the State Emergency Services, Victoria Police, Forest Fire Management Victoria, Country Fire Authority, Ambulance Victoria, Emergency Recovery Victoria, Department of Families, Fairness and Housing, Department of Health, Agriculture Victoria, Central Highlands Rural Health, and Red Cross. In a first for Victoria, the Inspector General for Emergency Management was also in attendance for their first CERA and participated in the session.

We thank our partner agencies for their contribution and support in planning for the safety and resilience of our community.



In 1898, 125 years ago this month, a group of Glenlyon residents got together and planted trees along Barkly Street. This beautiful avenue of trees now attracts tourists from near and far.



To celebrate the foresight of these residents, on Saturday 26 August, Cr Juliet Simpson planted three new trees near the corner of Barkly and Dysart Streets, extending the length of the avenue and ensuring that future generations will have access to shade and beauty.



The strategic planning project, Future Hepburn, is now well underway. In upcoming community panel workshops we will be developing Township Structure Plans for Clunes, Creswick, Daylesford-Hepburn Springs, Glenlyon and Trentham. Some of the issues we will be exploring include:

- What are the challenges your town faces over the few decades?
- Housing and appropriate growth?
- Greater protection of heritage?
- Better connected transport and community infrastructure?

Council is working with Water Technology on a flooding and drainage mitigation study of Creswick and Clunes. The work will help in the development of the study, enable us to expand upon which properties may be susceptible to flooding, help develop a better understanding of flood behaviour and evaluate mitigation measures.

As part of the study, over the next few weeks we will be surveying critical parts of the riverine, overland and stormwater flowpaths.





Last Friday the Hon Catherine King launched the newly formed Greater Ballarat Alliance of Councils (GBAC) in Creswick. The alliance is made up of Mayors and CEOs from Hepburn Shire, City of Ballarat, Pyrenees Shire, Golden Plains Shire, Moorabool Shire and Central Goldfields Shire. This regional group of councils will be a collective voice for the region and advocate on common issues such as transport, housing and digital connectivity. Hepburn Shire is proud and excited to be part of the GBAC, as there is a greater ability to influence important State and Federal Government decision-making in a partnership.

Some of the meetings I have attended in past weeks include:

- Meeting with the Chair of Greater Ballarat Alliance of Councils (GBAC formerly Central Highlands Councils Victoria (CHCV))
- Work Health and Safety training
- Central Highlands Regional Partnerships meeting re Tourism
- Department of Transport and Planning quarterly catch up
- Meeting with Powercor to discuss outages
- Central Highlands Partnership Quarterly meeting
- CHCV CEO meeting
- Executive Team Workshop
- Gender Impact Assessment training
- GBAC Launch
- VNI West briefing
- Western Renewables Link monthly meeting
- Executive Team meetings
- Organisational Management Team meeting
- Organisational Leadership Team meeting
- Meetings with direct reports
- · Audit and Risk Committee meeting

Tonight's meeting includes consideration of a number of key reports, in particular is the consideration of a FOGO service being rolled out according the shire, adoption of an affordable housing strategy and action plan, and adoption of the annual financial statements. Countless hours have been put into all items tonight, but these three items in particular have involved significant officer time and expertise and I want to thank you.

RECOMMENDATION

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

MOTION

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

Moved: Cr Lesley Hewitt **Seconded:** Cr Don Henderson

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley

Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil Abstained: Nil

10 PUBLIC PARTICIPATION TIME

Go to 00:44:00 in the meeting recording to view this item.

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

- Tabling petitions
- Responding to questions from members of our community
- Members of the community to address Council

Community members are invited to be involved in public participation time in accordance with Council's Governance Rules.

Individuals may submit written questions or requests to address Council to the Chief Executive Officer by 10:00am the day before the Council Meeting.

Some questions of an operational nature may be responded to through usual administrative procedure. Separate forums and Council processes are provided for deputations or for making submissions to Council.

Questions received may be taken on notice but formal responses will be provided to the questioners directly. These responses will also be read out and included within the minutes of the next Ordinary Meeting of Council to make them publicly available to all.

BEHAVIOUR AT COUNCIL MEETINGS

Council supports a welcoming, respectful and safe environment for members of the community to participate at Council Meetings regarding issues that are important to them. Council's Governance Rules sets out guidelines for the Mayor, Councillors, and community members on public participation in meetings. It reinforces the value of diversity in thinking, while being respectful of differing views, and the rights and reputation of others.

Under the Governance Rules, members of the public present at a Council Meeting must not be disruptive during the meeting.

Respectful behaviour includes:

- Being courteous when addressing Council during public participation time and directing all comments through the Chair
- Being quiet during proceedings
- Being respectful towards others present and respecting their right to their own views

Inappropriate behaviour includes:

- Interjecting or taking part in the debate
- Verbal abuse or harassment of a Councillor, member of staff, ratepayer or member of the public
- Threats of violence

10.1 PETITIONS

No petitions were tabled.

Nil.

10.2 PUBLIC QUESTIONS

The following question was asked by a member of the public.

Question - Mr Jeff Millet

Please provide a cost breakdown of how much money the Hepburn Shire paid in legal fees, in both the 2022/2023 and 2023/2024, financial years.

Response

In the 2022/2023 Council spent \$445,159 across all business areas, including \$160,000 in relation to planning applications and \$117,000 responding to Freedom of Information Requests. So far in 2023/2024, Council has spent \$56,430 across all business areas.

10.3 REQUESTS TO ADDRESS COUNCIL

Mr Neil Newitt addressed Council regarding Item 13.2, Let's Rethink Waste.

Dr Mary-Faeth Chenery addressed Council on behalf of Safe Place Homes Inc. regarding Item 12.1, A Home in Hepburn Shire – Affordable Housing Strategy and Action Plan.

Mr Dave McLachlan addressed Council regarding Housing affordability - control and regulation of short stay accommodation.

11 STATUTORY PLANNING

11.1 PLN22/0359 - 3 FRAZER STREET DAYLESFORD - USE OF LAND FOR A DWELLING.

Go to 01:00:15 in the meeting recording to view this item.

EXECUTIVE MANAGER DEVELOPMENT

In providing this advice to Council as the Senior Statutory Planner, I Lipi Patel have no interests to disclose in this report.

ATTACHMENTS

- 1. PLN22/0359 Redacted Objections [11.1.1 21 pages]
- 2. PLN22/0359- Central Highlands Water Referral Letter [11.1.2 1 page]
- 3. PLN22/0359- Goulburn-Murray Water Referral Letter [11.1.3 1 page]
- 4. PLN22/0359 -Engineering Referral Letter [11.1.4 2 pages]
- 5. PLN22/0359- Colour and Material Schedule [**11.1.5** 1 page]
- 6. PLN22/0359- Proposal drawings/plans and Planning Report [**11.1.6** 22 pages]

EXECUTIVE SUMMARY

The application before Council is for the development of a dwelling on a single allotment on land known as 3 Frazer Street, Daylesford. The site will be accessed via a new crossover from Frazer Street. No vegetation removal is proposed as part of the proposal.

The subject site is located within Neighbourhood Residential Zone - Schedule 1 and is affected by the Heritage Overlay (HO697), Environmental Significance Overlay-Schedule 1 and 2. The subject site is currently vacant and is connected to all services including reticulated sewerage system and potable water.

The application was advertised, and a total of seven objections were received. The concerns raised relate to:

- Overdevelopment of the site/privacy to adjoining properties,
- Architectural style, materials, and colour scheme not in keeping with the neighbourhood character,
- Visual and amenity impacts,
- Impact on the heritage value of the area, and
- Traffic implications.

All relevant referral authorities have provided no objection or conditional consent to the application.

OFFICER'S RECOMMENDATION

That Council, having complied with the relevant sections of the Planning and Environment Act 1987, issues a Notice of Decision to Grant a Permit for use of land for a dwelling, subject to the following conditions:

Amended Plans Required

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but further modified to show:
- a) A landscape plan must be prepared and submitted generally in accordance with the site plan to show:
 - a survey (including botanical names) of all existing vegetation to be proposed, retained and/or removed.
 - ii) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant. It is required that the species are native and indigenous to the Hepburn Shire. The Plan must not include the use of any environmental or declared noxious weeds.
 - iii) landscaping and planting within all open areas of the site. The plantings must include semi mature plantings to provide for an immediate screening to neighbouring properties.
 - iv) The plan must also show surface finishes of pathways and driveways. In this regard such material must be permeable, unless otherwise approved by the Responsible Authority.

All species selected must be to the satisfaction of the Responsible Authority.

Once approved all landscaping must be maintained and deceased, diseased or damaged plantings be replaced to the satisfaction of the responsible authority.

No Variation

2. The development as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.

Standard Conditions

- 3. All external materials must be non-reflective and finished in natural colours or shades to the satisfaction of the Responsible Authority.
- 4. All areas of disturbed ground must be stabilised and revegetated at the completion of the development to the satisfaction of the Responsible Authority.

Council's Engineering Department Conditions

5. All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.

6. Access

- a) Vehicle access/crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority.
- b) Prior to the occupation the following must be constructed for approval.
 - i) Vehicle access/crossing is to be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 255 or to approval of responsible authority.
 - ii) Vehicle access/crossing to the land shall be located so that adequate sight distance is achieved to comply with Australian Standard AS2890.1:2004 Section 3.2.4 and as specified in Austroad's Guide to Road Design Part 4A Section 3.4 'Sight Distance at Property Entrance'.
 - iii) Minimum 10.0m and 9.0m clearance shall be maintained from any road intersection and between adjacent crossovers respectively.
 - iv) Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.
- c) The final location and construction of the vehicle crossing is to be approved by the Responsible Authority via a "Consent to Work within the Road Reserve", prior to the undertaking of works.
- 7. Prior to commencement of use it is the responsibility of the developer to meet the requirements and standards as set out in the IDM (Infrastructure Design Manual) version 5.20.
- 8. All works must construct and complete prior to commencement of use.
- 9. All costs incurred in complying with the above conditions shall be borne by the permit holder.

Central Highlands Water Conditions

10. Reticulated sewerage facilities must be provided to the dwelling by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.

Permit Expiration Conditions

- 11. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of Planning and Environment Act 1987.

Permit Notes:

Buildings Approval Required: This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

MOTION

That Council, having complied with the relevant sections of the Planning and Environment Act 1987, issues a Notice of Decision to Grant a Permit for use of land for a dwelling, subject to the following conditions:

Amended Plans Required

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but further modified to show:
- 2. A landscape plan must be prepared and submitted generally in accordance with the site plan to show:
- 3. a survey (including botanical names) of all existing vegetation to be proposed, retained and/or removed.

ii.a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant. It is required that the species are reflective of the predominant species of the heritage precinct and surrounding area and be a mix of species including (but not limited to), native and indigenous to the Hepburn Shire. The Plan must not include the use of any environmental or declared noxious weeds.

- 1. landscaping and planting within all open areas of the site. The plantings must include semi mature plantings to provide for an immediate screening to neighbouring properties.
- 2. The plan must also show surface finishes of pathways and driveways. In this regard such material must be permeable, unless otherwise approved by the Responsible Authority.

All species selected must be to the satisfaction of the Responsible Authority.

Once approved all landscaping must be maintained and deceased, diseased or damaged plantings be replaced to the satisfaction of the responsible authority.

No Variation

1. The development as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.

Standard Conditions

- 1. All external materials must be non-reflective and finished in natural colours or shades to the satisfaction of the Responsible Authority.
- 2. All areas of disturbed ground must be stabilised and revegetated at the completion of the development to the satisfaction of the Responsible Authority.

Council's Engineering Department Conditions

1. All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.

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- 2. Vehicle access/crossing to the land shall be located so that adequate sight distance is achieved to comply with Australian Standard AS2890.1:2004
 Section 3.2.4 and as specified in Austroad's Guide to Road Design Part 4A
 Section 3.4 'Sight Distance at Property Entrance'.
- 3. Minimum 10.0m and 9.0m clearance shall be maintained from any road intersection and between adjacent crossovers respectively.
- 4. Any proposed vehicular crossing shall have satisfactory clearance to any sideentry pit, power or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.
- 3. The final location and construction of the vehicle crossing is to be approved by the Responsible Authority via a "Consent to Work within the Road Reserve", prior to the undertaking of works.

- 1. Prior to commencement of use it is the responsibility of the developer to meet the requirements and standards as set out in the IDM (Infrastructure Design Manual) version 5.20.
- 1. All works must construct and complete prior to commencement of use.
- 1. All costs incurred in complying with the above conditions shall be borne by the permit holder.

Central Highlands Water Conditions

 Reticulated sewerage facilities must be provided to the dwelling by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.

Permit Expiration Conditions

- 1. This permit will expire if one of the following circumstances applies:
- 2. The development is not started within two years of the date of this permit.
- 3. The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of Planning and Environment Act 1987.

Permit Notes:

Buildings Approval Required: This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Moved: Cr Jen Bray Seconded: Cr Tim Drylie

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Tessa

Halliday and Cr Tim Drylie

Voted against: Cr Lesley Hewitt

Abstained: Nil

BACKGROUND

Site and Surrounds

The subject land known as 3 Frazer Street Daylesford has a frontage of 19.25m and a depth of 50.29m totalling an overall site area of 968m2. The slope of this land is its most dominant characteristic. It is almost half-way up Wombat Hill, which is an extinct volcanic cone that contains the heritage-listed Daylesford Botanic gardens.

Frazer Street runs across the contour of Wombat Hill. It is very steep in the section between Hill Street and the crest of the slope. The subject site and adjoining lots fall away from the road, while the land opposite slopes steeply upward. This land is the outer edge of the Botanic Gardens, and there are no paths or features amongst the mature European trees on this hillside.

Frazer Street and its immediate surrounds are on the outer edge of the town. Daylesford's main streets and residential areas are on the other sides of Wombat Hill, as is the well-known convent. Daylesford's light industrial area is just beyond Frazer Street.

The existing development along Frazer Street are primarily of the Victoria Era style, with both single and double storey dwellings constructed of weatherboard with corrugated iron hip roofs.

By way of history, a planning permit application for a single dwelling was refused by Council in 2020 and subsequently appealed to VCAT. VCAT affirmed Council's decision and determined no permit should be issued in August 2021. The proposal before Councillors is vastly different to that of the previous. The key differences are:

- This application is for a single storey dwelling as opposed to two double storey dwellings.
- The previous application for double storey dwelling included extensive fill, resulting in an elevated built form and extensive rock batters with consequential reduced landscaping. In this application, significant work has been undertaken to reduce the height and bulk of the dwelling so that it is 'nestled' into the landscape.
- The built form relies on cutting into the site (up to three metres in some locations) as opposed to the previous site that sought up to three metres of fill to level the site.
- The dwelling is narrow in design and runs along the western boundary as opposed to a design that sat closer to the eastern boundary and was therefore more visually dominant.

Proposal

The proposal seeks a permit for the development of a single storey dwelling on subject site. The proposed dwelling will comprise sunken lounge, open plan kitchen/dining/living, laundry, utilities room, rumpus/office, two bedrooms, two ensuites, toilet/bathroom and a study/workshop, and a covered carport. The total site coverage is 244sqm or 25% of the total site area. The total open space or garden area is of approximately 680 square metres, or 70% of the overall site.

The access will be achieved via a new crossover from Frazer Street.

Relevant Planning Ordinance applying to the site and proposal

Zoning:	Neighbourhood Residential Zone- Schedule 1 (NRZ1)		
Overlays:	Environmental Significance Overlay- Schedule 1 (ESO1)		
	Environmental Significance Overlay- Schedule 2 (ESO2)		
	Heritage Overlay- Schedule (HO697)		
Particular Provisions	Clause 65 Decision Guidelines		
Relevant Provisions of the PPF	LPPF 02.03-1 Settlement 02.03-2 Environmental and landscape values 02.03-5 Built environment and heritage 02.03-6 Housing SPPF Clause 11.01-1S Settlement Clause 11.01-1R Settlement - Central Highlands Clause 11.01-1L Township and settlements Clause 14.02-1S Catchment planning and management Clause 14.02-1L Catchment and land protection Clause 14.02-2S Water quality Clause 14.02-2L Mineral springs and freshwater springs protection - Hepburn Clause 15.01-01S Urban design Clause 15.01-2S Building design Clause 15.01-2L Environmentally sustainable development Clause 15.03-1S Heritage conservation Clause 15.03-1L Heritage		
Under what clause(s) is a permit required?	Section 3.0 of Clause 42.01- 2 Section 3.0 of Clause 42.01-	Environmental Significance Overlay- Schedule 1 (site cut required more than 1m metre in depth) Environmental Significance	
	2	Overlay- Schedule 2 (changes to surface or groundwater	
		runoff or contribute to a decline in spring water quality)	

		and works)	
Objections?	Seven (7)		
Referrals – Internal	Engineering- Conditional consent Heritage- Consent		
Referrals – External	Goulburn-Murray Water- Consent Central Highlands Water – Conditional consent		

KEY ISSUES

Response to Policy Planning Policy Framework

The relevant clauses of the State and Local Planning Policy Frameworks seek to ensure that the subject site and surrounding is suitable for residential development and is appropriately utilised for such a purpose. These policies also seek to ensure that such development is designed having regard to the natural features of a site, heritage value of the place, existing character of the area, and that development can be appropriately serviced with infrastructure.

The proposed dwelling being single storey and the only dwelling on the lot is not uncommon in this area. The use while not subject to this application, is wholly consistent with the zone and surrounding uses.

The proposed dwelling is sited on a sloping site, and well placed within the site contours. The siting is such that the proposed building sits within the landscape and has minimal visibility from the street, neighbouring botanic gardens and higher properties.

The proposal as presented to Council highlights the dwelling design and its siting to be an environmentally sensitive design which will minimise the dwelling's visual impact on the neighbouring properties in relation to height, scale, colours and materials. The modern design uses colours and materials that are not visually dominant, and the dwelling is setback further from dwelling on adjoining properties.

Overall, the proposal is not considered to result in a detrimental impact to the surrounding environment and natural resources or cause any unreasonable detriment to any neighbouring property.

Zoning and Overlay Considerations

Neighbourhood Residential Zone- Schedule 1 (NRZ1)

The purpose of the Neighbourhood Residential Zone is:

 To implement the Municipal Planning Strategy and the Planning Policy Framework.

- To recognise areas of predominantly single and double storey residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The purpose of the Neighbourhood Residential Zone Schedule 1 (NRZ1) is:

 To ensure development achieves the identified preferred neighbourhood character for Daylesford.

Pursuant to Clause 32.09-4, an application to construct or extend a dwelling on a lot of above 650 square metres in size must provide a minimum of 35% of the lot as garden area. The proposal comprises a garden space of approximately 680 square metres, or 70% of the overall site, significantly above the minimum requirements, however it is acknowledged the front of the property will have limited opportunity for landscaping due to the driveway and carport. The opportunities for landscaping are to the east and south of the dwelling.

Pursuant to Clause 32.09-5 of the Scheme, a permit is not required for the construction of dwelling on a lot as the lot size is greater than 300 sqm in area. The lot size is 975sqm. Hence, a permit is not triggered under the Neighbourhood Residential Zone- Schedule 1.

Environmental Significance Overlay

The purpose of the Environmental Significance Overlay (ESO) is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

Pursuant to Clause 42.01 of ESO, a permit is required to construct a building or carry out works. However, this does not apply if a schedule to the overlay specifically states that a permit is not required. The site is within Environmental Significance Overlay- Schedule 1 and Schedule 2.

Environmental Significance Overlay- Schedule 1 (ESO1)

The purpose of the Environmental Significance Overlay Schedule 1 (ESO1) is:

• To ensure all development is undertaken in a manner that protects, restores and enhances natural resources and environmental systems and seeks to eliminate detrimental impacts on the quality and quantity of

water in the catchment, to ensure the long term plentiful supply of quality water.

ESO1 seeks to protect the quality of domestic water supplies and maintain and enhance the quality of water in natural watercourses and water bodies. The proposed site is located more than 30 metres from the nearest mapped watercourse and has access to reticulated sewerage systems.

The proposed buildings and works comprises of site cut more than one metre in depth. It is for this reason, that a planning permit is triggered under the Environmental Significance Overlay- Schedule 1.

Environmental Significance Overlay- Schedule 2 (ESO2)

The purpose of Environmental Significance Overlay Schedule 2 (ESO2) is:

 To protect the mineral springs, their aquifers and their environs, private domestic bores and water bores that provide town water supply from the impacts of effluent and drainage.

Pursuant to Section 3.0 of Clause 42.01 of the Scheme, a permit is required as the proposed development is expected to result in changes to surface or groundwater runoff or contribute to a decline in spring water quality.

Heritage Overlay- HO697

The purpose of the Heritage Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The subject site is within Wombat Hill Garden Heritage Precinct, Daylesford, which is referred to as HO697 in Section 2.0 of Clause 43.01 of the Scheme. Wombat Gardens Heritage Precinct (HO697) has external paint controls and tree controls. A permit is triggered under the Heritage Overlay to construct or carry out works, according to Clause 43.01-1 of the Planning Scheme.

The Wombat Hill Botanic Gardens are of State-wide historic, scientific (botanic) and aesthetic significance. The Garden's heritage significance includes the aesthetics of its setting, as follows:

e. Importance in exhibiting particular aesthetic characteristics.

The spectacular siting of the Daylesford Botanic Gardens on top of the extinct volcano of Wombat Hill provides one of Daylesford's most important landmarks. Together with the Pioneers' Memorial Tower, the unique site enables panoramic views across the gardens and surrounding countryside as well as views to the gardens from the township of Daylesford.

The Heritage Overlay continues this emphasis. HO697 applies to the residential properties surrounding the gardens. Amongst other things, it says that:

The precinct's importance, however, hinges not only on the gardens themselves, but also upon the buildings which encircle them and their degree of exposure throughout the township and surrounding district.

Council's actions should have regard for the high degree of public exposure enjoyed by this precinct, and in particular, by the residential properties encircling the gardens. Their Victorian character is considered to be an essential extension of the gardens themselves and is important to all faces of the hill. On the north face, the Hill Street cottages in conjunction with the gardens, form a spectacular backdrop to the Raglan Street precinct and to motorists approaching Daylesford along the Midland Highway.

Any new development should have regard to the existing cottages in terms of among other things, materials and colours.

The application was referred to Council's Heritage Officer, and the summary and recommendations of the response are as below:

- Wombat Gardens Heritage Precinct HO697 has paint controls. According to the
 conservation management guidelines, any development surrounding the
 Wombat Hill Gardens should be respectful of the existing development,
 particularly the existing residences in terms of architecture style, built form,
 material and colour scheme.
- The architectural form, style, and form of the proposed dwelling are mindful and sympathetic to the nearby cottages; however, this does not apply to the proposed use of black metal and black timber boarding exterior cladding. This colour scheme contrasts with the adjacent cottages, which are primarily cream and white.
- Recommendation: To provide a new colour scheme of the external materials
 that is both respectful of the existing colour scheme of the cottages surrounding
 Wombat Gardens and consistent with the neighbourhood character to Council
 for approval prior to planning permit approval.

In response to the above recommendation, the applicant has submitted a new set of drawings that demonstrates a new material schedule. The new materials comprise timber cladding and Colorbond corrugated sheet roofing, both in keeping with the

surrounding cottages. The external timber cladding is cream/light brown in colour. The roof colour will be dark grey but not a highly reflective material or colour.

In consideration of the decision guidelines of Clause 43.01-8, it is considered the proposal predominantly uses the materials and colours that are cognizant and sympathetic to the heritage value of the place. The material and colour scheme is in keeping with the character and appearance of adjacent buildings and the heritage place. The location, bulk, form and appearance of the proposed dwelling will not adversely affect the significance of the heritage place.

Heritage Significance

The Wombat Hill Garden opposite the subject site is within Heritage Overlay- HO900. The statement of significance for HO900 identifies that the Botanic Gardens are of aesthetic significance for their siting in a volcanic cone which allows a panoramic view as well as vistas within and out of the garden. As the most prominent local landmark, the Garden's vertical dominance in the landscape provides a stark contrast to the elm avenues, oaks and other deciduous species.

The lots created around the gardens were part of an early residential subdivision. The lots along Frazer Street opposite the gardens are largely undeveloped. A weatherboard dwelling sits neatly on the lot at 5 Frazer Street while the dwelling at 9 Frazer Street is positioned close to the crest of the hill and hidden from the street by landscaping.

The Statement of Significance of HO697 clearly states "the precinct's importance, however, hinges not only upon the gardens themselves, but also upon the buildings which encircle them and their degree of exposure through the township and surrounding district."

The housing stock of the precinct is noted as important, typically being weatherboard gable roofed cottages. The guidelines for this precinct include that "New development should be encouraged to conform with existing cottage style in terms of such elements as materials, colours, roof form and pitches, and scale. Excavation should be limited, and screening strategies required at the permit stage where new work detracts from the precinct's overall character."

The proposal at 3 Frazer Street is a single dwelling that satisfactorily obeys the heritage significance of the region.

Neighbourhood Character

The proposal offers an acceptable residential development, taking into consideration the character of the surrounding area. The proposal contributes positively to the local context by offering a design outcome which is respectful of the need to maintain the appropriate form, scale, and appearance relative to the site and the neighbouring developments.

Environmental and Sustainability Issues

The proposed dwelling design has responded to the natural features of the site and surrounding area. The proposed dwelling does not propose any vegetation removal. The proposal does not raise any concerns in relation to the management of stormwater and waste as the subject site has access to reticulated stormwater and wastewater services. Should a permit be granted, engineering conditions would be required for the management of run-off that ensures no impacts to the catchment.

Amenity Considerations

The properties towards the north, south, and east abutting the subject site comprises of single dwelling on lots of similar size and shape. The proposed development is in keeping with the surrounding development. Therefore, it is not expected to unreasonably impact the amenity or character of the area.

Clause 65 Decision Guidelines

The proposal appropriately considers the Municipal Planning Statement, Planning Policy Framework, and applicable zoning and overlay controls covering the lot. The works will not see the orderly planning of the area impacted, nor any effect on the amenity of the surrounding area. There is no risk of land degradation or a reduction in water quality as a result of the proposal. There is no proposed removal of vegetation that would trigger planning consideration.

All points under Clause 65.01 of the planning scheme have been considered and it is deemed that the proposal accords with the requirements.

The application has adequately considered the findings of the VCAT Appeal P1654/2020 and the decision of the Tribunal through the following:

- The fill is provided to allow for private open space at the level with the dwelling. The amount of fill is limited, reducing the need for retaining walls.
- Excavation of the site is limited, with provision for cut minimized through setbacks from the southern boundary.
- Sufficient area for landscaping is provided, with the built form nestled into the southern boundary.
- The position of the dwelling will allow an acceptable view line to the Botanic Gardens.
- The building provides the appearance of being nestled into the hill.
- The timber vertical cladding, galvanized iron roof and natural render colours will provide a subtle addition to the streetscape.
- The provision of vertical timber cladding is in keeping with the vertical form of the new dwellings at 7 Frazer Street and will not detract from the original cottage at 5 Frazer Street.

 Placement of the carport to the front of the site limits the requirement for hard surfaces and any additional cut or fill on the site. This is an acceptable outcome given the topography of the site.

The proposal also seeks to preserve and maintain the heritage significance of the neighbourhood while satisfying the neighborhood character of Daylesford.

POLICY AND STATUTORY IMPLICATIONS

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

GOVERNANCE ISSUES

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

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report noting the building will be required to meet minimum energy rating standards under the National Construction Code.

FINANCIAL IMPLICATIONS

Any application determined by Council or under delegation of Council is subject to appeal rights and may incur costs at VCAT if appealed.

RISK IMPLICATIONS

No risks to Council other than those already identified.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The application has been advertised by sending notification of the proposal to adjoining and adjacent owners and a notice on the land. As a result, seven objections have been received. The issues raised in the objections are addressed individually as follows.

Amenity issues/overdevelopment of the site

The dwelling is a single- storey dwelling within a residential zoned land surrounded by residential development. The dwelling is set back at a distance of eight metres from the western boundary (front boundary), one metre from southern boundary, six metres from the northern boundary and 5.2 metres from the eastern boundary (rear boundary). The proposed dwelling comprises 244 square metres of site area (including covered garage) resulting in 25 per cent of the site coverage.

The proposed dwelling is sited an appropriate distance from the property boundaries providing a buffer between neighbouring sites. Additionally, the design and layout of the dwelling respects the neighbouring properties, ensuring no unreasonable overlooking will take place. The proposal does not trigger the Neighbourhood Residential Zone; therefore, a Clause 54 assessment is not required to be assessed at the planning permit stage.

Size/built form of the dwelling

The proposal complies within maximum building height requirements of 9.0m from the ground floor level and is single storey throughout. Due to the cut, fill and elevation at the proposed site the building will sit up on the land and will not integrate within the topography of the landscape. i.e., being elevated above the natural ground line.

Close proximity of the swimming pool to the abutting lot

The proposal includes a swimming pool in the north-eastern corner of the dwelling. The pool is expected to be concealed by trees in the northern portion and is located six metres from the northern boundary. The pool is not a separate entity, but rather a part of the dwelling. As a result, the swimming pool's location is deemed acceptable and is not expected to negatively impact neighbouring lots.

Visual impacts/privacy of neighbouring dwellings

No consideration of Clause 54 is required as the proposed dwelling does not trigger the Neighbourhood Residential Zone- Schedule 1. Regardless, the dwelling will be located appropriately from property boundaries, ensuring no unreasonable overlooking will occur.

Inappropriate development to the rural setting

The dwelling is considered appropriate in terms of the architecture style, building height and form, material and colour scheme to the neighbourhood. The external materials used are:

- Vertical shiplap timber cladding to weather naturally.
- Metal roof sheeting galvanised corrugated iron.
- Timber vertical screening.

Access to the property/traffic problems

The subject site will be accessed from Frazer Street and is considered acceptable. Council's Engineering Department has assessed the proposal plans and have provided consent to the proposal, subject to conditions. The conditions are in relation to construction and maintenance of the vehicular access to the satisfaction of the Responsible Authority.

Concerns related to heritage values

The colour scheme has been amended as per the recommendation provided by Council's Heritage Officer and now is in keeping with the surrounding development. The new materials comprise timber cladding and Colorbond corrugated sheet roofing, both in keeping with the surrounding cottages. The external timber cladding is cream/light brown in colour. The roof colour will be dark grey but not highly reflective material or colour.

Listed in Victorian Heritage Register

The site is not listed on Victorian Heritage Register, under the *Heritage Act 2017*. As a result, this concern is invalid.

Conclusion

The proposed single storey dwelling on a median sized lot will be able to provide for a setback consistent within surrounding neighbourhood, in addition to allowing ample space for landscaping and garden area. The application was referred to relevant internal authorities and no objections were offered to the proposal, subject to conditions.

It is on this basis that the proposed dwelling is considered appropriate character response in the context of the surrounding area and is deemed to show a satisfactory level of compliance, subject to conditions. Therefore, it is considered that this application is consistent with the site zone and overlays.

	HEPBURN SHIRE COUNCIL ATTACHMENT 11.1.1
	File No: Tepburn
	Rec'd Date: 11 JAN 12") SHIRE COUNCIL
	Rec'd By. K. CONROY- DUKE .
Please use block letters	Reg No: Planning & Environment Act 1987
Permit application no	LN 22/0359
	ENT OFLAND FOR A DIVELLING
Who has applied for the p	ermit: Se/Am Architecture Design
	s for your objection?
Keeping with the	elopment of the site noting character of the street parea
	•
	eloped site at 7 Frazer St
Frazer St and this	arts the heritage cottage at 5
Too much traffic for SI	reletare road with NoTderdpmentasne
This is a single lane vo	ad on a steep incline. The traffic's tourism sile incline. The traffic's tourism sile incline. The droom er load on the street. There are not
generalted by this	i towism Silo le (Verital) 4 bedroom
ever gutters	er 1000 or The street Those wife not
	CTED BY THE GRANT OF A PERMIT?
I will now look a	et a large group carport/house
which is for too big for	the site and not in keeping with There will be little room for
he character of the are a	There will be little room for
plantup of trees but	total domination of the built ,
The increax of traf	Fice to the Street which is a single
ine street without gut	ters) is already a great concern,
For Mr. Hardwicks No	total domination of the built of tanic garden "area "scenic drive" of fice in the street which is a single ters) is already a great concern development and this will
My increase that youch	lem as it is a 4 belloom house
atth a pool undrubted	day housing "questes" with
MINISTER OPPINADY MEETING	NE COUNCIL 10 CEPTEMBER 2022



This object	tion	state	as	we have	e been	aux	du -
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HEFBURN SHIRE COUNCIL

Hepburn

SHIRE COUNCIL

HOLD TO SHIP TOP

Rec'd By K CONROY DUKE .

Please use block letters Action By: Planning & Environment Act 1987

Reg No:

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PLN 22 0359

Proposal: Development of land for a develling

Who has applied for the permit: Ce/Am architecture a Des

WHAT ARE THE REASONS FOR YOUR OBJECTION?

Thysical structure of Block and access St (Frazer St) being Wombert Hill does not support the size of the house and number of bedrooms is

the number of people that will be accommodated and thus the number of cars accessing street,

The seige and architecture of the house profuces not lend itself to the Surrounding ared of Wombat Hill Betanical Crardens and Collage)

problem.



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Please use block letters

Planning & Environment Act 1987

3	WHAT APPLICATION DO YOU OBJECT TO?
	Permit application no. PLN 22/0359. Description of PLN 22/0359.
	Proposal: Development of land for a dwelling/3 FRAZER ST. DAYLES FOR Who has applied for the permit: Se/Am Architecture & Design
	Who has applied for the permit: 3e/Am FVCWIECTURE DESIGN
	WHAT ARE THE REASONS FOR YOUR OBJECTION?
	1) We object to the scale of the building.
	2) We object to the proposed design of
••	the building, being inapproprite to
	a rural setting.
	HEPBURN SHIRE COUNCIL
**	FILE NO.
••	Rec'd Date 17 JAN 2023
	FOCOBY K CONROY DUKE
	Action By Reg No:
n.	HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?
	1) We will be affected by overlooping



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Action By: ACTION Beg No:

Please use block letters

Planning & Environment Act 1987

WHAT APPLICATION DO YOU OBJECT TO?

Permit application no. PLN 22/0359

Proposal: PERMIT FOR THE DEVELOPMENT OF HAND FORM DWELLING.
Who has applied for the permit: SE/AM. ARCHITECTURE & DESIGN....

WHAT ARE THE REASONS FOR YOUR OBJECTION?

THE PROPOSED DEVELOPMENT WILL HAVE ADVERSE AND UNACCEPTABLE
IMPACTS ON THE HERITAGE VALUES THAT ARE PROTECTED WITHIN THE
WOMBAT HILL GARDENS HERITAGE PRECINCT.

THE SITE OF WOMBAT HILL PROVIDES ONE OF DAYLESFORD'S MOST
IMPORTANT LANDMARKS AND NECDS TO BE PROTECTED. THE WOMBAT
HILL BOTTANIC GARDENS ARE OF STATEWIDE HISTORIC, SCIENTIFIC
(BOTANIC) AND ABSTHETIC SIGNIFICANCE AND ARE LISTED ON THE
VICTORIAN HERITAGE REGISTER. THE PROPOSED DWELLING WILL ADVERSELY
AFFECT THE SIGNIFICANCE OF THIS HERITAGE SIE.

HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?

AS A RESIDENT WITHIN THIS HISTORIC PRECINCT I AM CONCERNED BY
THE EROSION OF HERITAGE VALUES AND LACK OF RESPECT FOR THE
DAYLESFORD NEIGHBOURHOOD CHARACTER. AS A LONG TIME
RESIDENT I HAVE SEEN THE CHANGES MADE TO THE TOWN THROUGH
INAPPROPRIATE DEVELOPMENT.
WOMBAT HILL'S IMPORTANCE HINGES NOT ONLY ON THE GARDENS BUT



HAVE REGARD FOR THE HIGH DEGREE OF PUBLIC EXPOSURE OF THIS PRECINCT AND THE RESIDENTIAL PROPERTIES SURROUNDING THE GARDENS. THE SIDE OF THE HILL CONTAINING FRAZER STREET IS VISIBLE AND BOISTNICTIVE ON ENTRY TO DAYLES FORD ALONG THE MIDLAND HWY. THIS KEY FEATURE/VIEW WILL BE MARRED FOR VISITORS AND LOCALS BY THIS PROPOSED DEVELOPMENT.

.If insufficient space, please attach separate sheet

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Please use block letters

Planning & Environment Act 1987

THE STEWNS WINDS THE RESERVE THE PROPERTY OF THE PARTY OF	plication no. PLN 22/0359	
	DEVELOPMENT OF LAWS FOR A DI	VELLING
	applied for the permit: Se /Am ARCHITE	and the property of the proper
WHAT A	E THE REASONS FOR YOUR OBJECTION?	
PLEAS	E SEE ATTACHED POINTS	1-7
		HEPBURN SHIRE COUP
		Rec d By: AN 2023
		Reg No
HOW WI	L YOU BE AFFECTED BY THE GRANT OF A PER	WIT?
PLEAS	E SEE (ATTACHMENTS) 1-	-4



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WHAT ARE THE REASONS FOR YOUR OBJECTION?

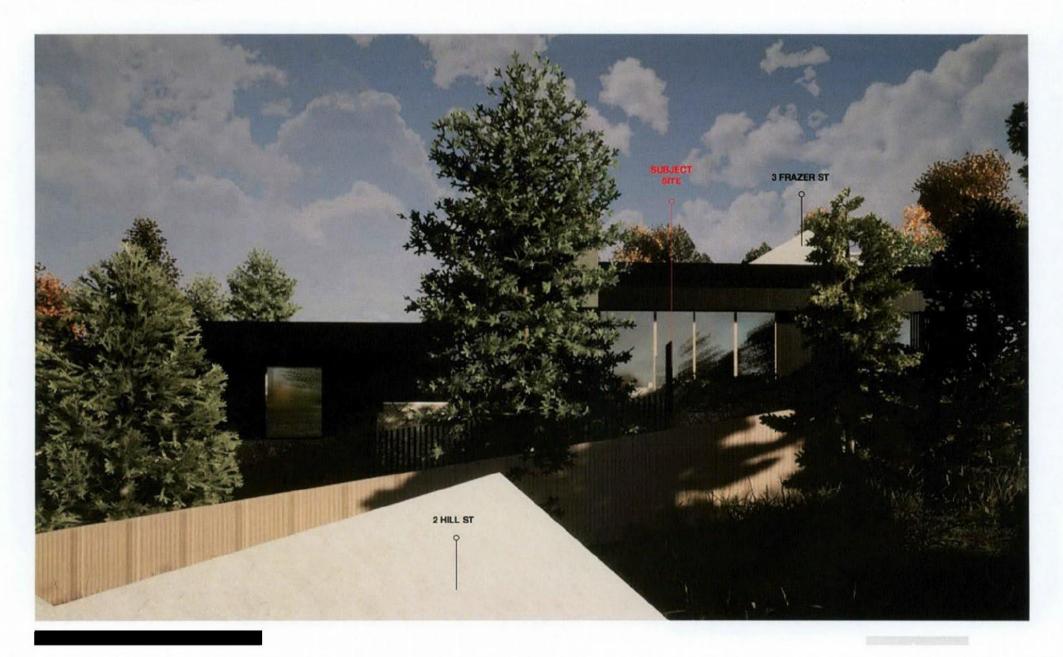
- 1. The proposed application is an overdevelopment at the 3 Frazer Street site. The land is 50.3metres x 19.2metres. The footprint of the development & building sprawls just over 44metres across the length of the block. (see ATTACHMENTS 1-4)
- 2. Due to the cut, fill and elevation at the proposed site the building will sit up on the land and will not integrated within the topography of the landscape, i.e. being elevated above the natural ground line. (see ATTACHMENTS 1&2)
- The development is not in keeping with the character of other buildings in Frazer Street and other houses that surround the adjacent Wombat Botanical Gardens.
- 4. The Architects refer to the building's 'passive design'. I would dispute their description given this a black coloured building filling a large portion of the site, which includes an 8.549metre swimming pool and outdoor patio. (see ATTACHMENTS 2&4)
- 5. The proposed building application includes photographs of other similar designs. These are set either in an open landscape setting or in relation to a beach or ocean environment. Whereas this site is in a residential and Heritage Precinct with a proposed building, that is totally unsympathetic, out of scale, and out of character in this setting.
- 6. It is also important to point out the nature of the overall development that the developer Hardwick Build Co. is involved with here at 3-7 Frazer Street. It has been, and still is a contested site as to the number of buildings that are being crammed into these addresses. What has occurred is how the building(s) at this site have diminished and will continue to diminish the Neighbourhood Character especially with this new proposal at 3 Frazer Street. Given this extreme saturation of built form across the overall site, it is worth observing and noting how the original and restored 19th Century cottage at 5 Frazer Street has become hemmed in and dwarfed by the current building taking place. And with this new proposal at 3 Frazer Street the cottage will be further consumed and marginalised by this inappropriate 'urban' development. So much for 'passive design'!
- 7. So currently when driving into Daylesford on the Trentham Road the view to the Wombat Gardens is already visually impacted by the current erection of 2 very large two-storey town houses. With this new proposed black building, the view to the Gardens will be greatly impacted and will be further evidence of a lack of planning oversight within Hepburn Shire Council in such a sensitive and Historic Precinct.

ATTACHMENT 1.

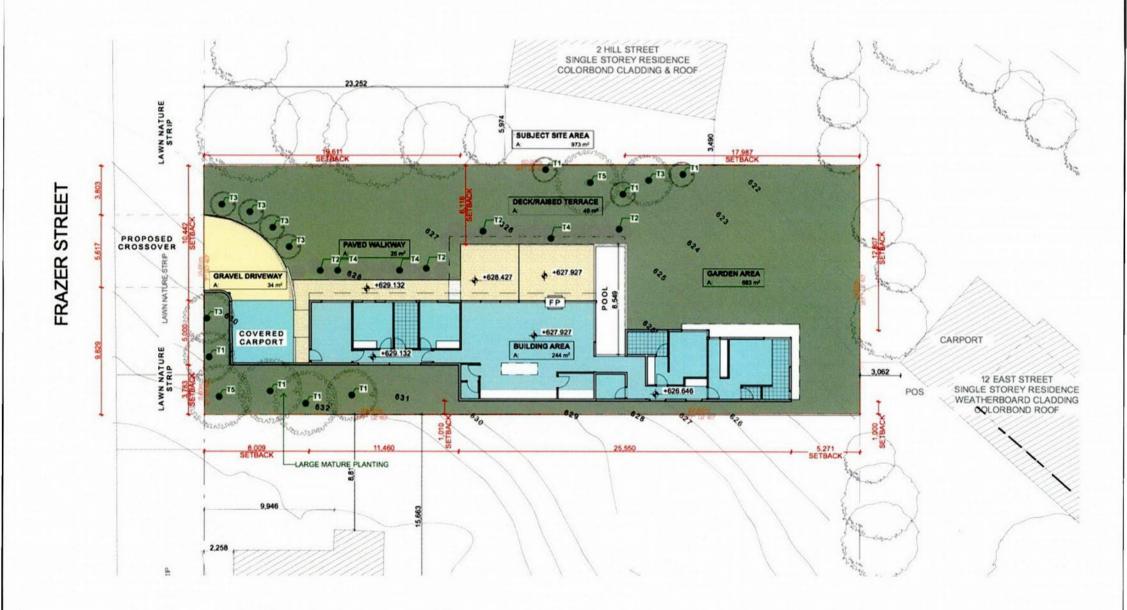


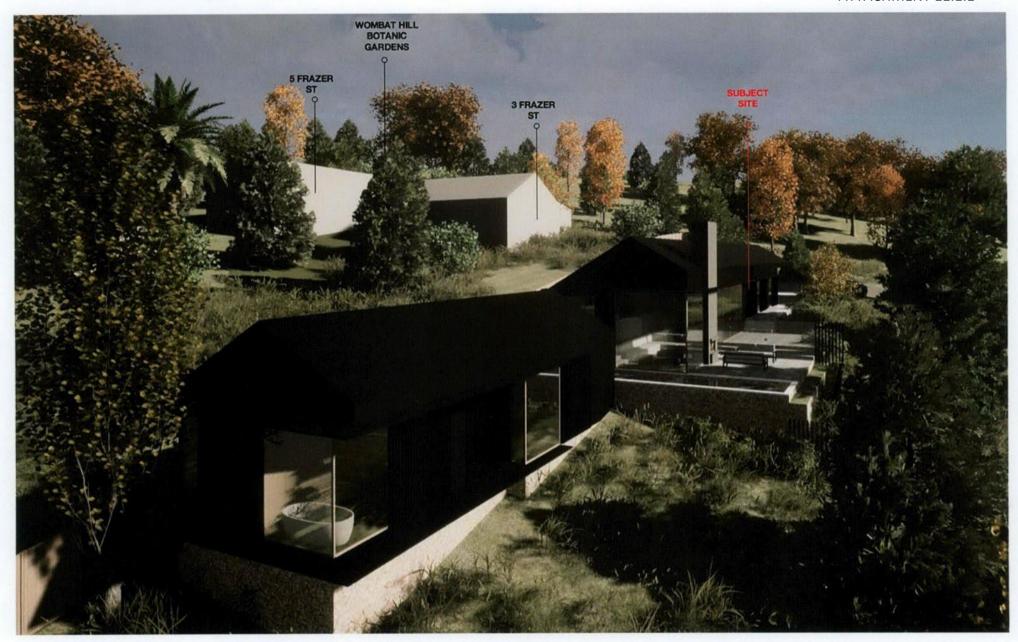
NE NORTH ELEVATION

* THE YELLOW HIGHLIGHTED AREA IS OUR SHAREN WOODEN
PALING FENCE BETWEEN
DAYLESFORD



ATTACHMENT 3





12 EAST ST TOWARDS SITE - PROPOSED



Please use block letters Planning & Environment Act 1987 Permit application no. PLN 22 0359

CONSTRUCTION OF A SINGLE STOREY REIDENTIAL DWELLING ON

Proposal: A NACANT SITE AT NO 3 FRAZER STREET DAYLESFORD who has applied for the permit: Se / Am ARCH ITECTURE + DESIGN WHAT ARE THE REASONS FOR YOUR OBJECTION? HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT? See attached.



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ATTACHMENT TO OJECTION TO PLN22/0359

WHAT ARE THE REASONS FOR YOUR OBJECTION?

- 1. The size of the proposed building is totally out of character with others in the heritage area surrounding the historical Wombat Hill Botanic Gardens, except for No.7 (see Point2)..
- 2. This building will add to the already overdevelopment of properties in Frazer Street between Central Springs Road & Hill Street. There are already two ugly two storey townhouses being erected on 7 Frazer which clearly destroy the vista of the area. In addition we are aware the approval has been granted for another three double storey townhouses on the land abutting the top of Frazer Street & Central Springs Road.

HOW WILL YOU BE AFFACTED BY THE GRANT OF A PERMIT

- 1. There is conflicting information contained in the permit application. 02.03-6 states in part "promote & facilitate residential development and housing diversity in established townships to meet community needs, including affordable housing and aged care accommodation. The proposed new dwelling will increase density/availability of housing within the existing urban fabric". However 02.03-7 states in part "the proposal does not seek to alter the use of the site and will only contribute to the Shire's tourist market". The recent renovation of No.5 Frazer Street was approved by Council on the basis that it would be used as a residential property. However shortly after it was sold it was turned into tourist short term accommodation. If the same happens with No.3 then we will have a 4 bedroom "Party House" with a swimming pool. This creates the environment for a very noisy situation, with an outdoor deck adjoining the pool.
- 2. The proposed building and pool is still close to the fence line of 2 Hill Street and they will be particularly affected by noise and possible flooding if a problem occurs with the pool.
- We already have a situation when tourist accommodation around our area is occupied our water pressure decreases dramatically. This development along with the others will add to this problem.
- 4. A 4 bedroom house affords the possibility that there could be up to 8 cars, if not more, at any one time. The condition of Frazer Street between Central Springs Road and Hill Street is already very dangerous due to the extreme slope and that there are only grass verges without any guttering. The road is cut up badly due to the trucks etc using the road during the renovation of No5 & the townhouses being erected on No.7.



ATTACHMENT 11.1.1 period emoded

Winterform special byware action before the street

Privacy Collection Notice

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ORDINARY MEETING OF COUNCIL - 19 SEPTEMBER 2023

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 India they you would be offected if a pennel in granted.
- colection road not boilin mode. the frequentiate Authority may reject an approach which it considers has been freath primarily to eccure or market a red earliest commenced approach for the objector, in this case, the left approach is if the
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MINUTES

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ATTACHMENT 11.1.1

Please use block letters

Planning & Environment Act 1987

WHAT	APPEICA	HON DO	TOU	OBJECT	TOTAL

Proposed Result FOR The DEVELOpment of land who has applied for the permit SE/AM ARCHITECTURE TO CONTING

WHAT ARE THE REASONS FOR YOUR OBJECTION?

I moved to Dougles for some years ago because I was drawn to the beauty of the willst gardens particularly constat Gardens. Which is a heritage Site in now witnessing the intruction of agy develo prients appearing to ithout any consideration being given to the local heritage.

HOW WILL YOU BE AFFECTED BY THE GRANT OF A PERMIT?

Precious character being violated precious character being violated by development that impinges on it and the Survounder of urgency that we protect historical from

MINUTES - ORDINARY MEETING OF COUNCIL - 19 SEPTEMBER 202360

To: <u>Hepburn Shire Mailbox</u>
Subject: Town Planning Objection

Date: Monday, 23 January 2023 4:19:28 PM

Attachments: Hepburne a.jpg Hepburn b.jpg

sad to see buildings going up around Daylesford that do not fit in with the neighboring environment and as a result the special historical history of Daylesford is gradually being eroded.

Doc code: 23/3770 Sect 55 2023-04-28

Your ref: PLN22/0359



28th April 2023

Lipi Patel
Statutory Planner
Hepburn Shire Council
P.O. Box 21
DAYLESFORD VIC 3460

Dear Lipi,

Application for Planning Permit, Development of land for a dwelling, 3 Frazer Street Daylesford.

We refer to your letter received 5th April 2023 and advise that in accordance with Section 56(1)(b) of the Planning and Environment Act, this Authority does not object to the granting of any permit that may issue subject to the following conditions: -

 Reticulated sewerage facilities must be provided to the dwelling by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.

Yours faithfully,

Casey Boucher

Senior Officer Planning





GMW Ref: PP-23-00313 Doc ID: A4625531

Hepburn Shire Council Planning Department shire@hepburn.vic.gov.au 19 April 2023

Dear Sir and/or Madam,

Planning Permit Application - Accommodation - Dwelling

Application No: PLN22/0359

Applicant: Se/Am Architecture & Design

Location: 3 Frazer Street DAYLESFORD VIC 3460

V 11542 F 589 Lot 1 Plan 956505X Wombat

Thank you for your letter and information received 05 April 2023 in accordance with Section 55 of the Planning and Environment Act 1987.

Goulburn-Murray Water's (GMW) areas of interest are surface water and groundwater quality, use and disposal. GMW requires that development proposals do not impact detrimentally on GMW's infrastructure and the flow and quality of surface water and groundwater. Applicants must ensure that any required water supplies are available from an approved source.

The property is located in the Cairn Curran Special Water Catchment area. GMW understands the development will be fully serviced with reticulated services including sewer and drainage.

Based on the information provided and in accordance with Section 56 (a) of *the Planning and Environment Act 1987*, GMW has no objection to this planning permit being granted.

If you require further information please e-mail <u>planning.referrals@gmwater.com.au</u> or contact 1800 013 357.

Yours sincerely

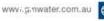
Ranine McKenzie STATUTORY PLANNING PARTNER Per: Destiny-Joy Kelly

PO Box 165 Tatura Victoria 3616 Australia

reception@gmwater.com.au







TOWN PLANNING REFERRALS



ENGINEERING CONDITIONS

Application No : PLN22 - 0359

File : 203572P Property No : 203572

Address of Land : 3 Frazer Street, Daylesford

Description : Construction of Dwelling

1. Stormwater Drainage

 All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.

2. Access

- Vehicle access/crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority.
- Prior to the occupation the following will be constructed for approval.
 - Vehicle access/crossing is to be constructed in accordance with Infrastructure Design Manual Standard Drawing SD 255 or to approval of responsible authority.
 - Vehicle access/crossing to the land shall be located so that adequate sight distance is achieved to comply with Australian Standard AS2890.1:2004 Section 3.2.4 and as specified in Ausroad's Guide to Road Design Part 4A Section 3.4 - 'Sight Distance at Property Entrance'.
 - o Minimum 10.0m and 9.0m clearance shall be maintained from any road intersection and between adjacent crossovers respectively.
 - Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.
- The final location and construction of the vehicle crossing is to be approved by the Responsible Authority via a "Consent to Work within the Road Reserve", prior to the undertaking of works.

- 3. Prior to commencement of use it is the responsibility of the developer to meet the requirements and standards as set out in the IDM (Infrastructure Design Manual) version 5.20
- 4. All works must construct and complete prior to commencement of use.
- 5. All costs incurred in complying with the above conditions shall be borne by the permit holder.

Prepared by: Ashley Goad – Engineering Development Officer

Date: 22/12/2022









GL1 GLAZING



AF1 APPLIED RENDER

A010 Proposed Material Palette Drawing Scale NTS @ A3 Date: 20/1/2023 Rev: TP03

SITE ADDRESS: 3 Frazer St Daylesford

CLIENT DETAILS: Terry & Luke Sotiriadis



cannot be relied on without seeking expert advice. SE/ AM does not hold responsibility for how the information is interpreted. ARBV 19541 M: 0402 793 659

subject to council approval. All dimensions to be confirmed. The information contained in this document

TOWN PLANNING APPLICATION

NEW DWELLING AT

No. 3 FRAZER STREET, DAYLESFORD

DATE

REVISION

15/11/2022 TP02

DRAWING No.	DESCRIPTION	REV	DATE
A000	Cover Page	TP02	15/11/2022,
A001	Site Survey	TP02	15/11/2022,
A002.1	Existing Conditions & Context Analysis	TP02	15/11/2022,
A002.2	Existing Conditions & Context Analysis	TP02	15/11/2022,
A002.3	Existing Conditions & Context Analysis	TP02	15/11/2022,
A003	Design Response	TP02	15/11/2022,
A004	Proposed Site Plan	TP02	15/11/2022,
A004.1	Proposed Cut/Fill Plan	TP02	15/11/2022,
A005	Site Context Section	TP02	15/11/2022,
A006	Proposed Floor Plan	TP02	15/11/2022,
A007.1	Proposed Elevations	TP02	15/11/2022,
A007.2	Proposed Elevations	TP02	15/11/2022,
A008	Proposed Sections	TP02	15/11/2022,
A009	Proposed Sun Shadow Diagrams	TP02	15/11/2022,
A010	Proposed Material Palette	TP02	15/11/2022,
A011	Aerial View towards Wombat Hill	TP02	15/11/2022,
A012	Proposed View From Wombat Hill looking North East	TP02	15/11/2022,
A013	Proposed View From Hill St & East St Junction to Wombat	TP02	15/11/2022,
A014	Proposed View From Hill St & East St Junction to Wombat	TP02	15/11/2022,
A015	Proposed View North Elevation	TP02	15/11/2022,

ATTACHMENT 11.1.6



NOTES: Requested services added that were able to be located.
not shown on PDF but located in the model.

Drawn by:	Surveyed by:	Project:
N.O'CONNOR	N.O'CONNOR	5 Frazer street Daylesford
Client:		Drawing Title:
Sebastian Hardwick		
		Feature and level survey

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l	Revision:	INDEPENDENT SURVEYS
	R07	email: info@independentsurveys.net ph: 0417 549 326



PHOTO 01 -

3 FRAZER STREET FROM SREET



PHOTO 02 -

3 FRAZER STREET FROM STREET



PHOTO 03 - 3 FRAZER STREET AERIAL VIEW

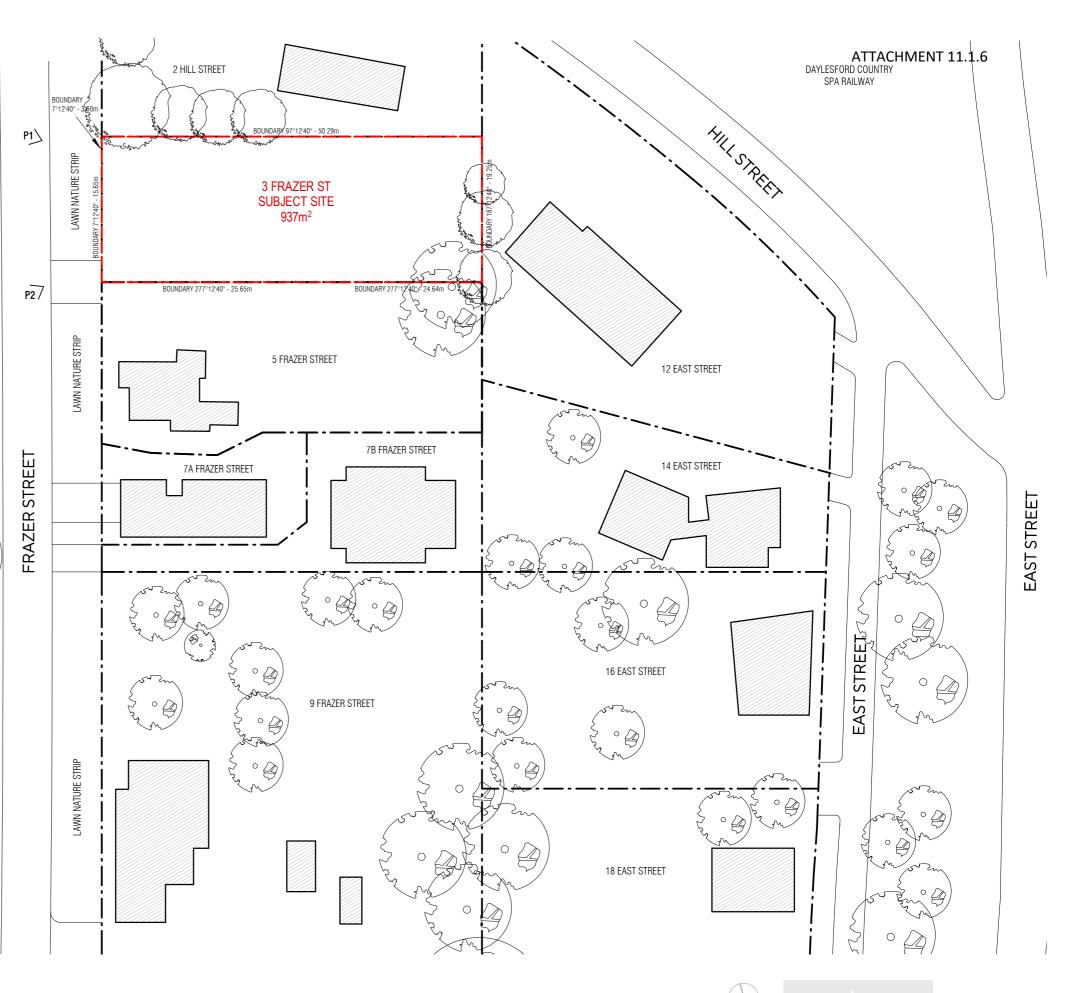




PHOTO 03 -

VIEW FROM WOMBAT HILL TOWARDS FRAZER ST NORTH



PHOTO 02 - 3 FRAZER STREET FROM STREE



ATTACHMENT 11.1.6

DAYLESFORD COUNTRY

SPA RAILWAY 2 HILL STREET BOUNDARY 7°12'40" - 3 HILL STREET P1\ LAWN NATURE STRIP 3 FRAZER ST SUBJECT SITE 937m² BOUNDARY 277°12'40" - 25.65m P2 / ∧ P3 LAWN NATURE STRIP 5 FRAZER STREET 12 EAST STREET 7B FRAZER STREET FRAZER STREET 14 EAST STREET 7A FRAZER STREET EAST STREET EAST STREET 0 16 EAST STREET 9 FRAZER STREET LAWN NATURE STRIP 18 EAST STREET

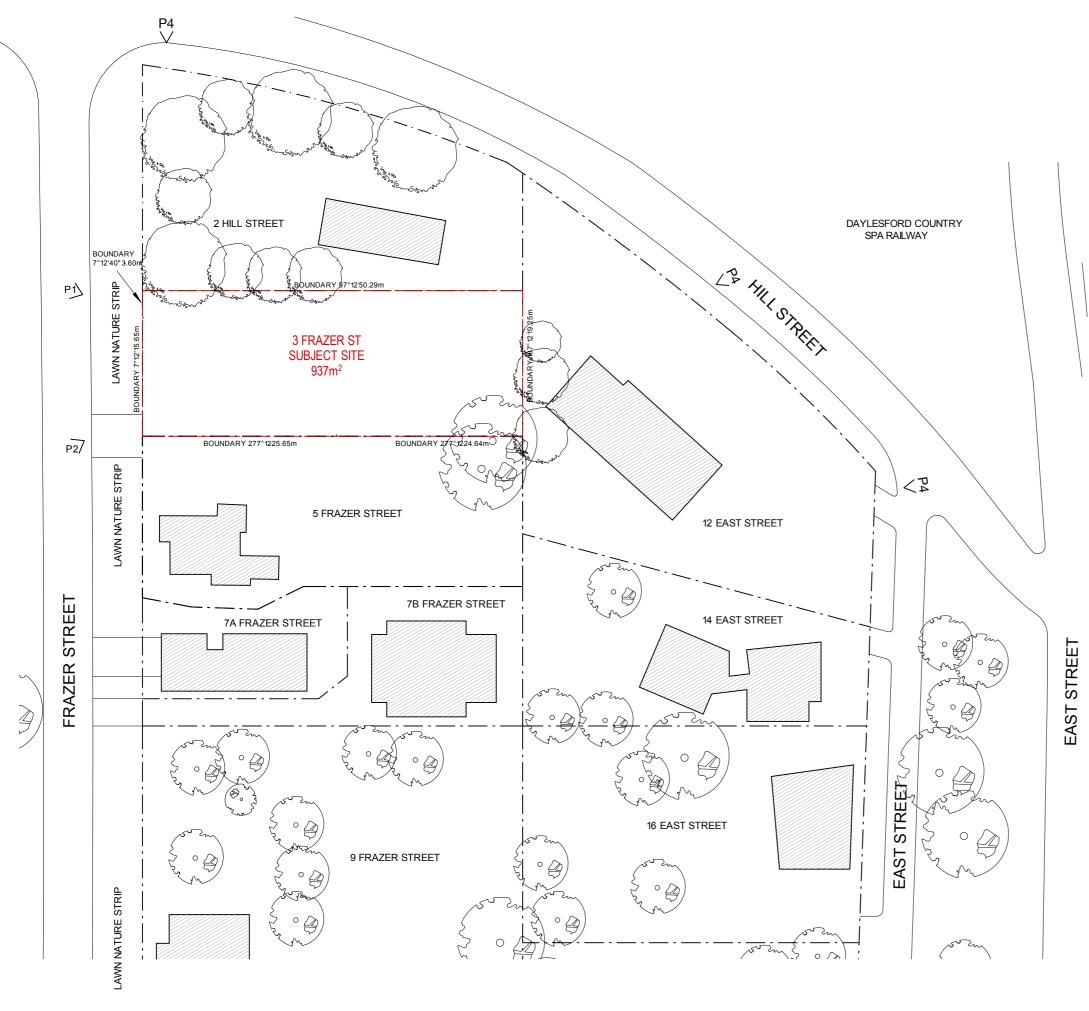




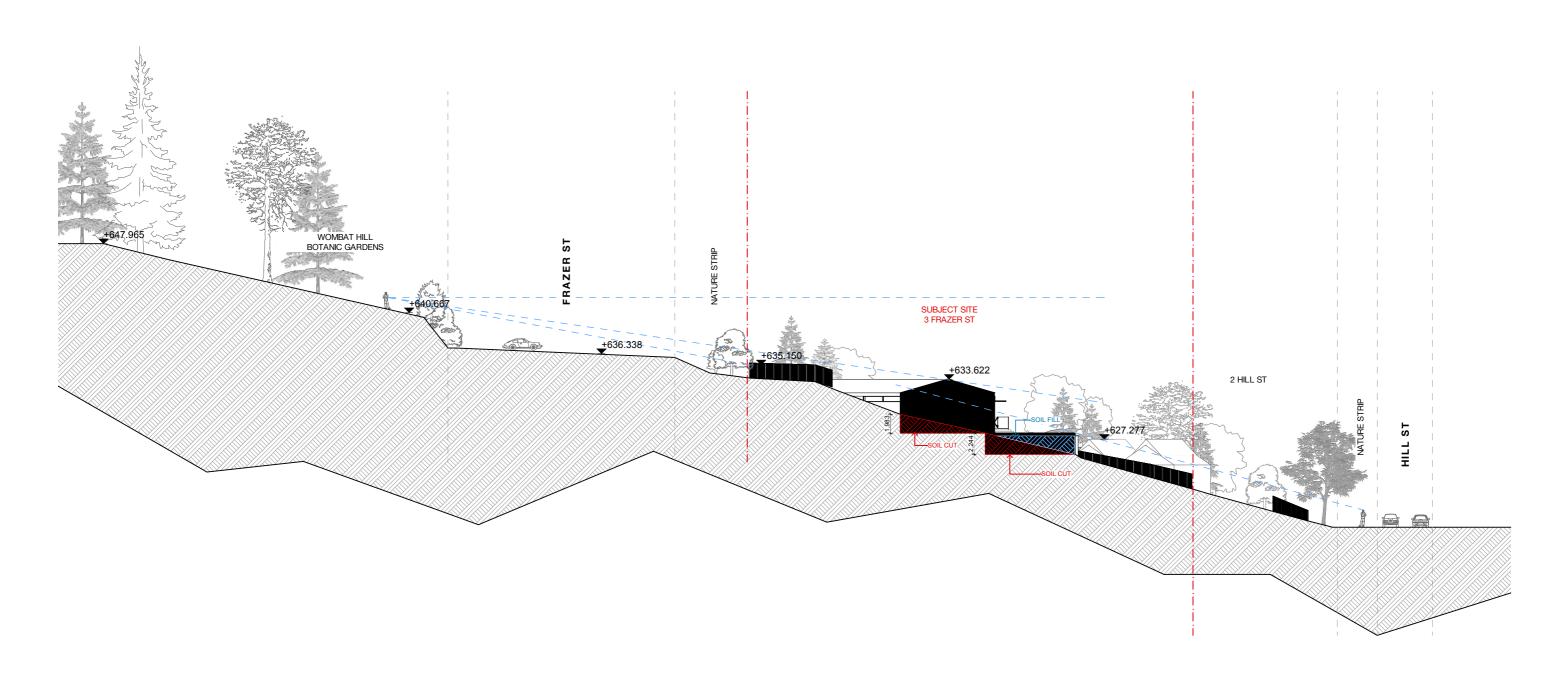
PHOTO 04- VIEW FROM BASE OF WOMBAT HILL VIEW BACK FROM BASE OF FRAZER STAT HILL ST INTERSECTION



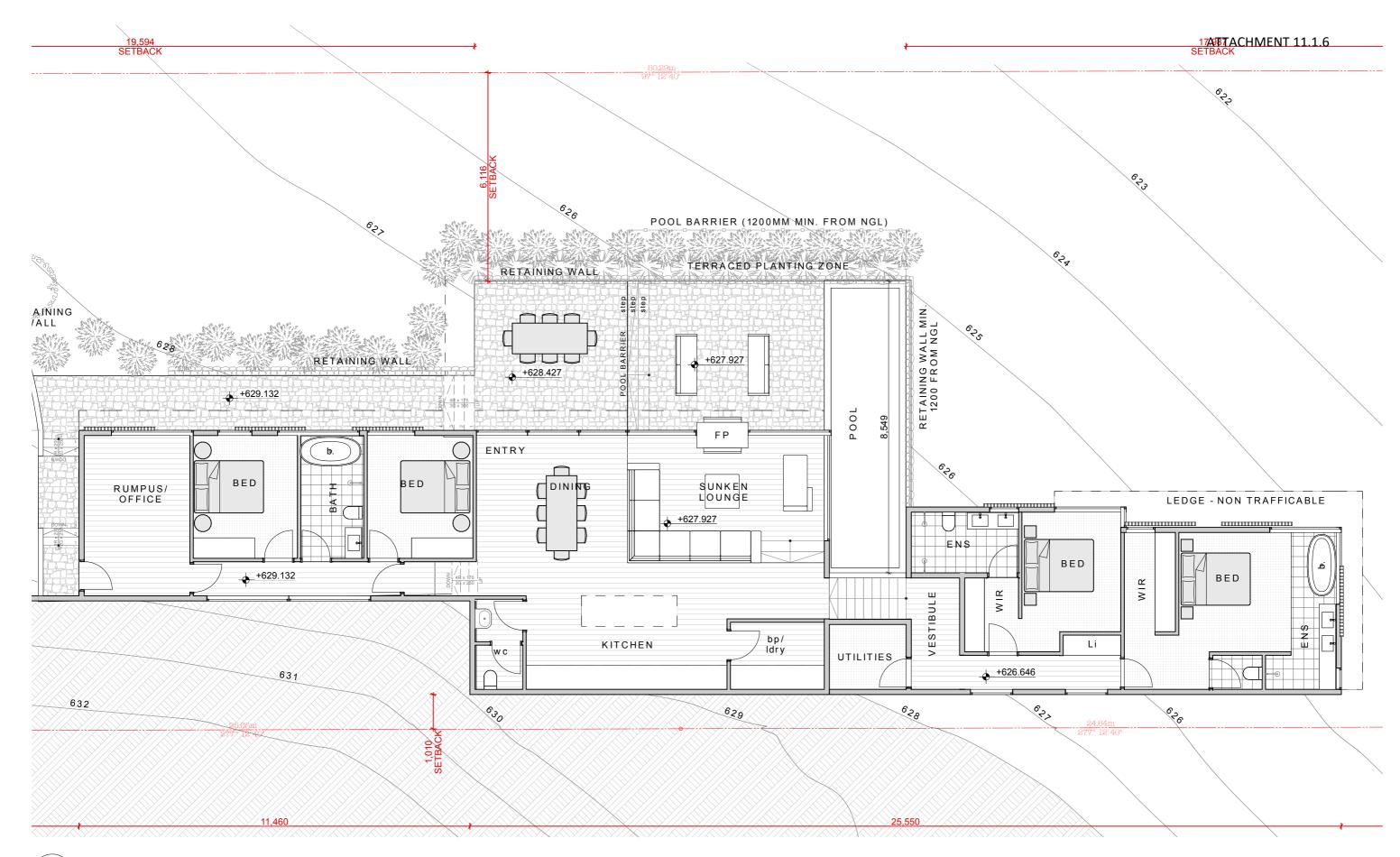
10TO 02 - 3 FRAZER STREET FROM STREET



PHOTO 02 -

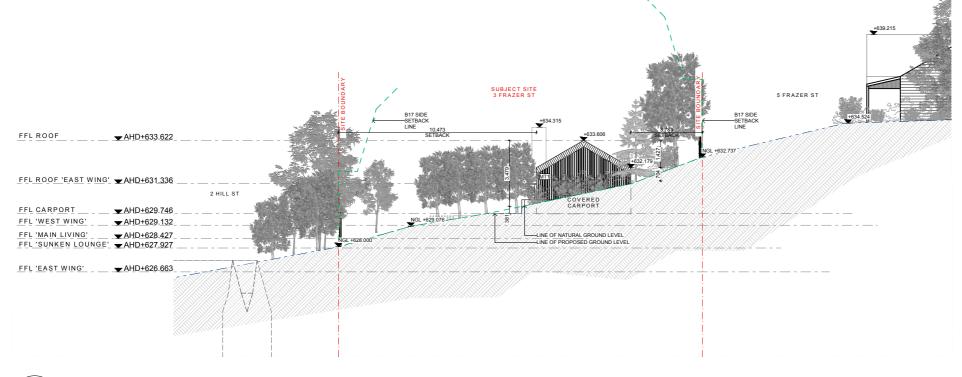


01 WOMBAT HILL SECTION
- SCALE: 1:400@A1

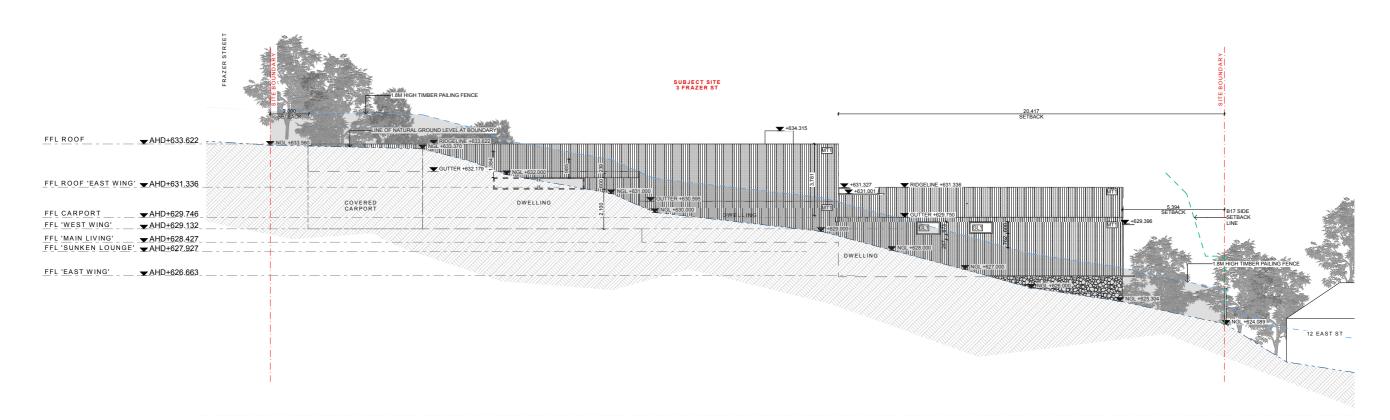


GROUND FLOOR
- SCALE: 1:100@A1

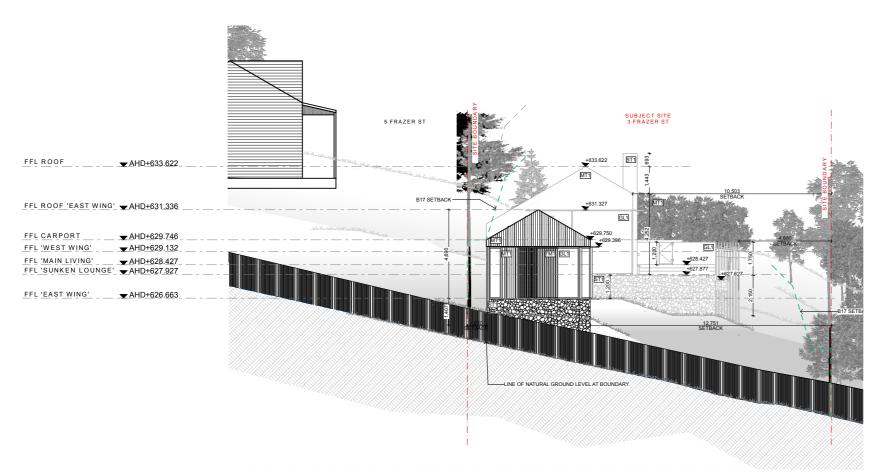
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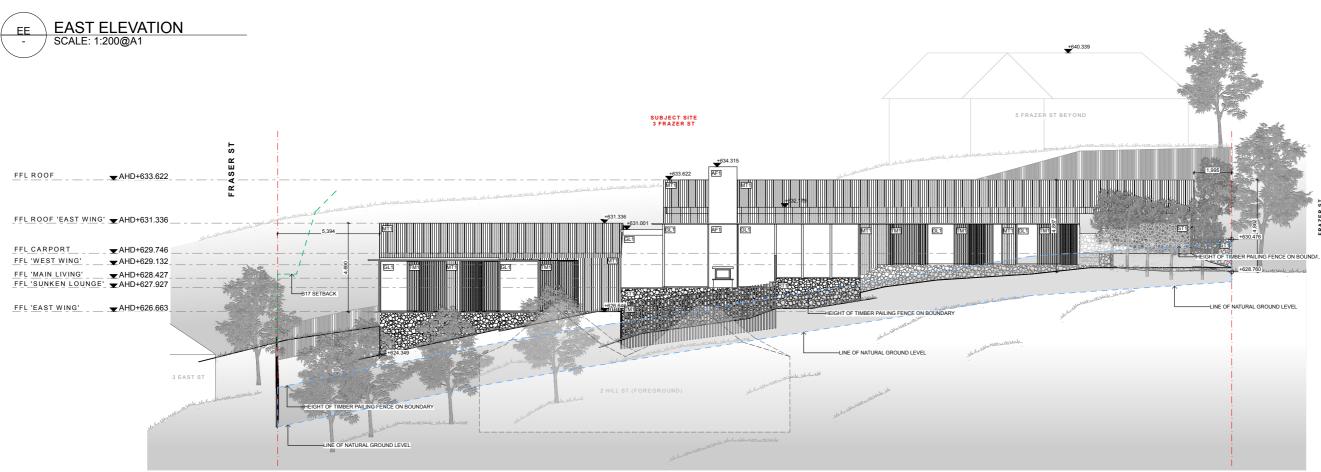


WE WEST ELEVATION
- SCALE: 1:200@A1

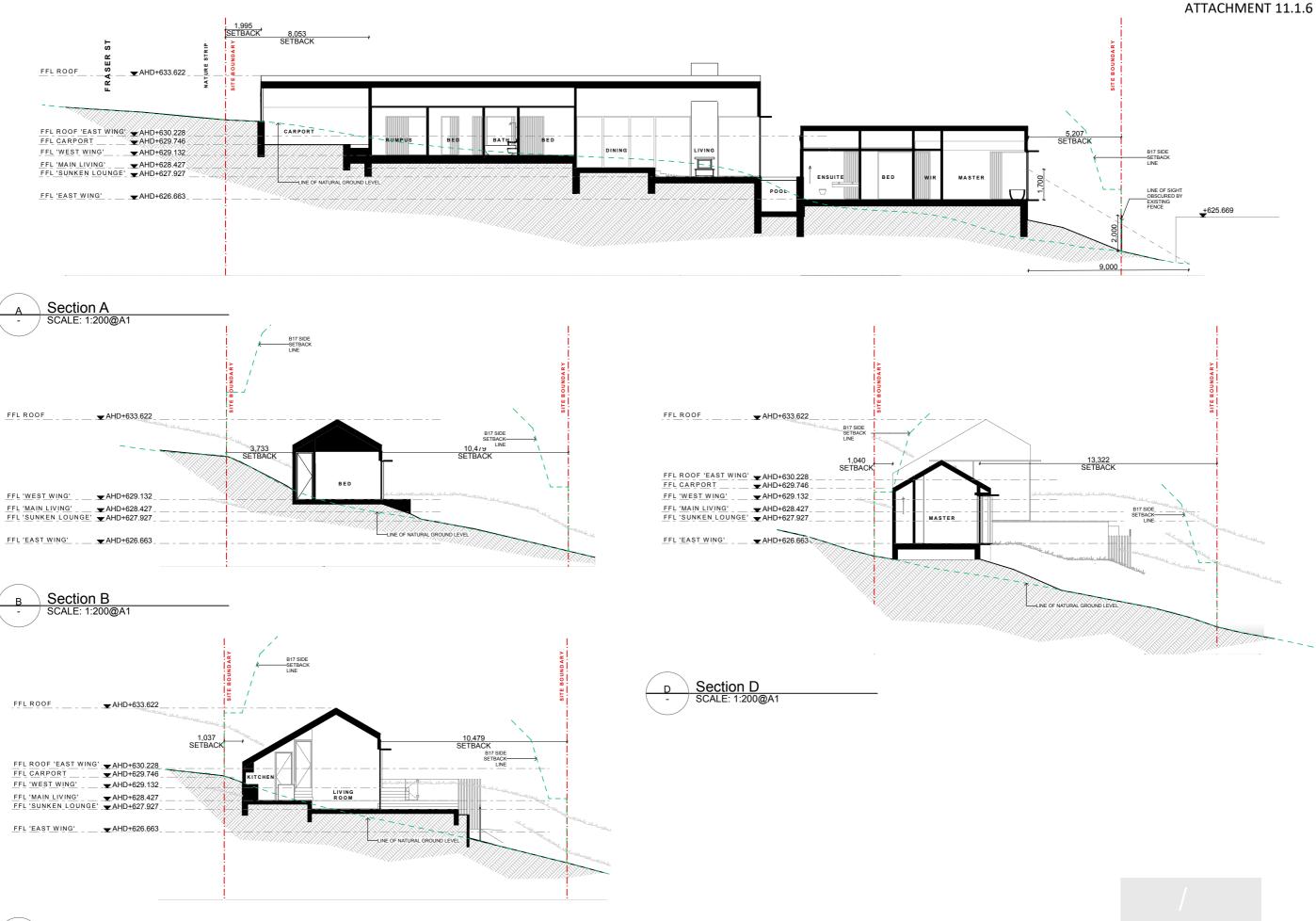


SE SOUTH ELEVATION
- SCALE: 1:200@A1

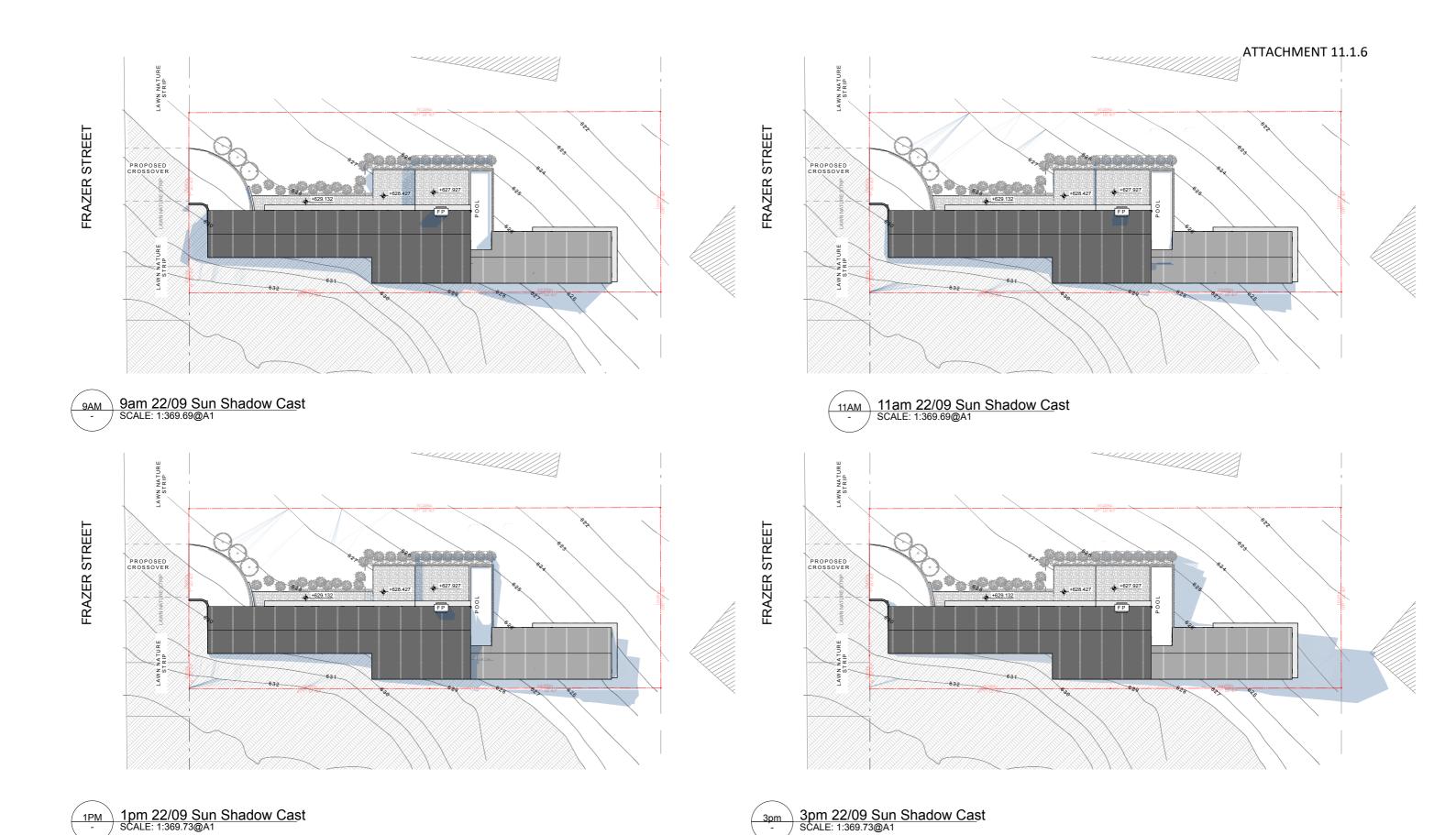




NE NORTH ELEVATION
- SCALE: 1:200@A1



Section C
- SCALE: 1:200@A1







Town Planning Application Report

Property: 3 Frazer St, Daylesford Date: 18/10/22 Revision: A

Lot 1 TP956505 Hepburn Shire Neighbourhood Residential Zone - Schedule 1 Environmental Significance Overlay - Schedule 1 & 2 Heritage Overlay - Schedule HO697

Hepburn Shire Planning Scheme - Relevant Planning Policy Framework

VISION

Council's mission for the Shire is the following:

'Hepburn Shire will maintain, promote, protect and enhance the district's unique social, cultural, environmental and heritage characteristics. This will be achieved through effective, caring management and responsible governance. We will strive to gain maximum advantage for our community by protecting and enhancing our natural and built environment.'

The key land use and development directions to deliver this mission as derived from the Hepburn Planning Scheme Review 2020 are to:

- Protect agricultural land as a valued resource to support jobs and opportunities into the future.
- Carefully manage the development of housing and services for residents in keeping with the heritage and rural feel of those areas.
- Preserve the heritage character and strong sense of place of the townships.
- Protect and manage the municipality's valued landscapes from unsympathetic development or major change.
- Manage the Shire's natural resources sustainably and protect them for future generations.
- Support tourism as an important industry based on the Shire's beautiful townships and countryside.
- Facilitate infrastructure across the Shire to meet the needs of the community

STRATEGIC DIRECTIONS

02.03 / SETTLEMENT

We believe the proposed new dwelling responds to the needs of existing and future communities in keeping with the objectives of the Hepburn Shire Planning scheme. The proposed dwelling at 3 Frazer Street is in keeping with the encouraged continued densification and residential occupancy of established/distinct townships, whilst respecting the existing neighbourhood character.

02.03-2 / ENVIRONMENTAL AND LANDSCAPE VALUES

We believe the proposed new dwelling and associate site works appropriately respond to its surrounding landscape and character, valued built form and cultural context while also providing high quality architecture. The proposal takes a minimal interventionist approach to site manipulation and seeks to increase opportunities for rehabilitation of vegetation, biodiversity and sustainable land management. The proposed new dwelling aims to achieve a 6 star energy rating. The proposed new dwelling makes use of passive design principles within the constraints of the site.

02.03-3 / ENVIRONMENTAL RISKS AND AMENITY

3 Frazer St is not subject to a Bushfire Management Plan, however siting of the proposed development ensures the property is appropriate to the site's topography and risk. The site is elevated and not subject to flooding. The proposed dwelling steps down with site topography, limiting soil cut and fill ensuring minimal impact to soil quality and erosion.

02.03-4 / NATURAL RESOURCE MANAGEMENT

Siting of the proposed development ensures the property is appropriate to the site's topography and risk. The proposed dwelling steps down with site topography, limiting soil cut and fill ensuring minimal impact to soil quality and erosion/runoff. The proposed new dwelling aims to achieve a 6 star energy rating and makes use of passive design principles within the constraints of the site.

02.03-5 / BUILT ENVIRONMENT AND HERITAGE

Council's strategic directions for built environment and heritage are to:

- Protect the built, natural and cultural heritage to enhance appreciation of the Shire's history and to maximise opportunities for tourism.
- Prevent the demolition of heritage built form and provide for its conservation and restoration.
- Support and strengthen the individual character and role of townships that contribute to the Shire's diversity as a place to live, work, recreate and visit.
- Protect and enhance the rural areas of the Shire for their diverse agricultural, environmental and landscape values.
- Ensure development is in keeping with the historic, landscape and neighbourhood character of townships and settlements.
- Support development, including new residential areas and infill development, that responds to its setting and surrounds.
- Ensure development does not obstruct significant views to prominent hilltops, ridgelines and landmarks.
- Encourage built form that has been designed to both mitigate bush fire risks and minimise vegetation loss.

We believe the proposed design responds appropriately to the site and surroundings while providing a high level of architecture which enhances the neighbourhood character.

The proposed new dwelling is sympathetic to adjacent heritage properties, however clearly distinguishes itself as a new construction. The design sites itself within the contours of the site so as to limit impact on the existing surrounds.

The existing dwelling is within a Heritage Overlay Schedule HO697.

As there is no existing building nor vegetation other than grass cover on site, External Paint Controls and Tree Controls are not applicable.

The proposal seeks to introduce a new dwelling sited sympathetically to the natural contours of the landscape, reference the historical vernacular architecture of the region without attempting to replicate heritage architectural styles. The proposed design is clearly articulated as distinct from the original heritage contextual fabric through contemporary materiality, colour and form.

02.03-6 HOUSING

Council's strategic directions for housing are to:

- Support infill housing development in townships that respects and complements neighbourhood character.
- Promote and facilitate residential development and housing diversity in established townships to meet community needs, including affordable housing and aged care accommodation.

The proposed new dwelling will increase density/availability of housing within the existing urban fabric. The proposed dwelling will attract single dwelling occupants thereby retaining the residential character of the neighbourhood.

The proposed new dwelling also allows for multi-generational use by providing a greater level of internal amenity on a single level.

02.03-7 ECONOMIC DEVELOPMENT

Council's strategic directions for economic development are to:

- Maintain and protect agricultural land by avoiding fragmentation and commercial uses that may lead to loss of, or limitations for, production.
- Support the economic sustainability of the Shire's townships with an adequate supply of land zoned for industrial and business purposes and protect them from encroachment.
- Protect industry and business from encroachment of incompatible land use and development by applying the 'agent of change' principle.
- Facilitate a greater range of economic activity and home based businesses in townships and settlements.
- Locate tourist facilities and development in the Shire's townships that brings economic benefits, respects township character and enhances the distinctive tourism assets of each township.
- Ensure that the Shire's quality mineral water resources and reserves are maintained and managed as a long-term community and economic resource.
- Enhance the Shire's existing tourism offer through the development of a more diverse tourism product centred around the natural environment, bike trails, arts and culture, food and environmental sustainability.
- Protect the Shire's heritage and environmental tourism assets. Locate materials recycling activities (other than municipal facilities) in industrial areas.

We believe the proposed dwelling does not impact the maintenance and support of local agricultural land and supports the economic sustainability of the Shire's townships by providing additional accommodation/densification in a sympathetic manner. The proposal does not seek to alter the use of the site and will only contribute to the Shire's tourism market.

02.03-8 TRANSPORT

Car parking is provided on site and thereby does not impact the Township's character. There is an existing crossover which is proposed to move North with no impact to native vegetation.

02.03-9 INFRASTRUCTURE

The proposed dwelling is well serviced with existing infrastructure and will allow for future proofing for infrastructural alternative energy demands.

15.01-5S NEIGHBOURHOOD CHARACTER IN DAYLESFORD

Daylesford-wide strategies:

- Protect and enhance vistas, views and landmarks such as Wombat Hill, Cornish Hill, residential
 areas interfacing with the Vincent Street commercial area, and the churches and other spires.
- Create new vistas, views and landmarks within residential areas without dominating the landscape.
- Ensure that vehicle access and parking does not compromise the character and amenity of residential areas including discouraging the removal of street trees for cross overs.
- Encourage the retention and planting of vegetation, with a preference for indigenous plants except in precincts where exotic plants are also identified as being suitable.
- Design development to provide for streetscapes and private gardens that:
 - Strengthen the visual and physical connections between the development and the public realm. Respect the underlying neighbourhood landscape character.
 - Respond to township entries.
 - Retain views to surrounding and distant rural land.
- Encourage subdivision that retains the important elements and features that form part of the significance and character of the neighbourhood precinct and the important view-lines between these elements.

PRECINCT 14 Daylesford neighbourhood character precincts map

OBJECTIVE

To ensure development maintains and enhances the historic qualities of the area and the garden settings of the dwellings.

STRATEGIES

Contribute to the preferred neighbourhood character by encouraging:

- New buildings that respect the existing building forms, including roof profile, of the identified historic buildings.
- Building footings located outside vegetation root zones to enable space for the planting of substantial vegetation.
- Buildings designed to follow the contours of the site or step down the site.
- Buildings that conform to the predominant building heights in the area.
- Use of timber or other non-masonry materials and non-reflective corrugated iron roofing materials, particularly in streets where weatherboard predominates or materials and finishes with natural or earth-toned colours.
- Front fence styles that suit the era of the dwellings.
- The landscaping of gardens including substantial trees and shrubs.
- Retention of large, established indigenous trees and understorey and provision of new trees where possible. Retention of existing vegetation, especially on steeply sloping sites
- Retention of the wide verges and informal street treatments.
- Development that enables consistent street tree planting

NRZ - Schedule 1

32.09-4

35% minimum Garden Area required for a site greater than 650 sqm.

Applicable

The proposed dwelling has a garden area of approximately 683 sqm, or 70% of the site area, well exceeding this requirement.

32.09-5

A permit is not required to construct or extend a building on a lot greater than 300sqm or an area specified in the schedule to this zone.

Not applicable.

32.09-6

A permit is required to:

Construct or extend a residential building

Applicable.

32.09-7

Applicable.

Confirm the proposal complies with Standards A3/B6, A5, A6, A10, A11, A17 and A20 of Clause 54. There are no alterations to these standards referred to in the schedule to the zone. Refer to appendix A.

32.09-10

Confirm the proposal complies within maximum building height requirements of 9.0m from the ground floor level and is single storey throughout.. Refer to overall building height dimension shown on elevations taken from natural ground level.

32.09-11

Confirm the application is accompanied by the following information:

- The neighbourhood and site description and design response as required in Clause 54.
- Plans drawn to scale and dimensioned which show:
 - o Site shape, size, dimensions and orientation.
 - o The siting and use of existing and proposed buildings.
 - o Adjacent buildings and uses.
 - o The building form and scale.
 - o Setbacks to property boundaries.
- We do not believe there will be any likely affect to adjoining land, due to noise levels, traffic, the hours of delivery (N/A) and dispatch of good and materials (N/A), hours of operation (N/A) and light spill (N/A), solar access and glare.

39 NG

GENERAL RESIDENTIAL ZONE - Schedule 1 to the Neighbourhood Residential Zone Clause 54 & 55 Compliance & Application

Standard	Comment	Compliance
Minimum street setback – A3 & B6	The dwelling is setback greater than 8m from the Frazer St site boundary. The roof of the open carport is setback equal to the distance of the dwelling at no. 5 Frazer St. The abutting lot to the North (5 Hill St) does not share a frontage to Frazer Street.	Yes

Site coverage - A5 & B8	The proposed dwelling, including covered garage site coverage is 244sqm or 25% of the total site area. This is well below the maximum 60% site coverage requirement	Yes
Permeability - A6 & B9	The covered garage, dwelling and paved areas make up 32% of the total site area, resulting in 68% site permeability. This is well above the minimum 20% site permeability requirement.	Yes
Side & Rear Setbacks - A10 & B17	The proposed application adheres to the side and rear setback maximum height on boundary. Refer to elevations for site setbacks in relation to the relevant standard.	Yes
Walls on Boundaries - A11 & B18	The proposed additional wall on boundary (abutting no. 36 Frazer street) is less than the length of the dwelling at no 36 Frazer, thereby compliant with required standards.	Yes
Daylight to existing windows - Standard A12 & B19	The proposed dwelling does not impact daylight to habitable windows and is setback a far greater distance than required by this standard from neighbouring properties.	Yes
North-facing windows - A13 and B20	The proposed dwelling does not impact daylight to habitable windows and is setback a far greater distance than required by this standard from neighbouring properties.	Yes
Overshadowing of open space - A14 & B21	Refer to sunshadow studies provided within the Town Planning application Architectural Plans.	Yes
Overlooking - Standard A15 & B22	North Facade window openings are setback greater than 9m from the site boundary. East facing windows to the master suite are compliant with this standard per section provided within the Town Planning application Architectural Plans.	Yes
Daylight to new windows - Standard A16 & B27	The proposed dwelling ensure the habitable spaces have significant access to daylight via north facing windows/glazed doors open to outdoor space clear to the sky with an area equal to or greater than 3 square metres.	Yes
Private Open Space - Standard A17 & B28	The proposed dwelling provides greater than the minimum 25% required private open space.	Yes
Front Fences - A20 & B32	There is no front fence proposed.	Yes

54.01-1 NEIGHBOURHOOD AND SITE DESCRIPTION

Neighbourhood Description:

The subject site is located along Frazer Street in Daylesford, opposite Wombat Hill Botanic Gardens. The site is boarded by single-residential sites to the North, South and East.

It should be noted that the architectural styles in this Frazer Street are largely from the Victorian era with a smaller portion from the Edwardian Period. Recently, no. 5B Frazer Street has been subdivided into two single dwelling lots of a contemporary architectural style.

The streetscape is of varying character, varying setbacks and varying types.

The locality characteristics are as follows:

- The buildings along both sides of the street are both single and double storey and are of varying character and varying setbacks.
- The majority of the houses in the street are of weatherboard construction with corrugated iron hip roofs.
- There are limited to no fences in the street

Site Description:

The site:

- · Is located on Frazer Street Daylesford, between Central Springs Rd and Hill Street.
- · Has a street frontage of 19.25m.
- · Is approximately 968 square metres in area.
- · Is orientated in an East / West direction.
- · Contains no easement.
- · Contains a slope down from the street towards the North-East of the property.
- · Is zoned NRZ1 Neighbourhood Residential Zone Schedule 1.
- · The site has a Heritage overlay and the address is not deemed significant

The site currently contains:

· A vacant lot with no established vegetation other than native grasses.

CLAUSE 54.01-2

Design Response

Our design proposal is for the construction of a single storey dwelling including a covered carport. The design incorporates the overall objectives of Clause 54 Guidelines in a sympathetic manner that would allow the streetscape to evolve aesthetically in a refined and yet progressive manner over time. The majority of the dwellings along Frazer Street are a combination of single storey and double storey heritage dwellings with a few contemporary new dwellings.

More specifically, we have addressed the following matters

- · The proposed dwelling is clearly distinguished from the surrounding heritage dwellings
- · The design does not create overlooking into adjacent properties
- · The design does not overshadow adjacent properties
- The design utilises elements, materials and proportions in line with the neighbourhood character and heritage overlay objectives.

We are of the opinion that the design, as proposed, is in keeping with the neighbourhood character and reinterprets the existing street architecture in a contemporary manner while accommodating the existing site conditions. We believe the proposed design meets the objectives of Clause 54.

12 STRATEGIC PLANNING

12.1 A HOME IN HEPBURN SHIRE - AFFORDABLE HOUSING STRATEGY AND ACTION PLAN Go to 01:12:06 in the meeting recording to view this item.

EXECUTIVE MANAGER DEVELOPMENT

In providing this advice to Council as the Manager Strategic Planning, I Bronwyn Southee have no interests to disclose in this report.

ATTACHMENTS

1. A Home in Hepburn Shire Strategy and Action Plan [12.1.1 - 28 pages]

OFFICER'S RECOMMENDATION

That Council:

- 1. Adopts 'A Home in Hepburn Shire Strategy and Action Plan' and proceeds with the Short-Term Actions listed in the Strategy as a matter of priority;
- 2. Thanks the community for their significant contribution to the development of the Strategy and Action Plan;
- 3. Requests the Chief Executive Officer to write to both the Federal and State Government Ministers for Housing noting the adoption of the Strategy and Action Plan and request assistance with funding of a role to coordinate and drive the delivery of the actions; and
- 4. Notes the recent announcements made by the Federal Government on housing affordability (The National Planning Reform Blueprint, August 2023) and the anticipated announcements from the State Government on planning and consider them in the context of this strategy and action plan in its implementation.

MOTION

That Council:

- 1. Adopts 'A Home in Hepburn Shire Strategy and Action Plan' and proceeds with the Short-Term Actions listed in the Strategy as a matter of priority;
- 2. Thanks the community for their significant contribution to the development of the Strategy and Action Plan;
- 3. Requests the Chief Executive Officer to write to both the Federal and State Government Ministers for Housing noting the adoption of the Strategy and Action Plan and request assistance with funding of a role to coordinate and drive the delivery of the actions; and

4. Notes the recent announcements made by the Federal Government on housing affordability (The National Planning Reform Blueprint, August 2023) and the anticipated announcements from the State Government on planning and consider them in the context of this strategy and action plan in its implementation.

Moved: Cr Don Henderson **Seconded:** Cr Lesley Hewitt

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley

Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil
Abstained: Nil

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider submissions received in response to the Stage 3 engagement of the draft 'A Home in Hepburn Shire Strategy and Action Plan'; and adopt the 'A Home in Hepburn Shire Strategy and Action Plan'.

In early June 2023, the draft Affordable Housing Strategy and Action Plan 'A Home in Hepburn Shire' (the Strategy), was released for community feedback on the Participate Hepburn website. Twenty-four members of the community responded to the draft and provided detailed feedback. The number of submissions is considered reasonable given the substantial 'early community engagement' that occurred during its development and that the draft Strategy and Action Plan was well received by the community.

Minor improvements have been made to the draft Strategy and Action Plan, and many of the issues raised were encompassed in the actions, and there was a strong desire for Council to move forward on responding to housing challenges within the shire.

BACKGROUND

'A Home in Hepburn Shire Strategy and Action Plan' is a priority identified in the Community Vision and Council Plan. There is a shortage of affordable housing across Australia and the Strategy seeks to respond to the problem as it affects communities located in and around our Council area.

The Strategy will seek to leverage off opportunities to increase the supply of affordable housing provided by federal and state government programs such as Victoria's Big Build program, and the federal government's current housing plan. It will also consider issues relating to overall affordability of housing and the operation of the housing market, including the impacts of tourism demand.

A summary of key steps in the development of the Strategy undertaken to date are provided below:

Date	Action
August 2022	Council appointed Hornsby & Co. consultants to prepare the Strategy and Action Plan.
Mid September 2022	Work commenced on the project.
November- December 2022	Stage One engagement: Issues and Options Paper – engagement online and in person.
	Stage One engagement findings released on the Participate Hepburn website.
February 2023	Stage Two engagement: Testing and prioritising actions – Affordable Housing Solutions forum involving stakeholders.
Early April 2023	Stage Two engagement findings released on the Participate Hepburn website following the Councillor briefing of 4 April 2023.
April 2023	Stage Three engagement: Draft Strategy and Action Plan – considered for release at the briefing of 23 May 2023.
9 June to 9 July 2023	Draft strategy and action plan were released for community comment. Further detail on this step is provided below in 'Community and Stakeholder Engagement.' Key outcomes are summarised below in 'Key issues'
September 2023	Updated draft final strategy considered for adoption by Council

KEY ISSUES

Key issues identified as a result of the Stage 3 engagement of the Strategy are provided below:

Issue/ community suggestion	Council officer response to suggestion
Airbnb and its positive/negative impacts on the tourism industry	The draft Affordable Housing Strategy
Renting out holiday homes via Airbnb	does not limit tourism and commercial
creates a positive economic impact.	development, nor does it specifically
Airbnb enables property owners to	direct outcomes for Airbnb.

properly maintain their homes to a high standard.

Council should not 'punish' short term accommodation providers.

The shire's towns are 'built' on tourism.

Some homes are suitable for permanent rental and some are not.
There is a lack of long term rental accommodation and Council needs to encourage more of it.

Limit the total number of people renting out their homes via Airbnb.

Property owners should encourage to rent out their homes long term and not use Airbnb.

Council is aware that Airbnb provide accommodation for the tourism industry, and has funded a project in 2023/2024 to review possible regulation of short-term accommodation.

Council is currently working with Daylesford Macedon Tourism (DMT) on a destination management plan for the region and a local area action plan for Hepburn Shire.

Structure planning for the five townships is also underway which takes into account the supply of land for housing.

Key outcomes for both of these initiatives will align ongoing tourism growth with township growth.

Council's future role

The role of a housing officer is key to the future of the plan.

Council should make land available for the development of affordable housing.

Better connections within and between towns

Council needs to be careful about not sending people broke and putting too much pressure on.

A key action to deliver the Strategy and Action Plan is to consider funding to appoint a housing officer.

Streamline planning approvals

Council needs to streamline planning permits to make it easier to put granny flats in back yards and to allow for more subdivisions. Update the planning scheme to make sure this happens.

Council also needs to protect heritage buildings.

There needs to be more tiny homes on

Landowners can apply for 'granny flats' under current planning regulations.

The Hepburn Planning scheme includes a range of heritage controls. There are nearly 1000 places listed in the Heritage overlay. As part of the structure planning process, the community were invited to nominate further places for

wheels to solve the housing crisis.
These are affordable and readily
available. Planning and local laws
should be changed to allow for tiny
homes.

the heritage overlay.

Tiny homes are classified as caravans.

Tiny homes are contrary to the Victorian Building Regulations and Planning and Environment Act, however officers are working with Mount Alexander Shire Council who have a pilot local law allowing greater use of other dwellings within their land.

Developers can contribute to the supply of housing

Developers can contribute to affordable housing supply.

Pursue inclusionary zoning and have more private sector operators in the delivery of affordable housing. A planning mechanism is currently in place, via a Section 173 agreement of the *Planning and Environment Act*. This enables Council to enter into agreement with the developer and an affordable housing provider. The dwellings would then be handed over to an affordable housing provider.

Lobby for government support

Council should push for government support for favourable housing through tax incentives and other financial support including a reduction in land tax.

There should be register of affordable housing

The strategy includes a suite of financial initiatives that are consistent with key government directions.

In addition to this the strategy has been designed to support Council and the community to advocate for better affordable housing options.

(Note that in August 2023 the Prime Minister released the 'National Planning Reform Blueprint' to deliver better housing outcomes in the Shire.)

Potential risks

The plan has a lot of general statements that do not seem to be effective.

Any working group needs to have diverse representations and to engage with the community.

The key action statements in the strategy are high level in their nature. Implementation of the plan will rely on a suite of interrelated strategies such as the structure plans and the capacity to develop infill sites.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

Focus Area 2: A healthy, supported, and empowered community

<u>Priority Statement 2.1:</u> Support appropriate land use and accommodate more affordable long-term housing within townships, that conforms with the character of the area.

Strategy 2.1.1: Develop an Integrated Affordable Housing Policy and Strategy.

Current Affordable Housing Policy

Council adopted its Affordable Housing Policy on 20 April 2021. The policy outlines Council's strategic intent to invest in research to better understand the extent of the problem, develop a comprehensive Policy and Strategy and identify where it can make a difference through advocacy, land-use planning mechanisms and potentially direct investment.

FINANCIAL IMPLICATIONS

The majority of actions within the Strategy will be implemented within current operational budgets.

<u>Action 4.2</u> proposes Council investigate financial incentives to encourage increased provision of affordable housing, such as reducing rates for affordable housing providers and/or privately owned long-term affordable rental properties.

Action 4.4 proposes the creation of a role to coordinate and drive the delivery of the Strategy and Action Plan and support implementation through a Housing Working Group (Action 1.1).

COMMUNITY AND STAKEHOLDER ENGAGEMENT

In accordance with the Project and Engagement Plan, the draft Strategy was released to the community for comments from 9 June to 9 July 2023. There was a three-step process throughout the development of the strategy and action plan.

1.2 > Community engagement

There were three stages of community engagement to inform the development of the Strategy and Action Plan

Stage 1 – was supported by an Issues and Options Paper which summarised key research on the local issue, information about roles and responsibilities, and a range of potential actions available to councils and their implications or 'trade-offs' to consider.

- 689 people visited the Participate Hepburn consultation webpage
- the Issues and Options Paper was downloaded 158 times
- approximately 220 people provided feedback through surveys, pop-ups, meetings, written submissions, interviews and sharing lived experience stories.

Stage 2 – an Affordable Housing Solutions Forum held at the Daylesford Town Hall. The Forum brought together a range of people with different perspectives and experiences to consider, refine and prioritise potential actions emerging from Stage 1 research and consultation.

- 34 people attended the Forum
- 15 were representatives from key stakeholder organisations
- 19 were other local community members

Stage 3 – Community consultation on the Draft Strategy and Action Plan. In this final round of consultation there were:

- 696 visits to the Participate Hepburn page
- 225 downloads of the Draft Strategy and Action Plan
- 24 written submissions

Visit the Participate Hepburn website for all the details on how people got involved and for all the background and engagement documents. <u>participate.hepburn.vic.gov.au</u>

RISK AND GOVERNANCE IMPLICATIONS

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities. The development of a Strategy for affordable housing will support and enable the basic right of all persons to access appropriate housing.

Some key risks for Council relating to the project include:

- Urgency balancing long-term actions with the need for immediate, shortterm solutions.
- Trust and confidence in Council's strategic work.
- Housing shortages are a nationwide problem with contributing factors outside Council control (i.e. Residential Tenancies Act 1997 (Victoria) changes).
- Ownership of the response to the problem there is high community interest and an existing grassroots movement, but some matters are outside the control of Council.
- Council's capacity to respond to community initiatives and ideas, and the availability of financial and staff resources.

ENVIRONMENTAL SUSTAINABILITY

Whilst there are no sustainability implications directly associated with this report, improved housing sustainability practices continue to be a focus for Council.

GENDER IMPACT ASSESSMENT

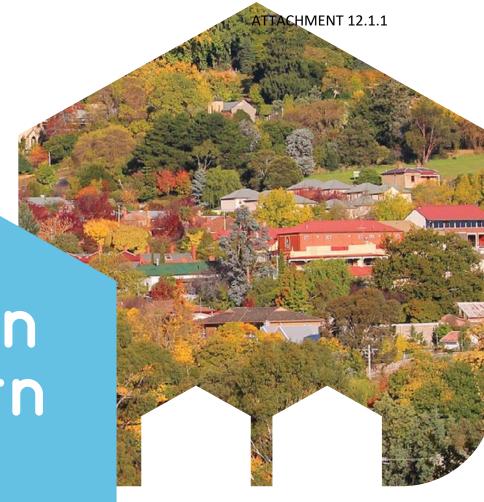
The Australian Housing and Urban Research Institute notes that despite national and international evidence suggesting the lifetime significance of gender as a key determinant in housing outcomes and housing assistance recipiency, no comprehensive approach to understanding gender and its role in housing currently exists in Australia, nor internationally.

Lead Researcher, Professor Wendy Stone, Swinburne University of Technology is undertaking a project that aims to develop a framework for assessing the gendered nature of housing. It will establish a national evidence-base of gendered housing opportunities, pathways, assistance and impacts, and examine the adequacy of gender data and reporting to directly inform policy and practice development opportunities.

Four research questions will be addressed:

- 1. How can gendered housing be understood in a coherent, policy-oriented framework?
- 2. How does gender intersect with housing opportunities, pathways, assistance and impacts across the life course, for women, men and non-binary individuals, and generational cohorts?
- 3. How can housing (and related) data be improved to support gender-focused housing policy development?
- 4. What are the policy and practice implications of the research findings and how can these be actively developed?

Findings from that research will be reviewed when available. A gender lens to the strategy and engagement undertaken has been considered through the development of the strategy and action plan.



Home in Hepburn Shire

Strategy and Action Plan

Working to address housing affordability and availability, and facilitate Social and Affordable Housing in the Hepburn Shire.





ACKNOWLEDGEMENT OF COUNTRY

Hepburn Shire Council acknowledges the Dja Dja Wurrung as the Traditional Owners of the lands and waters on which we live and work. On these lands, Djaara have performed age-old ceremonies of celebration, initiation and renewal. We recognise their resilience through dispossession and it is a testament to their continuing culture and tradition, which is strong and thriving.

We also acknowledge the neighbouring Traditional Owners, the Wurundjeri to our South East and the Wadawurrung to our South West and pay our respect to all Aboriginal peoples, their culture, and lore. We acknowledge their living culture and the unique role they play in the life of this region.



Hepburn Shire - an inclusive rural community located in Dja Dja Wurrung country where all people are valued, partnerships are fostered, environment is protected, diversity supported, and innovation embraced.

Community Vision 2021-2031 & Council Plan 2021-2025 (Hepburn Together)



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Each night in Hepburn Shire there are people who do not have a safe, secure home

 staying in emergency accommodation, couch surfing, sleeping in their car, or rough sleeping. In addition, many people are experiencing housing stress – where the cost of rent is so high they can't afford to pay for food, medical care or other basic living expenses.

Adequate housing for all residents is the foundation of a vibrant local economy and a cohesive community.



Without the certainty of a home that is affordable and suitable, people aren't able to participate in, and contribute to, the local community.



This has a flow on effect to businesses, which find it hard to find and keep staff, and local groups which miss out on the energy and skills of volunteers.



Which in turn then impacts the services, programs and retail options available to the local community.

1> DEVELOPING A STRATEGY AND ACTION PLAN

Hepburn Shire Council is keen to identify the things that Council and the community can do to respond to housing affordability challenges and the need for Affordable Housing.

We recognise that most factors that drive housing affordability, housing availability and the amount of Affordable Housing are outside the direct control of local government, but we know our actions can make a difference. There is an important distinction between Affordable Housing and housing affordability which is explained on pages 10 and 11. This document considers both Affordable Housing and housing affordability and delivers on Hepburn Shire Council's commitment to develop an Affordable Housing Strategy and Action Plan.

"Hepburn Shire Council recognises that access to secure, appropriate, and affordable housing is an important foundation to ensuring diversity and contributing to the social and economic success of its community.

Hepburn Shire Council is committed to an inclusive and diverse community and will support improved community access to safe and affordable housing through:

- a Advocacy to other levels of government and working in partnership with the Community
- b Conduct of research to inform policy and strategy development and advocacy
- c Development and implementation of an affordable housing policy and strategy that identifies opportunities in land-use planning and social policy domains, and
- d Ensuring its affordable housing policy commitment is tested through community engagement and appropriately resourced to ensure effective implementation."

Hepburn Shire Affordable Housing Policy 2021



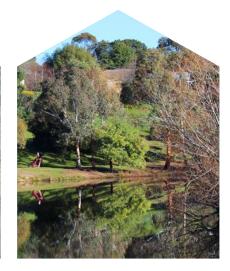
1.1 > The process

The process to develop the Strategy and Action Plan is set out below:

		Hornstyl 6.Co.
Scope and Plan	Discussion with Stakeholders	Affordable Housing Background Report
Data collection and analysis	Background ReportIssues and Options Paper	
Community Engagement	 Stage 1 - Survey, community pop-ups Stage 2 - Affordable Housing Solutions Forum 	Home in Hepburn Shire Issues & Options Paper Fations housing accusable flowing accusable flowing accusable flowing and Army and Should and Housing in the Hepburn Since.
Analysis and drafting	 Engagement findings Report Stage 1 and 2 Draft Strategy and Action Plan 	See Conce
Community consultation	 Opportunities to provide feedback on the Draft Strategy and Action Plan 	Home in Hepburn Shire Dran Sudagay and Action Prin Prin Action Prin Action Prin Prin Action Prin Acti
Review and Finalise	Consider feedbackFinal Strategy and Action Plan	Version of protection of the control







1.2 > Community engagement

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Community engagement to develop the Strategy and Action Plan:



unique visitors

to the 'Participate Hepburn' consultation webpage



feedback through surveys, pop-ups, meetings, written submissions, interviews and sharing lived

experience stories



people attended the Forum



times

the Issues and Options Paper was downloaded



representatives

from key stakeholder organisations



times the Draft Strategy and Action Plan was downloaded

2> DEFINING AFFORDABLE HOUSING AFFORDABILITY

There is an important difference between Affordable Housing and housing affordability.

Housing affordability relates to the cost of housing - either rent or mortgage payments. Housing costs can be influenced by the cost of land, cost of materials and labour for construction, and the overall supply and demand for housing. Housing affordability can affect all people, but lower income households are particularly vulnerable when rent costs, house prices, or interest rates rise.

Housing stress is not defined in legislation but is generally understood to apply when housing costs of lower income households exceed 30% of household income (usually applied to households in the bottom 40% of Australia's income distribution).

Affordable Housing is housing where the rents or purchase price are set at an affordable rate - it is not just lower cost housing and allocated to eligible households. Affordable Housing is appropriate for the needs of very low, low, and moderate income households. It is not simply "lower cost" housing.

Affordable Housing has eligibility requirements (household income) and an allocation process to make sure the housing goes to people in need.

Hepburn households in need of Affordable Housing

	Total No. of Households in Need
Homeless	24
Social Housing	128
Rental Stress	
Very low income	196
Low income	67
Moderate income	18
Total Need	434
Unmet Need (Total minus Social Housing)	306

Source: Hornsby & Co analysis of 2021 and 2016 Census data

A household is considered moderate income (or lower) and is likely to be eligible for Affordable Housing if it is a:

- Single person with a weekly income below \$1,002 per week
- Couple with a weekly income below \$1,500
- A family with a weekly income below \$2,104

In Victoria, most Affordable Housing is Social Housing – long-term rentals set at no more than 30% of the household income.

Social housing is type of Affordable Housing and is either:

- Public housing owned and managed by the State Government
- Community housing managed and/ or owned by not-for-profit community housing organisations.

Census 2021 data shows approximately 128 households (1.7%) are living in social housing in Hepburn Shire. This is significantly lower than the average rate for Victoria (2.6%).

State Government usually has responsibility for funding social housing. As rents are set well below market rate social housing needs a subsidy to make it viable. The Big Housing Build is a \$5.3billion State Government funding program to build 12,000 Social and Affordable Housing homes across Victoria.

Federal Government may also fund the development of Social Housing. It has promised to build 30,000 new social housing homes across Australia within the next five years.

Some local governments subsidise Affordable Housing by providing land it owns at little or no cost.

Subsidies can also come from developers who agree to provide cash, land, or houses for Affordable Housing as part of their planning permit or rezoning proposal.

Affordable Housing is an important housing solution, especially for low income households who are priced out of the housing market.

> It is estimated that more than 300 households in Hepburn Shire have an unmet need for Affordable Housing.

(see Table on page 10)



3> SNAPSHOT OF HEPBURN SHIRE

Hepburn Shire is a large, mostly rural municipality of 1,470 square kilometres. It includes the larger regional towns of Creswick and Daylesford/ Hepburn Spring, the smaller service towns of Clunes, Trentham and Glenlyon, and many small rural settlements.

According to the 2021 Census, approximately 16,604 people live in Hepburn Shire. This includes 180 Aboriginal and Torres Strait Islander peoples.

The population has grown by 1,274 in the last 5 years, an 8.3% increase. It is forecast to continue growing to 17,700 by 2036. ¹

In addition, parts of the Shire get a lot of day, weekend and holiday visitors. Many stay in short-term accommodation (like AirBnB). There were more than 1.18 million visitors to Hepburn Shire in 2019. ²

Hepburn supports 5,636 jobs and has an annual economic output of \$1.548 billion. ³

The largest industry and employer is the Health Care and Social Assistance sector with 784 jobs or 16.25% of total employment. There are 9,477 private homes in Hepburn Shire. Nearly all (94.5%) are separate houses, and most of those have 3 or more bedrooms (72.8%). ⁴

The 2021 Census showed that there are 2,008 unoccupied homes in the Shire (or 22% of all private homes). This is twice the rate of the Victoria average. These may be holiday homes or used as short stay accommodation businesses.

This growing population + high rates of unoccupied dwellings is contributing to our growing housing crisis.

The 2021 Census showed us:



16,604
People
live in Hepburn Shire

8.3% Increase

Population growth in the past 5 years



5,636

are supported in Hepburn Shire

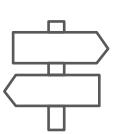


2,008
Unoccupied homes

in Hepburn Shire on Census night

784
Jobs

largest employer in the Health Care and Social Assistance sector



1.18

Million visitors to Hepburn Shire in 2019



1,470
Square kilometres
in Hepburn Shire

9,477
Private homes
in Hepburn Shire



Unoccupied dwellings

contributing to our growing housing crisis

4> WHAT IS THE ISSUE?

A growing number of people in Hepburn Shire are finding it difficult to secure a home at a price they can afford.

This can be grouped into three key issues. A person may be experiencing one, two or all these issues together.



Affordability

- People are spending so much on housing that they can't pay for other basic needs like food, utilities, or medical expenses.
- > Rents have increased by 51% over the past 10 years and the median rent in Hepburn Shire is \$295 per week. A single person on the aged pension would be spending more than 60% of their income on rent at that level.⁵



Availability

- Even when people can afford the rent, there are not enough long term rental properties available. This means people are competing and vulnerable people are more likely to miss out.
- > In the year to June 2021, there were 20% (or 58) fewer private rental listings in Hepburn Shire compared with the previous year.⁶



Appropriateness

- Some people have a roof over their head but the house is not appropriate for their needs. This results in overcrowding, people living far away from their work, or people living in cold houses or houses that are missing the basic facilities they need.
- In the year to June 2021, 228 people in Hepburn Shire accessed specialist homelessness support services. Many of these people would have been couch-surfing or fleeing domestic violence.⁷

HOUSING AND THE LOCAL ECONOMY

The Hepburn Shire supports 5,636 jobs. There is a strong link between a thriving local economy and housing. Having a sufficient supply of affordable appropriate housing can help businesses attract and retain staff.

For communities that rely on tourism and the visitor economy the relationship between housing, the delivery of services (e.g. healthcare and education), and the economy can be more complex. Staff need housing close to where they work, but tourists need accommodation too, and that includes short stay accommodation often in houses that might otherwise be used for long-term rentals.

Overnight visitors spend four to five times as much per person as day trip visitors.

Visitation Statistics for the Daylesford Macedon Tourism (DMT) region for the 12 months ending December 2022 show:

- The overnight visitor spend was \$477 million.
- The daytrip spend is worth \$303 million
- In Hepburn Shire, the average spend per night is the highest in our region at \$223 per person per night, against a regional Victoria average of \$200.

The challenge is to ensure there is sufficient housing for residents while also ensuring options for visitor accommodation. Both are required to support the local Hepburn Shire economy and the services that flow from that.



5> WHAT IMPACT DOES THIS HAVE?

The current housing situation is having a broad impact across the Hepburn community:

Individuals

Without a secure, safe and suitable roof over your head you can't participate in and contribute to the community. Some people are being forced to move away from their community networks, make their children change schools, or stay in homes that are no longer safe for their needs because they can't find any other option.

> More than one-in-three rental households in Hepburn Shire are experiencing rental stress. 9

Research by Women's Health Grampians shows:

- The causes of homelessness are poverty and social exclusion for all genders.
- There are structural elements affecting women such as family violence, a lack of equal access to financial resources, caring responsibilities and working in casualized and lower-paid industries such as community services and key workers in hospitality and health. This affects women's access to secure and affordable housing.
- Access to safe, appropriate and affordable housing is essential to women and girls' wellbeing and for ensuring equality across the community.
- Older women and women fleeing violence are more vulnerable to homelessness, meaning younger women are over-represented in homelessness numbers and older women are the fastest growing group of homeless.
- Research has found older women seek security and safety including good neighbours. When coupled with disability, safety becomes an issue of even greater prominence.

Businesses and service providers

Key local industries like health care and social assistance, hospitality, tourism and farm work are struggling to attract and keep staff who can't afford to live nearby and are faced with a long commute everyday from Melbourne's outskirts. Staff shortages are impacting the viability, operating hours and availability of local businesses and services.

> Some local businesses have had to buy or rent housing for their staff to attract and retain staff.

Community members

Local friendship, family, school or sporting networks may be impacted as people are forced to move out of the area. There may be longer wait times to access essential services due to staff shortages, and local businesses or cafes may close or reduce their offerings.

> In 2021 more than 1,000 residents in Hepburn Shire needed assistance with core activities. This has increased by 16% since 2016. Family members and care staff need housing that is not too far from the person they are assisting.



Adequate, affordable housing for all residents is the foundation of a vibrant local economy and a cohesive community.

6> WHAT IS CAUSING THE PROBLEM?

The price of housing is driven by many factors, some of them are broad and some specific to regional towns like Hepburn Shire.

"When it comes to our business, we are just trying to survive. We are expected to provide tourist accommodation but instead we have local people begging for accommodation. We are trying to do what we can to help, but the Shire needs more housing."

Hepburn Shire accommodation provider

At a Federal level, taxation settings – like negative gearing and capital gains tax – may make it attractive for people to invest in housing which can push prices up.

In simple terms, if the demand for housing is higher than the supply, the increased competition for the housing that is available will push the prices up.

In Hepburn Shire the number of homes (supply) is shaped by the amount of land that is suitable and zoned for new houses to be built.

Initial studies indicate there is a sufficient amount of zoned land in Clunes and Creswick to be developed to meet demand. Daylesford & Hepburn Springs, and Trentham, are limited by the existing town boundaries and constraints including forests, water catchments and bushfire hazard.

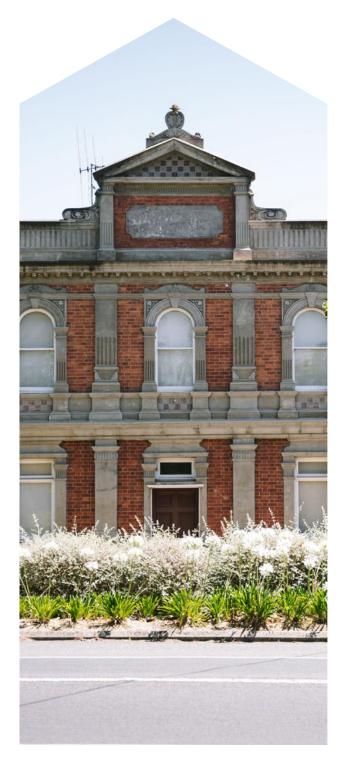


Housing density, or the number of homes per square metre of land, also impacts on supply. Some types of housing such as low scale apartment buildings (2 or 3 storeys) and townhouses mean you can build more homes on the same amount of land that currently has just one home. The planning system and community attitudes towards different types of housing can either enable or present a barrier to the replacement of one house with two or more houses.

> There are 9,477 private homes in Hepburn Shire. Nearly all (94.5%) are separate houses, and most of those have 3 or more bedrooms (72.8%).¹⁰

But when it comes to housing, supply is about more than just the number of homes. In Hepburn Shire at least 1,000 homes are listed online for short stay accommodation (e.g. Airbnb), roughly 10% of all dwellings.¹¹ They are not available for long term rentals. This means even though there might be enough houses, there is not enough housing. This is especially the case in Daylesford and Hepburn Springs which are popular with visitors and tourists.

> Data from AirDNA for Daylesford area shows there are currently 500 active short-stay rentals advertised, 96% are entire homes. This has increased by 51 properties since July 2019.¹²



7> ACTIONS

Council has considered the ideas provided through engagement, and looked at what other councils and organisations are doing to address affordable housing and housing affordability.

Most of the policy setting, legislation and funding to encourage more housing, or to deliver Affordable Housing, is the responsibility of State or Federal Government. The amount of housing available to rent or buy is also influenced by individual land and property owners, developers, corporations or lending institutions.

While local government can't control all these elements, there are some actions councils can take to help tackle the local housing affordability issue and to facilitate more Affordable Housing.

The <u>Council Plan 2021–2025</u> (page 38) includes the following Priority statement relevant to housing affordability and Affordable Housing:

2.1 Support appropriate land use and accommodate more affordable long-term housing within townships that conforms with the character of the area. The Strategy and Action Plan builds on that Priority statement, and the first two stages of community engagement, and includes Actions group together under the themes of:

- Community and partnerships
- Advocacy
- Land use planning and regulation
- Incentives and investment

The tables over the next four pages list the actions. We have identified who will take the lead on delivering the action and who will support in delivering each action (indicated by brackets). We have also set out whether the action will be delivered in the short, medium, or long term or is ongoing.





1. Community and partnerships

The Hepburn Shire community is actively engaged in addressing the issue of housing affordability and facilitating the delivery of additional Affordable Housing. There are also existing organisations and government departments that are involved in delivering and managing Affordable Housing or can influence housing affordability.

The actions below demonstrate how Council will work in partnership with the community and other organisations.

Short term = < 1 year Medium term = 1-2 years Long term = 2+ years

Council will work in partnership with the community, organisations, and State Government departments to address housing affordability in the municipality, and encourage the development of Affordable Housing.

	development of Affordable Housing.		
	Action	Lead (Support)	Timeframe
1.1	Establish a Housing Working Groups with broad membership to guide and drive the actions in the Strategy and Action Plan.	Council (Community)	Short
1.2	Undertake and collate research on housing in Hepburn Shire and share the findings within the community to help drive and support action.	Council (Community)	Ongoing
1.3	 Deliver an awareness raising campaign to: highlight the critical need for Affordable Housing including key and essential worker housing encourage property owners to make dwellings available for long-term affordable rental accommodation by promoting the benefits to owners and the community of affordable housing. illustrate the economic benefits of affordable housing for workers and locals explain the options for building granny flats, second dwellings, increased density housing that also protect heritage streetscapes point people to information on sustainable housing options that save household income 	Council (Community)	Short
1.4	Investigate starting a building co-operative (or other similar organisation) that raises funds to build and manage housing (including opportunities for tiny home projects, an eco-village etc.).	Community	Medium
1.5	Work with the Aboriginal community including DJAARA to support the implementation of Mana-na worn-tyeen maar-takoort – The Victorian Aboriginal Housing and Homelessness Framework in Hepburn Shire.	Council (Community)	Ongoing
1.6	Increase access to local Home Share ¹ programs including multigeneration accommodation arrangements and accommodation for key workers.	Community	Short

Continued over page

¹ Home Share brings people together in shared households on carefully negotiated and support living arrangements.

Continued from previous page

Council will work in partnership with the community, organisations, and State Government departments to address housing affordability in the municipality, and encourage the development of Affordable Housing.

	Action	Lead (Support)	Timeframe
1.7	Investigate options for the provision of affordable retirement living options, including community owned housing or a public private partnership (State Government).	Business/es (Community and Council)	Medium
1.8	Investigate opportunities to develop innovative housing models such as communal, co-living or adaptation of existing dwellings, through public/private partnerships, community land trusts or owner's corporation.	Community	Medium
1.9	Investigate alternative sustainable building materials and methods for housing that are lower cost and affordable, particularly for young people and people ineligible for social housing.	Community	Medium
1.10	Encourage and support housing providers that can deliver specialist housing for vulnerable people.	Community	Short term



2. Advocacy

Council recognises the importance of advocacy in its Advocacy Statement which notes that: Advocating for improved outcomes for our Shire through service improvements and capital investment is a key role for Council. Our Council will raise issues that matter to our community.

There is an opportunity to strengthen the advocacy on the issue of housing affordability and the need for Affordable Housing which can be achieved through the actions listed below.

Council will advocate to State and Federal government to respond to the current housing affordability crisis, and to invest in Affordable Housing in Hepburn Shire.

	Action	Lead (Support)	Timeframe
2.1	Strengthen the references to housing affordability and Affordable Housing in the Council's Advocacy Statement.	Council	Short
2.2	Advocate to State Government for mandatory Affordable Housing contributions through the planning scheme.	Council	Short
2.3	Advocate to State and Federal Government to provide more Affordable Housing, social housing, crisis housing and emergency accommodation and housing that meets the needs of people with disability in Hepburn Shire and to provide ongoing funding to the sector including funding of upgrades to existing social and affordable housing to achieve greater energy efficiency.	Council (Community housing and support service organisations)	Short
2.4	Advocate for an improved housing registration system - community housing compliance requirements and the Office of Housing Registrar.	Community housing organisations (Council)	Short
2.5	Advocate for changes to tax settings to encourage the provision of long-term rentals.	Council (Community)	Short
2.6	Advocate to the State Government and Federal Government to introduce an effective regulatory framework for short-term rental accommodation which promotes long-term rental accommodation while supporting the local economy and allows choice for property owners.	Council (Businesses and Community)	Short
2.7	Advocate to State Government and Federal Government to provide financial support for home buyers looking to get their foot into the property market or to move location through schemes such as First Home Owner Grants, Shared Equity Schemes, Family Home Guarantees and other subsidies aimed at providing housing choice.	Council (Community)	Short
2.8	Advocate for an eduction campaign that explains the rights and responsibilities of landlords and renters.	Council	Short

3. Land use planning and regulation

The legislative and policy context in Victoria provides the opportunity for councils to negotiate Affordable Housing Contributions as part of rezonings and developments. While this is a voluntary process, documents like this Strategy and Action Plan support Council in those negotiations and provide clarity for developers. In addition to land use planning, there are other regulations that

can impact on housing affordability and availability. Council is also undertaking a comprehensive strategic planning program to provide for the shire's long-term future land use plan. It will ensure there is an adequate supply of urban land and infrastructure for future growth while protecting valuable resources and avoiding areas of natural hazard and risk.

Actions are set out in the table below.

Council will identify how and where land use planning and other regulatory measures can be used to address housing affordability and facilitate the delivery of Affordable Housing in Hepburn Shire.

	of Affordable Housing in Hepburn Shire.		
	Action	Lead (Support)	Timeframe
3.1	Strengthen planning scheme provisions to facilitate Affordable Housing and to support negotiations that secure Affordable Housing Contributions.	Council	Medium
3.2	Improve internal Council planning processes to reduce timeframes and improve customer experience.	Council	Medium
3.3	 Investigate opportunities to amend the planning scheme or other regulations to: Increase housing supply on land identified for residential use through structure planning for Hepburn's key townships. Facilitate secondary dwellings, permanent caravans/ relocatable dwellings Allow for residential use of existing buildings in townships including re-purposing and retro-fitting and use of space above commercial premises and land. Encourage housing diversity – including diversity that provides for smaller less costly dwellings Provide for worker housing 	Council	Medium
3.4	Investigate the creation of local law regulations that provide clear guidelines on the required standards for operation of short-stay accommodation, including annual registration of premises operating	Council/ Community/ Industry	Short



conditions, and accessibility for people with disability.

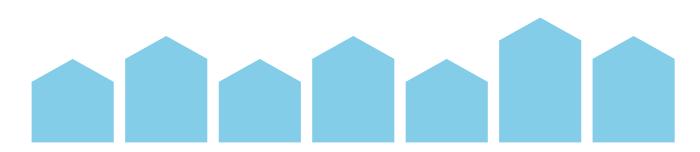
4. Incentives and investment

While the State Government has responsibility for funding Affordable Housing there are some opportunities for councils to contribute either through investment of their resources (e.g. land)

or through reducing fees or costs. The community can also undertake fundraising to provide incentives and investment.

Council will consider how and where it can facilitate or encourage the delivery of Affordable Housing, balancing any investment or incentives against broader community needs and the sustainability of council revenue.

	Action	Lead (Support)	Timeframe
4.1	Investigate under-utilised publicly owned sites to determine which sites would be suitable for Affordable Housing, including options for leasing land for alternative forms of housing including moveable dwellings, communal housing and tiny houses.	Council	Short
4.2	Investigate financial incentives to encourage increased provision of affordable housing, such as reduced rates, for: • Affordable Housing providers and/or • Privately owned long-term affordable rental properties	Council	Medium
4.3	Investigate the option of providing incentives such as fundraising and grants to promote the use of private properties for long-term affordable rentals, including Home Share accommodation arrangements.	Community	Medium
4.4	Create a role to coordinate and drive the delivery of the Strategy and Action Plan and support the Housing Working Group (see Action 1.1).	Council	Short



8> EVALUATION & MONITORING

The Affordable Housing Strategy and Action Plan will be reflected in the work program of Council officers and teams. There are also Actions that will be led and delivered by the community.

An Evaluation Framework will be used to monitor the outcomes and impact of the Strategy over time. The evaluation measures may include, but are not limited to:

- Change in the proportion of social and affordable housing by area
- New and ongoing investment in affordable housing in the municipality and by area (including negotiated contributions)

- New investment in housing and related support services in the municipality and by area
- Change in community awareness and engagement in the issue
- Increased staff capacity to negotiate affordable housing outcomes.

The Strategy will be reviewed in line with the Council Plan cycle and as part of that review, there will be updated data and analysis of the amount of affordable housing in the municipality.

9> FOOTNOTES

- 1. Census 2021
- Australian Government, Tourism Research Australia, Local Government Area Profiles 2019 – Hepburn Shire https://www.tra.gov.au/Regional/Local-governmentarea-profiles
- 3. REMPLAN 2023 on council website
- 4. Census 2021
- Victorian Government Department of Families, Fairness and Housing, Rental Report 2022, Quarterly Median Rents by LGA June 2012 to June 2022, https://www.dffh.vic.gov.au/publications/rental-report
- 6. Homes Victoria, Local Government Housing Data Dashboard Hepburn Shire, 2021
- Australian Institute of Health and Welfare, Specialist Homelessness Services Collection geographical location of client – LGA Hepburn Shire 2020-2021

- 8. Victorian Tourism Statistics, year ending December 2022. Source: Business Victoria
- ABS, Census 2021, Quick Stats for LGA Areas, Hepburn Springs, https://www.abs.gov.au/census/ find-census-data/quickstats/2021/LGA22910, accessed 13/10/22
- 10. 2021 Census
- 11. AirDNA, Hepburn Shire LGA and Daylesford Overview, accessed 13 Oct 2022, https://www.airdna. co/vacation-rental-data/app/au/victoria/hepburn/ daylesford/overview, accessed 13 Oct 2022 and ABS Census 2021 Hepburn Shire to calculate per cent of for total dwellings in Hepburn Shire
- 12. Ibid

10 > REFERENCES

Page 10-11. Section 4. Snapshot of Hepburn Shire

- Australian Bureau of Statistics, Census of Population and Housing 2021, <u>Quick Stats</u> <u>for Hepburn Shire LGA 2021</u> – Population Statistics
- Australian Bureau of Statistics, Census of Population and Housing 2016, Quick Stats for Hepburn Shire LGA 2016
- Department of Environment, Land, Water and Planning, 2019, <u>Victoria in Future 2019</u> (VIF2019)
- Australian Government, Tourism Research Australia, <u>Local Government Area Profiles</u> 2019 – <u>Hepburn Shire</u>
- REMPLAN <u>Economic Profile Hepburn Shire</u>, 2022
- Australian Bureau of Statistics, Census of Population and Housing 2021, <u>Quick Stats</u> for <u>Hepburn Shire LGA 2021</u> – Dwelling Statistics

Page 12. Section 5. What Is The Issue?

- Victorian Government Department of Families, Fairness and Housing, Rental Report 2022, <u>Quarterly Median Rents by</u> <u>LGA June 2012 to June 2022</u>
- Australian Bureau of Statistics, Census of Population and Housing 2021, <u>Quick Stats</u> <u>for Hepburn Shire LGA 2021</u> – Median Rent
- Hornsby & Co., Income verse rental cost analysis for single pensioner, based on <u>Australian Government Services Australia</u> <u>Age Pension Rates</u> at 20 Sep 2022
- Homes Victoria, Local Government Housing Data Dashboard Hepburn Shire, Private Rental Listings, 2021
- Australian Institue of Health and Welfare,
 Specialist Homelessness Services Collection
 geographical location of client—LGA
 Hepburn Shire 2020-2021

Page 13. Housing and the local economy Data from the National Visitor Survey and the International Visitor Survey, March 2022. Reported by <u>Hepburn Shire Council</u>

Page 14-15. Section 6. What Impact Does This Have?

- Australian Bureau of Statistics, Census of Population and Housing 2021, <u>Quick Stats</u> for Hepburn Shire LGA 2021 – Rental Stress
- R. Kirkham, Australian Broadcast Corporation (ABC Ballarat), Article titled: <u>Regional</u> <u>Victorian business owners buy and rent</u> <u>houses for workers to combat major staffing</u> <u>barrier</u>, published 29 June 2022.
- REMPLAN, Community Profile for Hepburn Shire, Citing ABS Census 2021 and 2016, Need of Assistance with Core Activities

Page 17. Section 7. What Is Causing The Problem?

- Australian Bureau of Statistics, Census of Population and Housing 2021, <u>Quick Stats</u> <u>for Hepburn Shire LGA 2021</u> – Dwellings
- AirDNA, Hepburn Shire LGA and <u>Daylesford</u> <u>Overview</u>, accessed 13 Oct 2022

Page 18-19 Section 8. The Role of Affordable Housing with A Capital 'A' & 'H'

- Victorian Government Department of Land, Water, Planning, Governor in Council Order on Income Ranges, Rest of Victoria <u>Planning</u> for affordable housing, September 2022
- Australian Bureau of Statistics, Census of Population and Housing 2021 <u>TableBuilder</u>, Analysis for Hepburn Shire LGA and Victoria
- Hornsby & Co. Analysis of 2021 and 2016
 ABS Census Data, based on formula by SGS
 Economics and Planning for <u>Darebin Housing</u>
 Supply and <u>Demand Analysis</u>, 2020



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COUNCIL OFFICES

DAYLESFORD

CRESWICK

CLUNES

TRENTHAM

Corner Duke & Albert Streets, Daylesford 68 Albert Street, Creswick The Warehouse - Clunes

36 Fraser Street, Clunes

13 Albert Street, Trentham

13 A RESILIENT AND SUSTAINABLE ENVIRONMENT

13.1 AWARD OF TENDER HEPBU.RFT2022.167 - FOGO PROCESSING IN CRESWICK Go to 01:35:30 in the meeting recording to view this item.

DIRECTOR INFRASTRUCTURE AND DELIVERY

In providing this advice to Council as the Waste Officer, I Candice Regan have no interests to disclose in this report.

ATTACHMENTS

1. CONFIDENTIAL - HEPBU RFT2022 167 FOGO Processing Tender Evaluation Report [13.1.1 - 5 pages]

OFFICER'S RECOMMENDATION

That Council:

- 1. Awards Contract Number HEPBU.RFT2022.167 for an estimated annual cost of \$198,000 (ex GST) to Gaia Envirotech in accordance with schedule of rates;
- 2. Authorises officers to make variations to the Contract within approved Officer Delegations and within approved budgets;
- 3. Authorises the Chief Executive Officer to sign the contract documents on behalf of Council; and,
- 4. Resolves that the tender evaluation report remain confidential and that the minutes record the successful tenderer.

MOTION

That Council:

- 1. Awards Contract Number HEPBU.RFT2022.167 for an estimated annual cost of \$198,000 (ex GST) to Gaia Envirotech in accordance with schedule of rates;
- 2. Authorises officers to make variations to the Contract within approved Officer Delegations and within approved budgets;
- 3. Authorises the Chief Executive Officer to sign the contract documents on behalf of Council; and,
- 4. Resolves that the tender evaluation report remain confidential and that the minutes record the successful tenderer.

Moved: Cr Jen Bray

Seconded: Cr Tessa Halliday

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley

Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil Abstained: Nil

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider awarding contract HEPBU.RFT2022.167 FOGO (Food Organics Garden Organics) Processing in Creswick.

Officers have undertaken a public tender process in accordance with Council's Procurement Policy to invite submissions for the services of FOGO Processing at the Creswick Transfer Station. With the anticipated commencement of a wider kerbside FOGO collection rollout in Hepburn Shire, this service is required to process the increased volume of organic material to be received.

Two companies provided submissions to this tender, and after detailed evaluation of each, it is considered that the tender submission of Gaia Envirotech is preferred.

BACKGROUND

The Victorian Government has enacted the *Circular Economy (Waste Reduction and Recycling) Act 2021* to establish Recycling Victoria, the Victorian container deposit scheme and a standardised four-stream household waste and recycling system. A glass stream needs to be introduced by 2027 and a FOGO stream introduced by 2030.

In March 2021, Hepburn Shire Council began a trial of FOGO kerbside collection in the township of Clunes, with organic material being processed locally at our Creswick Transfer Station using two in-vessel compost units. The trial has been a success and has created the foundations for Council to consider rolling out this service to all townships. Points of success from the FOGO trial include:

- Reduced waste in the general waste stream,
- Low contamination in the FOGO stream of less than 1.5%,
- The local production of high-quality compost,
- Diverting approximately 300 tonnes of organic material from landfill, providing a financial saving for Council and ratepayers, and
- Hearing that the broader community want to be a part of this project.

In 2022 the Sustainable Hepburn Strategy 2022-2026 was adopted by Council. It was co-designed with a dedicated Community Reference Group and input from over 400 community members and five objectives were identified under the theme of low waste:

- Reduce waste to landfill,
- Improve operations at transfer stations,
- Lead and enable a local circular economy,
- Council to incorporate zero waste objectives into contractual purchases and services, and
- Provide community education and awareness on low-waste living.

Through this engagement there was strong community support to expand FOGO services.

KEY ISSUES

FOGO Processing in Creswick will be a critical component for the proposed expanded FOGO collection for all residential properties that currently have a 120L general waste weekly collection within the townships of Clunes, Creswick, Daylesford, Hepburn, Hepburn Springs and Trentham.

Processing FOGO

It is proposed that FOGO is collected from the kerbside and transfer stations by Veolia and dropped off at the Creswick Transfer Station for processing. Collected food organics and garden organics (FOGO) are sorted, decontaminated and loaded into the In-Vessel Composter (IVC), and the system monitors temperature and controls air and moisture until the FOGO reaches a pasteurization temperature. The IVCs are a sealed unit so odours generated through the aerobic digestion process are controlled by the system and can be optionally filtered through a biofilter. Once the compost has reached pasteurization temperature the IVCs can be unloaded by the processor and the compost placed into storage bays for maturation.

Testing

Batches of compost will be periodically tested with test results available to the public on Council's website. Once maturation is completed the compost can be made available for a range of potential uses including possible sale to the public, agriculture, or utilised by the Parks and Gardens team.

EPA Registration

After engagement with an environmental consultant, the Creswick composting facility has been registered with the EPA under the Organic Waste Processing (small) registration. This limits the facility to processing a maximum of 1200 tonnes per annum - 100 tonnes per month. The EPA requires that the amount of incoming FOGO and pasteurised material is managed alongside controlling odours and dust.

Contamination

The Clunes trial has demonstrated that the community is passionate to achieve low contamination in the FOGO stream and the 2023 audit showed that the contamination rate within the FOGO collection was just 1.3%.

Contamination must be managed to produce high quality compost targeting Australian standards. High contamination rates may result in waste being diverted back to landfill leading to reduced rates of resource recovery and increased landfill disposal costs.

Contamination rates will be managed through engagement and education, auditing, flip the lid bin inspections (non-collection if contaminated until corrected), hand sorting collected material to remove waste and sieving final composted product.

Increasing transport and disposal costs

Costs associated with waste disposal, inclusive of transport, landfill fees and levies, continue to rise as landfills get increasingly close to reaching capacity. Landfills are a finite resource and currently the most expensive method of waste disposal. Diverting as much material as possible to recycling or composting facilities, will ensure savings in waste costs to Council that can be passed on to ratepayers.

Regional Study

While active, the Grampians Waste Resource and Recovery Group (WRRG) commissioned a report by SLR Consulting. This report detailed a feasibility study into FOGO processing in the region and found that a semi-decentralised network of IVCs was likely to be a cost effective and an environmentally beneficial solution to processing FOGO in the region, along with a larger IVC located in Ballarat.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

A resilient, sustainable and protected environment

- 1.2 Prioritise environmental management, protection and regeneration.
- 1.5 Protect and regenerate the natural resources of the Shire including soils, water and ecological systems from both current and future threats

Diverse economy and opportunities

4.4 Develop and promote the circular economy to diversify our local economy and support our sustainability goals

Sustainable Hepburn Strategy 2022-2026

Theme 3: A Low Waste Shire

- Reduce waste to landfill and make improvements to kerbside collections.
- Improve operations at Transfer Stations.
- Be part of a thriving circular economy.
- Provide educations and awareness to the community on transitioning to a low waste shire.

FINANCIAL IMPLICATIONS

This contract is partially funded through state grant funding with the remaining funds budgeted from the waste reserve in the first year. From FY2024/2025, this contract will be funded through the operational waste budget.

The contract amount has been estimated based on the annual maximum volume for the Creswick facility and the tendered unit rate for processing and is an upper limit in line with EPA compliance requirements.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There are no communication issues associated with the acceptance of this tender. Officers will liaise with unsuccessful tenderers.

RISK AND GOVERNANCE IMPLICATIONS

The *Recycling Victoria Act* requires Council to rollout a FOGO service by 2030 and our community have told us it is a priority for Council through the development of the Sustainable Hepburn Strategy. Council will not be compliant if this service is not rolled out by 2030.

Creswick Transfer Station is registered as a small composting facility with the EPA, and must adhere to EPA guidelines regarding capacity and processing limits. No more than 100 tonnes of FOGO material can be processed on site per month. Council has engaged with an external commercial composting facility for options to process excess organic material over these limits should this be required.

The award of the FOGO Processing contract allows Council to continue processing locally, keeping costs and emissions low, and creating a localised circular economy.

ENVIRONMENTAL SUSTAINABILITY

The award of this contract aligns with four objectives from the *Sustainable Hepburn Strategy 2022-2026* - Theme 3: A low waste shire.

- Reduce waste to landfill and make improvements to kerbside collections.
- Improve operations at Transfer Stations.
- Be part of a thriving circular economy.
- Provide educations and awareness to the community on transitioning to a low waste shire.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.

13.2 LET'S RETHINK WASTE - WASTE SERVICE CHANGES

Go to 01:44:40 in the meeting recording to view this item.

DIRECTOR INFRASTRUCTURE AND DELIVERY

In providing this advice to the Council as the Waste Officer, I Candice Regan have no interests to disclose in this report.

ATTACHMENTS

Nil

OFFICER'S RECOMMENDATION

That Council:

- 1. Rolls out 120L Food Organic Garden Organics (FOGO) collection service to all residential properties that currently have a 120L landfill (general waste) bin under the Kerbside Waste Collection General rates charge within the Townships of Clunes, Creswick, Daylesford, Hepburn, Hepburn Springs and Trentham;
- 2. Confirms that when Food Organics Garden Organics collection commences, the kerbside landfill (general waste) collection will change from a weekly to a fortnightly collection on the alternate week to recycling collection; and,
- 3. Approves that there will be no additional waste charge during the 2023/2024 Financial Year and the addition of a FOGO collection Charge will be added to applicable rates notices for Council's 2024/2025 Annual Budget.

MOTION

- 1. In the 2023/2024 financial year, rolls out 120L Food Organic Garden Organics (FOGO) collection service no sooner than February 2024 to all residential properties that currently have a 120L landfill (general waste) bin under the Kerbside Waste Collection General rates charge within the Townships of Clunes, Creswick, Daylesford, Hepburn, Hepburn Springs and Trentham;
- Confirms that when Food Organics Garden Organics collection commences, the kerbside landfill (general waste) collection will change from a weekly to a fortnightly collection on the alternate week to recycling collection;
- 3. Approves that there will be no additional waste charge during the 2023/2024 Financial Year and the addition of a FOGO collection Charge will be added to applicable rates notices for Council's 2024/2025 Annual Budget;
- 4. Notes that detailed communication and education will be undertaken before the launch of the program, and,
- 5. Investigates options for diverting soft plastics away from landfill and bring a report to a future Briefing.

Moved: Cr Tim Drylie Seconded: Cr Jen Bray

Carried

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

Abstained: Nil

Cr Henderson called for a division:

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

Abstained: Nil

Carried

EXECUTIVE SUMMARY

The following waste service changes are occurring in accordance with Recycling Victoria legislation, with the goal of reducing waste to landfill, increasing resource recovery, identifying circular economy opportunities, implementing the Sustainable Hepburn Strategy 2022-2026 and achieving compliance with the *Circular Economy (Waste Reduction and Recycling) Act*.

The changes will include the introduction of Food Organics and Garden Organics (FOGO) collection service for all residential properties that currently have a 120L general waste weekly collection within the townships of Clunes, Creswick, Daylesford, Hepburn, Hepburn Springs and Trentham. Along with the commencement of FOGO collections, the collection of general waste in these townships will change from weekly to fortnightly to align with the total volume of material that the average household generates. As rural properties currently receive a fortnightly general waste collection, this will also create consistent collections across the Shire. Drop off points for FOGO materials will also be established at our three transfer stations for all residents to access. These changes are proposed to commence in February 2024.

This first stage of the rollout will include residential properties in our township collection areas, who currently have a weekly general waste collection. In addition to residential properties, from July 2024 township commercial properties will be able to opt-in for a FOGO service, consistent with current commercial waste service offerings.

A successful township rollout will create the opportunity to consider expanding processing facilities and whether to include rural residential properties in the future. This staged approach takes into consideration community feedback and resourcing limitations.

Proposed Timeline of Changes:

Proposed dates	Activity	
September 2023	Communication and engagement to begin	
Sept - ongoing	Continued communication, education and promotion	
January 2024 FOGO bins delivered to residents		
February 2024	- FOGO collections commence for township residents	
	- General waste frequency changed to fortnightly	
	- Drop off services for FOGO at transfer stations	
July 2024	- FOGO services will begin to be charged on rates	
	- Commercial properties able to opt-in for FOGO service	

BACKGROUND

The Victorian Government has enacted the *Circular Economy (Waste Reduction and Recycling) Act 2021* to establish Recycling Victoria, the Victorian container deposit scheme and a standardised four-stream household waste and recycling system. A glass stream needs to be introduced by 2027 and a FOGO stream introduced by 2030.

In 2022 the Sustainable Hepburn Strategy 2022-2026 was adopted by Council. It was co-designed with a dedicated Community Reference Group with input from over 400 community members.

Five objectives were identified under the theme of low waste:

- Reduce waste to landfill,
- Improve operations at transfer stations,
- Lead and enable a local circular economy,
- Council to incorporate zero waste objectives into contractual purchases and services, and
- Provide community education and awareness on low-waste living.

Through this engagement there was strong community support to expand FOGO services. This project directly addresses two actions under the objective of reducing waste to landfill: roll out FOGO to urban areas, and transition to a fortnightly landfill collection schedule.

In March 2021, Hepburn Shire Council began a trial of FOGO kerbside collection in the township of Clunes, with organic material being processed locally at our Creswick Transfer Station using two in-vessel compost units. The trial has been a success and has created the foundations for Council to roll out this service to all townships. Points of success from the FOGO trial include:

Reduced waste in the general waste stream,

- Low contamination in the FOGO stream of less than 1.5%,
- The local production of high-quality compost,
- Diverting approximately 300 tonnes of organic material from landfill, providing a financial saving for Council and our ratepayers, and
- Hearing that the broader community want to be a part of this project.

KEY ISSUES

Creating community behaviour change

The community needs to be actively engaged in our new waste management processes to recycle correctly. The success of this project is reliant on the community changing the way they interact with waste. Audits of Council's kerbside bins identified that up to 53% of material in residential landfill (general waste) bins is eligible for the FOGO stream. For most residents, the addition of a weekly FOGO bin will greatly reduce the amount of waste in the red-lidded landfill (general waste) bin, and a change in frequency to fortnightly landfill collection will be achievable if waste is sorted correctly. Although state-wide data states that over 50% of current landfill bins contain organic material, the transition will require behaviour change in people's homes for it to be achieved and Council plays an important role in this.

Contamination

Contamination must be managed to produce high quality compost targeting Australian standards. High contamination rates may result in waste being diverted back to landfill leading to reduced rates of resource recovery and increased landfill disposal costs.

Contamination rates will be managed through engagement and education, auditing, flip the lid bin inspections (non-collection if contaminated until corrected), hand sorting collected material to remove waste and sieving final composted product.

Residents have indicated that they want to be informed on 'how they are doing'. The above methods will allow us to regularly report to community on contamination levels, items of concern and importantly, celebrate success.

The Clunes trial has demonstrated that the community is passionate to achieve low contamination in the FOGO stream and the 2023 audit showed that the contamination rate within the FOGO collection was 1.3%.

Opting out of the FOGO service for residents

Council needs to comply with the Victorian *Circular Economy Act* of introducing a FOGO service by 2030. FOGO township kerbside collections will align with our current residential waste model (landfill – general rubbish and mixed recycling) and there will not be an option to opt-out of this service. The standard FOGO service for townships ensures efficiency in collection and encourages waste diversion from landfill. An elective opt-out model would be difficult to administer, may result in

fluctuating annual charges and not be compliant with the *Circular Economy Act* beyond 2030.

Increasing transport and disposal costs

Costs associated with waste disposal, inclusive of transport, landfill fees and levies continue to rise as landfills get increasingly close to reaching capacity. Landfills are a finite resource and currently the most expensive method of waste disposal. Diverting as much material as possible to recycling or composting facilities, will ensure savings in waste costs to Council subsequently our ratepayers.

Rural properties

The initial FOGO roll out will not include kerbside bins for collection to rural properties. This is due to feedback through Sustainable Hepburn and the Clunes Organics Trial that rural properties have many ways of dealing with their garden and food organics on their own properties, in addition to being more manageable as a staged implementation.

Residents who have food and garden organic waste that are not able to process on their property will be able to access the drop off services – food organics bins and green waste at all three transfer stations to increase diversion of waste from landfill. Food drop-off bins will be set up as part of the Transfer Station Upgrade Project. From February 2024 to July 2024, food organics (separated from green waste) less than a 120L bin will be free when dropped to a transfer station. Anything more than a 120L bin of food organics will incur a charge that is in line with our current green waste charges. The current processes and charges will continue to apply for the drop-off of green waste at transfer stations.

Council will commit to review the rural waste service by February 2025. This review will consider any updates on the state government service standards, waste diversion from landfill (audits), success of drop-off service and feedback from rural community members.

Commercial properties

Commercial properties will not be included in the initial February 2024 FOGO roll-out but will be able to opt-in for the service as of July 2024 (in line with their current arrangement to opt-in to kerbside landfill and recycling services offered by Council).

There will also be food organics drop off services available at the three

transfer stations accessible for all from February 2024 for volumes up to 120L. Amounts greater than a 120L bin will be charged at current green waste charges.

Clunes commercial properties that currently have a FOGO bin, as part of the Clunes trial, will receive direct communication about costs and opt-in/out options going forward.

Processing FOGO

It is proposed that FOGO is collected from the kerbside and transfer stations by Veolia and dropped off at Creswick Transfer Station. Processing FOGO locally strengthens the circularity of managing waste in our Shire. It also reduces the transportation costs and associated emissions of processing this outside of the Shire. Collected FOGO will be sorted, decontaminated and loaded into the In-Vessel Composter (IVC), and the system monitors temperature and controls air and moisture until the FOGO reaches a pasteurization temperature. The IVCs are a sealed unit so odours generated through the aerobic digestion process are controlled by the system and can be optionally filtered through a biofilter. Once the compost has reached pasteurization temperature the IVCs can be unloaded by the processor and the compost placed into storage bays for maturation.

Batches of compost will be periodically tested with test results available to the public on Council's website. Once maturation is completed the compost can be made available for a range of potential uses including sale to the public, agriculture sector, or utilised by the Parks and Gardens team.

After engagement with an environmental consultant, the Creswick composting facility has been registered with the EPA under the Organic Waste Processing (small) registration. This limits the facility to processing a maximum of 1200 tonnes per annum - 100 tonnes per month. The EPA requires that the amount of incoming FOGO and pasteurised material is managed alongside controlling odours and dust.

FOGO material in excess of 1200 tonnes per annum will be transported by Veolia to a secondary processor. Biomix (located near Stanhope) have provided options for Council to consider. Options for setting up an additional composting unit at Trentham Transfer Station have also begun to be investigated.

While active, the Grampians Waste Resource and Recovery Group (WRRG) commissioned a report by SLR Consulting. This report detailed a feasibility study into FOGO processing in the region and found that a semi-decentralised network of IVCs was likely to be a cost effective and an environmentally beneficial solution to processing FOGO in the region, along with a larger IVC located in Ballarat.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

A resilient, sustainable and protected environment

- 1.1 Adapt to and mitigate climate change to reach net-zero community emissions by 2030.
- 1.2 Prioritise environmental management, protection and regeneration.
- 1.5 Protect and regenerate the nature resources of the Shire including soil, water and ecological systems, from both current and future threats.

1.5.1 Develop and implement the 'Sustainable Hepburn Strategy' to align waste, sustainability, and biodiversity strategies.

Diverse economy and opportunities

- 4.4 Develop and promote the circular economy to diversify our local economy and support our sustainability goals
- 4.4.1 Review waste services to ensure alignment with the new State Government's Circular Economy program

A dynamic and responsive Council

- 5.2 Actively communicate, inform and engage with our community about events and decision-making
- 5.3 A sustainable and agile organisation with strong corporate governance that supports excellent operations

Victorian Government legislation

Circular Economy (Waste Reduction and Recycling) Act 2021

Sustainable Hepburn

Sustainable Hepburn Strategy 2022-2026, Theme 3: A low waste shire.

FINANCIAL IMPLICATIONS

It is expected that Council will incur the following costs in the first year of operating the organics service:

- Bin purchase and deliveries (once off): \$220,000 (ongoing replacements/new bins are embedded in the kerbside waste rates charge)
- Collection and transport costs: \$360,000
- Processing costs: \$160,000
- Total: \$730,000
- Savings in moving to fortnightly waste (transport and landfill): \$300,000
- First year total net-cost: \$430,000

By moving to a fortnightly waste collection, Council estimates a saving of around \$300,000 per annum in collection and disposal costs and this is likely to increase over time as landfill gate fees rise.

The following table outlines the planned township rates charges noting that 2024/2025 costs are only indicative at this stage based on a number of assumptions. FOGO costs are based on indicative pricing provided by Veolia, our current kerbside collection contractor, whose current contract has provision for FOGO collection.

FY 2023/24	FY 2024/25	FY 2024/25
	(With FOGO)	(No FOGO)*

FOGO (120L weekly)	\$0	\$153	-
Recycling (240L fortnightly)	\$131	\$145	\$145
Weekly Landfill (120L)	\$209	-	\$231
Fortnightly Landfill (120L)	-	\$132	-
Waste charge	\$230	\$230	\$230
Total Cost	\$570	\$660	\$606

^{*2024/2025} costs are indicative with a number of assumptions

Moving to a kerbside service with FOGO is estimated to cost rate payers an additional \$54 per annum (based on current information) compared to if current services remained the same, with an overall increase in 60L disposal capacity per week.

Costs are to be funded from the waste financial reserve in the first year, meaning that an additional charge will not apply until the 2024/2025 financial year. Funding the project from the reserve will minimise the financial impact to our residents, but also give Council the opportunity to more accurately budget and charge for the service in the 2024/2025 financial year. For example, income from the potential sale of compost from the organics processing facility has not been factored into costings and may be able to further reduce the estimated cost.

Grant funding is available to implement a range of these initiatives, including bin purchases, community education and facilitation of drop off services for our three transfer stations. Officers are pursuing these opportunities to further reduce costs.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council adopted the Sustainable Hepburn Strategy 2022-2026 in 2022. It was codesigned with a dedicated Community Reference Group with input from over 400 community members. Through this engagement there was strong community support to expand FOGO services, as part of the low waste journey of reducing waste to landfill.

Council also launched a Waste Survey in 2023 to better understand how our residents use our current waste services. Residents were not asked directly through this survey if they wanted a FOGO service as Council is mandated to offer a service by 2030 due to state government legislation. The survey was used to gather feedback on what information and support residents need from Council on their low waste journey.

Residents told us they currently had high utilisation of their current kerbside services, would like more information about what to put in each bin and help to recycle correctly. Clunes residents were positive about the information they received

on their organics bin service and found it easy to use. Many residents liked email, website and online newsletters to receive information. Many residents mentioned a desire to have a FOGO service for their property.

A strong education campaign will be a key factor in the success of this project. To reduce waste to landfill will require the community to modify behaviours and perceptions about waste to remove the reported 50% of organic material currently going into landfill. This will also enable consideration of additional ways to further reduce their residual waste.

Council has planned a staged communication strategy for the FOGO roll out focusing on the changes that are occurring (when, what); the actions we need to take (what goes where, when to put bins out); overcoming barriers (including community champions sharing their learnings); providing feedback (contamination reporting and flip the lids) and the importance of the change as part of our community's sustainability journey (local processing and local good quality compost, reduction in greenhouse gases).

The education of our community on their household resources (waste) has already been occurring through actions such as website materials, social media information, flyers, school incursions, discount compost bins, online waste-reduction workshops and reusable cloth nappy workshops.

The communication plan will use a range of platforms to communicate messages including Council's website, social media, posters, direct communication, updates in local newsletters, community information sessions and the Hepburn Life enewsletter.

RISK AND GOVERNANCE IMPLICATIONS

The Recycling Victoria Act requires Council to rollout a FOGO service by 2030 and our community have told us it is a priority for Council through the development of the Sustainable Hepburn Strategy. Council will not be compliant if this service is not rolled out by 2030.

Based on feedback received, there is significant community expectation that this service will be rolled out in the near future as an action of Sustainable Hepburn.

ENVIRONMENTAL SUSTAINABILITY

The proposed changes are aligned with four objectives from the *Sustainable Hepburn Strategy 2022-2026* - Theme 3: A low waste shire.

- Reduce waste to landfill and make improvements to kerbside collections.
- Improve operations at Transfer Stations.
- Be part of a thriving circular economy.

 Provide educations and awareness to the community on transitioning to a low waste shire.

The proposed change also specifically achieves two actions:

- roll out FOGO to urban areas. Investigate for rural areas, and
- transition to fortnightly landfill collection schedule.

Organic material in landfill is reported to emit in the order of 400kg CO2e per tonne while composting only emits around 40kg CO2e per tonne, leading to a reduction in greenhouse gas emissions in the order of 432 tonne within the first twelve months.

When organic matter breaks down in landfill it creates methane, a greenhouse gas that is 25 times more potent than carbon dioxide. The emissions associated with an additional bin (collection vehicle) are considered insignificant compared to the methane emissions saving made from the switch to weekly FOGO.

A truck filled with 25 tonnes of Food and Garden Organics (FOGO) can be driven 15,444km to a composting facility before it emits the same amount of greenhouse gases as that same truckload put into landfill.

GENDER IMPACT ASSESSMENT

This project has been assessed using the internal gender impact assessment tool.

- Within our communications, we will promote equal household participation in sorting waste and recycling.
- To remain accessible, recycling guidelines will be provided using clear language and imagery.
- Additional bins are available (at a cost per service) to residents with higher waste outputs ie. medical waste, nappies, menstrual products and incontinence products.
- Continue to provide education initiatives such as good for the hood reusable nappies to support all needs across the community.

14 A DYNAMIC AND RESPONSIVE COUNCIL

14.1 ANNUAL FINANCIAL STATEMENTS AND PERFORMANCE STATEMENTS 2022/2023 Go to 02:31:13 in the meeting recording to view this item.

DIRECTOR COMMUNITY AND CORPORATE

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

ATTACHMENTS

- 1. Financial Statements 2022/2023 Signing [14.1.1 58 pages]
- 2. Performance Statement 2022/2023 Signing [14.1.2 12 pages]
- 3. Report of Operations 2022/2023 [14.1.3 5 pages]

OFFICER'S RECOMMENDATION

That Council:

- 1. Receives and notes the financial statements and performance statement for the year ended 30 June 2023 and recommends the performance statement and financial report to Council for adoption; and
- 2. Notes that once the final statements have been certified by the nominated Councillors and the independent auditor's reports received from VAGO, they will form part of Council's Annual Report which will be forwarded to the Minister by 31 October 2023.

MOTION

That Council:

- 1. Receives, notes and adopts the financial statements and performance statement for the year ended 30 June 2023; and
- 2. Notes that once the final statements have been certified by the nominated Councillors and the independent auditor's reports received from VAGO, they will form part of Council's Annual Report which will be forwarded to the Minister by 31 October 2023.

Moved: Cr Lesley Hewitt Seconded: Cr Tessa Halliday

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley

Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil Abstained: Nil

EXECUTIVE SUMMARY

The Annual Financial Statements and Performance Statement are still subject to audit clearance however have been finalised to a stage where the draft statements are presented for Councillor consideration, as changes are expected too only be minimal.

Details of the report are included in the key issues section that details Council's performance during the 2022/2023 financial year.

Once the final statements have been approved in principle by Council and signed by the nominated Councillors and the Chief Executive Officer, the independent auditor's report will be received by the Victorian Auditor General's Office (VAGO). These documents will form part of Council's annual report which will be forwarded to the Minister by 31 October 2023.

BACKGROUND

Audit

Council Officers prepared an initial draft set of statements for the year ended 30 June 2023. Crowe Australia, as Council's appointed external auditors, conducted an audit of the accounts between 21 August – 1 September 2023.

The Statements are presented by officers and representatives from Crowe Australia have confirmed that an unqualified audit opinion will be issued.

Financial Statements

The Annual Financial Report has been prepared in accordance with the Local Government Better Practice Guide, Model Financial Report, and the Local Government Better Practice Guide – Performance Reporting Template. The following statements are contained in the report:

- Comprehensive Income Statement
- Balance Sheet
- Statement of Changes in Equity
- Statement of Cashflows
- Statement of Capital Works
- Notes to the Financial Statements
- Performance Statement

The financial statements provide information on current and prior year balances and other information as required by accounting standards, the *Local Government Act* 2020, and Regulations.

The performance statement includes the results of the prescribed sustainable capacity, service performance and financial performance indicators and measures as developed by the Victorian Government under the performance reporting framework.

KEY ISSUES

Financial Statements

Council, like most local governments, is experiencing a challenging fiscal environment including three major storm events over the past two years and the current rising costs in the economy. Although rate capping has been implemented for several years, the impact on rate revenue for small rural councils is still significant.

Council will need to closely monitor its financial position and performance over the coming years to ensure it remains in a financially and sustainable position. A review and update of the Long-Term Financial Plan is being completed and is scheduled to be presented to Council by the end of the second quarter 2023/2024.

Council is currently undertaking an organisational service scan to identify opportunities to review operations and projects to ensure Council's ongoing financial sustainability.

A major impact on Council's financial position during the year was the cost of recovery works following two major storms at Trentham and Creswick in the previous year and a further storm event Shire wide in October 2022. It is anticipated that a significant percentage of the recovery costs will be reimbursed through government funding, but Council is forecasting a \$1.4m shortfall in the funding received when the recovery works are completed.

Surplus / Deficit

The operating result for 2022/2023 was a deficit of \$2.59 million.

It is not unusual for councils to report a deficit, however, sometimes it does not reflect the "true" financial performance and cash position of Council. The 2022/2023 results for Council include several one-off items which have had a significant impact on the operating result. An operating surplus of \$5.44 million would have occurred if the impact of storms, The Rex sale and asset write off were not required.

	2022/2023	2021/2022
	\$'000	\$'000
Report Surplus / Deficit for the year	(2,594)	(5,565)
Add back loss on disposal of assets	2,973	1,346
Add back Write off of WIP (Work in Progress)	1,693	3,562
Capital Projects not able to be capitalised	2,018	-
Storm Income Received	(5,046)	(4,167)

Storm Expense incurred	6,393	7,316
Surplus / (Deficit) after removal of material one-off items	5,437	2,492

The underlying surplus/deficit can be a better measure of Council's performance and with the adjustment for these items Council's underlying result is a slightly larger deficit for the 2022/2023 financial year.

	2022/2023	2021/2022
	\$'000	\$'000
Surplus / Deficit for the year	(2,594)	(5,565)
Less non-recurrent capital grants	(8,663)	(3,969)
Less non-monetary contributions	-	(38)
Adjusted underlying Surplus / (Deficit)	(11,257)	(9,572)
Add back loss on disposal of assets	2,973	1,346
Add back Write off of WIP (Work in Progress)	1,693	3,562
Capital Projects not able to be capitalised	2,018	-
Storm Income Received	(5,046)	(4,167)
Storm Expense incurred	6,393	7,316
Underlying Surplus / (Deficit) after removal of material one-off items	(3,226)	(1,515)
Storm claim income to be received	4,049	2,835
Further adjusted Surplus / (Deficit)	823	1,320

Income

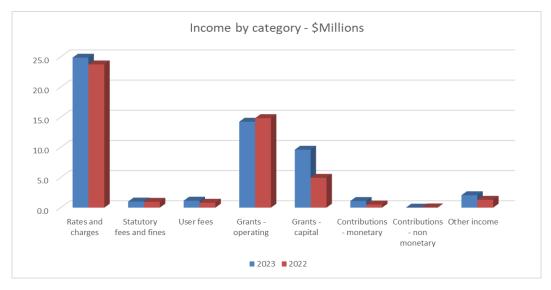
Council receives income from a wide range of sources, including rates, user fees, statutory fees, grants, contributions, and other income. The total income received for 2022/2023 was \$54.03M (\$47.1M in 2021/2022) an increase of 14.5%.

Traditional income categories of rates, fees and other income remained constant however an increase in capital grants was due to the recognition of grants received in previous years as income in the current year. Note 3 of the financial statements provides a more detailed breakdown against prior year actual.

Explanation of key income movements include:

- Rates and charges increased \$1,128k (4.72%) which is in line with the State
 Government rate cap, growth and increase in waste charges. Interest on
 overdue rates of \$311k was charged in 2022/2023 however this was offset by
 a reduction in supplementary rates of \$62k resulting from objections on
 valuations upheld by the Valuer.
- User fees and charges increased by \$339k (41.7%) which was a combination of transfer station utilisation increasing and recognition of income due to winding up of HACC program (aged care).
- Contributions increased by \$582k (112.42%), these are related to capital project delivery.
- Capital grants increased by \$4,663k (94.4%) which was non-recurrent State capital grants for projects that had been received in previous years and was recognised as income in the current year.
- Other income increased by \$759k (58.4%) which was predominately increased interest on investments (\$292k) and commercial property rental income (\$356k) which were low in previous years due to covid pandemic impacts.

The below graph provides the income categories with a comparison of the current year and prior year.



Council's income of \$54.04M was \$4.45M (9.0%) above budget, which was predominately due to the early receipt of 100% (\$6.06M) of the 2023/2024 Financial Assistance Grants partially offset by reduced capital grants being received.

Note 2.1.1 provides analysis of current year performance against budget.

Expenses

Council's total operating expenditure including depreciation for 2022/2023 was \$56.63M. Expenditure relates to the ongoing or operation costs to deliver services

that benefit the community. Expenditure categories summarised below include employee costs, materials and services, depreciation, and other expenses.

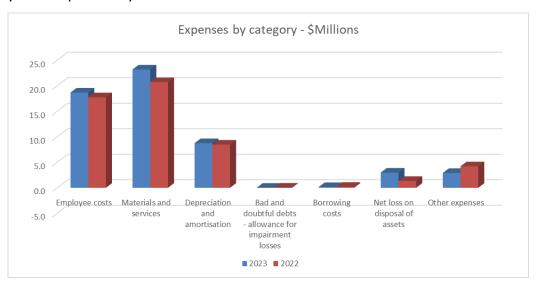
Total operational expenditure has increased from the prior year \$52.71M, an increase of \$3.92M (7.4%).

Explanation of key expenditure movements include:

- Employee costs increased by \$931k (5.2%) which was extension of staff working on storm recovery due to the October 2022 storm event.
- Materials and services increased by \$2.465M (11.9%) due to costs associated with the storm recovery works \$1.3M, consultants for statutory planning and cultural advice \$490k and other general cost increases \$564k.
- Loss on disposal of property increased due to the sale of the Rex
- Other expenses decreased by \$1.31M (31.1%), as the prior year was impacted by the major write off of costs associated with The Rex.

Total operational expenditure was \$12.779M (29%) above budget due to similar factors outlined above, with two major impacts being storm recovery costs and also additional depreciation expense due to increased capital expenditure and impact of asset revaluations.

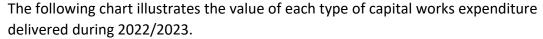
The below graph provides the expense categories with a comparison of the current year and previous year.

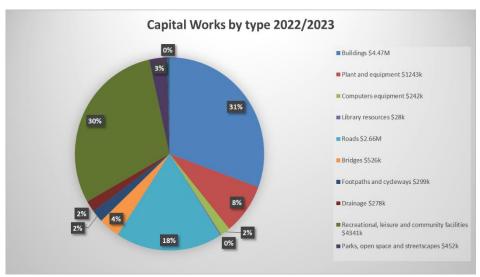


Capital Works

Council delivered \$14.59M of capital works throughout the financial year (\$10.232M in 2021/2022). The most in recent history. The most significant areas of capital investment were on plant and equipment, roads and recreational, leisure and community facilities. The \$14.59M is 77.8% of the total capital works budget for 2022/2023.

An estimate of \$6.4M of capital works and \$1.0M of special projects expenditure will be carried forward into 2023/2024 (\$8.5M in 2022/2023) with the intention of completing these projects in 2023/2024.





Financial Sustainability

In 2022/2023 the Victorian Government capped overall rate increases at 1.75%. Council elected not to apply for an exemption to this rate cap and continued to review operations throughout the year to ensure delivery of important services and best value for money for the community.

Reduced revenue and increasing costs mean that it is vital for Council to identify efficiencies and alternative funding opportunities to reduce the reliance of rate revenue. Council relies heavily on support from State and Federal Governments to deliver key infrastructure projects and provide support for other important programs.

Key Sustainability Indicators

The Victorian Auditor General (VAGO) issued a number of financial sustainability indicators which are used to compare all 79 councils. The below table provides Council's indicators for 2022/2023. These indicators should be considered collectively and are more useful when assessed over time as part of trend analysis. Council remains mainly in the "low" risk category.

Indicator	Result	Risk	Formula
		Rating ¹	

Underlying result	-28%	High	Adjusted net surplus/ total underlying revenue
Liquidity	2.38:1	Low	Current assets/ current liabilities
Indebtedness	14%	Low	Non-current liabilities/ own-sourced revenue
Self-financing	14%	Medium	Net operating cash flows/ underlying revenue
Capital replacement	167%	Low	Capital expenditure/ depreciation
Renewal gap	97%	Medium	Renewal and upgrade expenditure/ depreciation

Council's underlying result of negative 28% places us in the high-risk category this is because of one-off items that impacted the operating result in 2022/2023. This financial performance is reasonable in the short term, but not sustainable long term.

Renewal gap has dropped to below 100% due to the capital program delivering a high percentage of new assets.

It is positive that three indicators remain in the low-risk rating category.

Balance Sheet

Council has a stable balance sheet as detailed above in the VAGO indicators. Many of the balance sheet line items remained similar, major changes are explained below.

- Cash and other financial assets (term deposits) totalled \$18.5M as at 30 June 2023 which was a decrease of \$5.3M from the previous year. The decrease was due to the delivery of projects for which funding had been received the previous year and the storm recovery costs that were paid but the reimbursement has not been received. Further detail is provided in relation to Council's unrestricted cash assets in note 5.1.
- Non-current assets increased by \$15.7M to a total valuation of \$364.4M. This
 is a combination of \$14.5M of capital work expenditure, \$8.8M of
 depreciation and asset revaluations for land and buildings and infrastructure
 of \$23.9M. Further detail is provided in relation to Council's property, plant,
 and infrastructure assets in note 6.1.
- Trade and other payables increased by \$389k due to increased creditor invoices being processed in June but not paid until July. This relates to timing only.
- Unearned Income/revenue decreased by \$5.65M due to grants that were received in previous years being included as income in the current year.
- Interest-bearing liabilities decreased in total due to a loan being paid out in April 2022 and a new \$1.5m loan being drawn down during the year.

Reserves increased by \$26.83M to a total of \$225.5M. Most of this
movement was due to the revaluation of Land and Buildings and
infrastructure which is a non –cash transaction. Other reserves increased
from \$3.5M to \$6.4M and reflect cash backed reserve such as open space and
the mineral springs reserve which are allocations of funding for future works.

Unrestricted cash assets – Council has cash and other financial assets (term deposits) that total \$18.48M, however it is important to note that the majority of these funds have intended allocations which are detailed below.

	2022/2023	2021/2022
Total Financial Assets (\$'000)	18,476	23,781
Council's cash and cash equivalents are subje	ect to external restricti	ions
Trust funds and deposits (Note 5.3)	(1,496)	(1,169)
Statutory Reserves (note 9.1(b))	(1,842)	(1,526)
Total unrestricted financial assets	15,138	20,604
Amounts allocated for specific future purpose	es by Council	
Cash held to fund carried forward works	(5,040)	(8,531)
Unexpended grants received (Note3.4(c))	(2,151)	(8,038)
Discretionary reserves (9.1(b))	(4,525)	(1,476)
Total unrestricted financial assets	3,422	2,556
2023/2024 Grants commission received in advance	(6,062)	(4,430)
Total unrestricted and allocated financial assets	(2,640)	(1,874)

It should be noted that we would anticipate storm claim income to be received, for costs that we have already incurred, which would improve the unrestricted cash position, to a small surplus.

	<u>2022/2023</u>	2021/2022
Total unrestricted and allocated financial assets	(2,640)	(1,874)
Storm claim income to be received	4,049	2,835

Total unrestricted and allocated financial	1,409	961
assets		

With a low positive unrestricted cash balance – Council will need to carefully manage this in the short term. The rising costs of capital projects, storm recovery costs and service delivery has had a significant impact on the financial results. This analysis will be undertaken in the service review project and review of the ten-year financial plan currently being conducted.

Performance Reporting

Attached is the current performance statement which details a set of audited results against State Government prescribed performance indicators and measures.

The majority of indicators have remained stable during the last twelve months.

Sustainable Capacity

The construction and renewal of infrastructure assets has increased the value of all infrastructure controlled by Council. The growing proportion of infrastructure relative to the population shows Council's commitment to improving and accurately recording infrastructure.

The revenue generated by Council compared to the population has increased this year on a per person basis as the impacts of reduced rents, registration fees and waiving of interest in prior years due to COVID is not relevant this year as business returned to normal.

Service Performance

Visits to the pools decreased by 0.17 visits per person due to reduced opening hours as there was shortage of qualified staff. Pool entry remains free of charge.

Library results for participation increased significantly as services returned to pre-COVID status.

Roads satisfaction decreased which is consistent with the increase in water and flood damaged roads across the Shire.

Financial Performance

The measure of liquidity is one reflection of Council's current financial position. The higher assets relative to liabilities shows Council is able to settle its liabilities. The reduction from prior years reflects the decreasing financial position as Council implements a significant capital works program, additional costs due to storm recovery works and lower rates due to the State Government rate capping system.

Interest bearing loans as a percentage of rate revenue decreased this year as Council paid off a loan during the year and and a new loan of \$1.5 was drawn down.

Non-current liabilities as a percentage of Council's revenue from rates and fees and decreased due to a loan being repaid during the year and an increase in rates revenue. This result confirms that Council is well within its capacity to meet its loan repayment obligations.

Generally, the financial performance results remain within the expected range.

Report of Operations

Attached is the current report of operations.

This is the key service performance indicators that form part of the Local Government Performance Reporting Framework.

The Rex Impact

Overall Cost and Impact

	\$		
Purchased 2016	6,345,000		
Expenditure on the site 2016-2022	3,037,352	Written off as expense in the 2021/2022 financial year	
Total Costs	9,382,352		
Proceeds from sale	3,735,089	Sold 2022/2023	
Cash loss on The Rex Project	(5,647,263)		
Balance Sheet Impact			
Written Down Value Land and Building	6,670,298		
Loss on sale of asset	(2,935,210)	Recognised in 2022/2023 financial year	

Impact on 2022/2023 financial results

Loss on sale of asset	(2,935,210)	Recognised in 2022/2023 financial year
Repayment of Loan	(1,498,369)	
Creation of Reserve	2,135,528	

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

A dynamic and responsive Council

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

Under Section 98 of the Local Government Act 2020:

- 1. A Council must prepare an annual report in respect of each financial year.
- 2. An annual report must contain the following:
 - a) A report of operations of the Council;
 - b) An audited performance statement;
 - c) Audited financial statements;
 - d) A copy of the auditor's report on the performance statement;
- e) A copy of the auditor's report on the financial statements under Part 3 of the *Audit Act 1994*;
 - f) Any other matter required by the regulations.

Under Section 99 of the Local Government Act 2020;

- 3. The Council must ensure that the performance statement and financial statements, in their final form after any changes recommended or agreed by the auditor have been made, are certified in accordance with the regulations by
 - a) 2 Councillors authorised by the Council for the purpose of this subsection.
- b) Any other persons prescribed by the regulations for the purposes of this subsection.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report, rather this report presents Council's performance and position.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Once the final statements have been certified by the nominated Councillors and the independent auditor's report has been received from VAGO, they will form part of Council's annual report which will be forwarded to the Minister by 31 October 2023. After the annual report has been submitted to the Minister, Council must give public notice that the annual report has been prepared and can be inspected at the Council offices and on Council's website. Other appropriate communication of Council's financial performance and results will be undertaken including media release, inclusion in Hepburn Life and reports placed on Council's website.

RISK AND GOVERNANCE IMPLICATIONS

There are no risk implications associated with this report. The Financial Statements and Performance Statement were presented to the Audit and Risk Committee at their meeting on 11 September 2023. Crowe Australia have advised that an unqualified audit opinion will be issued.

ENVIRONMENTAL SUSTAINABILITY

There are no sustainability implications associated with this report.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.

2:50:00

MOTION

That Council approves an extension of the Ordinary Council Meeting for 19 September 2023 until the remaining items on the agenda have been considered.

Moved: Cr Tim Drylie

Seconded: Cr Don Henderson

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley

Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil
Abstained: Nil

MOTION

That standing orders be suspended at 8:22pm.

Moved: Cr Don Henderson **Seconded:** Cr Jen Bray

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley

Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil Abstained: Nil

Standing Orders were suspended at 8:22pm.

MOTION

That standing orders be resumed at 8:28pm.

Moved: Cr Don Henderson **Seconded:** Cr Jen Bray

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley

Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil Abstained: Nil

Standing Orders were resumed at 8:28pm.

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ANNUAL FINANCIAL REPORT

For the Year Ended 30 June 2023

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Certification of the Financial Statements

In my opinion, the accompanying financial statements have been prepared in accordance with the *Local Government Act 2020*, the *Local Government (Planning and Reporting) Regulations 2020*, the Australian Accounting Standards and other mandatory professional reporting requirements.

Kathy Fulton - Certified Practicing Accountant

Principal Accounting Officer

Date:

19-September-2023

Daylesford

In our opinion the accompanying financial statements present fairly the financial transactions of Hepburn Shire Council for the year ended 30 June 2023 and the financial position of the Council as at that date.

As at the date of signing, we are not aware of any circumstances that would render any particulars in the financial statements to be misleading or inaccurate.

We have been authorised by the Council and by the Local Government (Planning and Reporting) Regulations 2020 to certify the financial statements in their final form.

Mayor Cr Brian Hood

Councillor

Date :

19-September-2023

Daylesford

Deputy Mayor Cr Lesley Hewitt

Councillor

Date:

19-September-2023

Daylesford

Bradley Thomas

Chief Executive Officer

Date:

19-September-2023

Daylesford

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Comprehensive Income Statement For the Year Ended 30 June 2023

	Note	2023 \$'000	2022 \$'000
Income / Revenue		Ş 000	\$ 000
Rates and charges	3.1	24,866	23,745
Statutory fees and fines	3.2	1,013	963
User fees	3.3	1,154	814
Grants - operating	3.4	14,243	14,833
Grants - capital	3.4	9,603	4,940
Contributions - monetary	3.5	1,100	518
Contributions - non monetary	3.5	-	38
Other income	3.7	2,057	1,298
Total income / revenue		54,036	47,149
Expenses			
Employee costs	4.1	18,673	17,742
Materials and services	4.2	23,188	20,723
Depreciation	4.3	8,750	8,469
Bad and doubtful debts - allowance for impairment losses	4.4	(3)	33
Borrowing costs	4.5	146	188
Net loss on disposal of property, infrastructure, plant and equipment	3.6	2,973	1,346
Other expenses	4.6	2,903	4,213
Total expenses		56,630	52,714
Surplus/(deficit) for the year	_	(2,594)	(5,565)
Other comprehensive income			
Items that will not be reclassified to surplus or deficit in future periods			
Net asset revaluation increment	6.1	23,951	20,114
Total other comprehensive result		23,951	20,114
Total comprehensive result		21,357	14,549
			,

The above comprehensive income statement should be read in conjunction with the accompanying notes.

Balance Sheet As at 30 June 2023

	Note	2023	2022
Acceptance		\$'000	\$'000
Assets			
Current assets	F 1/a)	44074	6.570
Cash and cash equivalents	5.1(a)	14,274	6,579
Trade and other receivables	5.1(c)	6,892	6,860
Other financial assets	5.1(b)	4,202	17,202
Inventories	5.2(a)	13	17
Prepayments	5.2(b)	55	117
Total current assets		25,436	30,775
Non-current assets			
Property, infrastructure, plant and equipment	6.1	364,442	343,348
Total non-current assets		364,442	343,348
Total assets	_	389,878	374,123
Liabilities	_		
Current liabilities			
Trade and other payables	5.3 (a)	3,488	3,099
Trust funds and deposits	5.3 (b)	1,496	1,169
Unearned Income /revenue	5.3 (a)	2,540	8,191
Provisions	5.5	2,747	2,723
Interest-bearing liabilities	5.4	408	629
Total current liabilities	_	10,679	15,811
Non-current liabilities	_		
Provisions	5.5	464	514
Interest-bearing liabilities	5.4	3,494	3,897
Other liabilities		42	60
Total non-current liabilities		4,000	4,471
Total liabilities	_	14,679	20,282
Net assets		375,199	353,840
Equity			
Accumulated surplus		149,684	155,156
Reserves	9.1	225,515	198,684
Total equity	_	375,199	353,840

The above balance sheet should be read in conjunction with the accompanying notes.

Statement of Changes in Equity For the Year Ended 30 June 2023

2023		Total \$'000	Accumulated Surplus \$'000	Revaluation Reserve \$'000	Other Reserves \$'000
Balance at beginning of the financial year Surplus/(deficit) for the year		353,840 (2,594)	155,156 (2,594)	195,198 -	3,486
Net asset revaluation increment/(decrement)	6.1	23,951	-	23,951	-
Transfers to other reserves	9.1 (b)	-	6,307	-	(6,307)
Transfers from other reserves	9.1 (b)	-	(9,187)	-	9,187
Balance at end of the financial year	_	375,199	149,684	219,149	6,366

2022		Total \$'000	Accumulated Surplus \$'000	Revaluation Reserve \$'000	Other Reserves \$'000
Balance at beginning of the financial year Surplus/(deficit) for the year	6.1	339,290 (5,565)	160,264 (5,565)	175,084 -	3,942 -
Net asset revaluation increment/(decrement)	0.1	20,114	-	20,114	-
Transfers to other reserves	9.1 (a)	0	6,514	-	(6,514)
Transfers from other reserves	9.1 (b)	-	(6,058)	-	6,058
Balance at end of the financial year	_	353,840	155,156	195,198	3,486

The above statement of changes in equity should be read in conjunction with the accompanying notes.

Statement of Cash Flows For the Year Ended 30 June 2023

	Note	2023 Inflows/ (Outflows) \$'000	2022 Inflows/ (Outflows)
Cash flows from operating activities	Note	Ş 000	\$'000
Rates and charges		23,842	23,205
Statutory fees and fines		995	962
User fees		1,311	828
Grants - operating		15,592	13,941
Grants - capital		3,951	6,247
Contributions - monetary		1,100	518
Interest received		423	130
Rent received		1,384	960
Trust funds and deposits taken		355	(90)
Other receipts		354	244
Net GST refund		3,224	2,141
Employee costs		(18,696)	(17,508)
Materials and services		(26,484)	(22,070)
Other payments		(1,299)	(440)
Net cash provided by/(used in) operating activities	9.2	6,052	9,068
Cash flows from investing activities			
Payments for property, infrastructure, plant and equipment		(14,590)	(10,232)
Proceeds from sale of property, infrastructure, plant and equipment	3.6	4,001	157
Payments for investments		13,000	1,000
Net cash used in investing activities		2,411	(9,075)
Cash flows from financing activities			
Finance costs		(146)	(188)
Repayment of borrowings		(2,123)	(2,065)
Proceeds of borrowings		1,500	
Net cash provided by/(used in) financing activities		(769)	(2,253)
Net increase/(decrease) in cash and cash equivalents		7,694	(2,260)
Cash and cash equivalents at the beginning of the financial year		6,579	8,839
Cash and cash equivalents at the end of the financial year	5.1	14,273	6,579
Financing arrangements	5.6		
Restrictions on cash assets	5.1		

The above statement of cash flows should be read in conjunction with the accompanying notes.

Statement of Capital Works For the Year Ended 30 June 2023

Note	2023 \$'000	2022 \$'000
Property	3 000	3 000
Land improvements	_	168
Buildings	4,466	1,602
5		
Total property	4,466	1,770
Plant and equipment		
Plant, machinery and equipment	1,243	932
Computers and telecommunications	242	655
Library Resources	28	90
Total plant and equipment	1,513	1,677
Infrastructure		
Roads	2,663	2,700
Bridges	526	597
Footpaths and cycleways	299	861
Drainage	278	372
Recreational, leisure and community facilities	4,341	1,862
Parks, open space and streetscapes	452	278
Other infrastructure	52	115
Total infrastructure	8,611	6,785
Total capital works expenditure	14,590	10,232
Represented by:		
New asset expenditure	6,142	1,473
Asset renewal expenditure	5,553	6,583
Asset upgrade expenditure	2,895	2,176
Total capital works expenditure	14,590	10,232

The above statement of capital works should be read in conjunction with the accompanying notes.

Note 1 OVERVIEW

Introduction

The Hepburn Shire Council was established by an Order of the Governor in Council on 19 January 1995 and is a body corporate. The Council's main office is located at 76 Vincent Street, Daylesford 3460

Statement of compliance

These financial statements are a general purpose financial report that consists of a Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows, Statement of Capital Works and Notes accompanying these financial statements. The general purpose financial report complies with the Australian Accounting Standards (AAS), other authoritative pronouncements of the Australian Accounting Standards Board, the *Local Government Act 2020*, and the *Local Government (Planning and Reporting) Regulations 2020*.

The Council is a not-for-profit entity and therefore applies the additional AUS paragraphs applicable to not-for-profit entity under the Australian Accounting Standards.

Significant accounting policies

(a) Basis of accounting

Accounting policies are selected and applied in a manner which ensures that the resulting financial information satisfies the concepts of relevance and reliability, thereby ensuring that the substance of the underlying transactions or other events is reported. Accounting policies applied are disclosed in sections where the related balance or financial statement matter is disclosed.

The accrual basis of accounting has been used in the preparation of these financial statements, whereby assets, liabilities, equity, income and expenses are recognised in the reporting period to which they relate, regardless of when cash is received or paid.

The financial statements are based on the historical cost convention unless a different measurement basis is specifically disclosed in the notes to the financial statements.

The financial statements have been prepared on a going concern basis. The financial statements are in Australian dollars. The amounts presented in the financial statements have been rounded to the nearest thousand dollars unless otherwise specified. Minor discrepancies in tables between totals and the sum of components are due to rounding.

Judgements, estimates and assumptions are required to be made about the carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated judgements are based on professional judgement derived from historical experience and various other factors that are believed to be reasonable under the circumstances. Actual results may differ from these estimates.

Revisions to accounting estimates are recognised in the period in which the estimate is revised and also in future periods that are affected by the revision. Judgements and assumptions made by management in the application of AAS's that have significant effects on the financial statements and estimates relate to:

- the fair value of land, buildings, infrastructure, plant and equipment (refer to Note 6.1)
- the determination of depreciation for buildings, infrastructure, plant and equipment (refer to Note 6.1)
- the determination of employee provisions (refer to Note 5.5)

Note 1 OVERVIEW (continued)

Significant accounting policies (continued)

(a) Basis of accounting (continued)

- the determination of landfill provisions (refer to Note 5.5)
- the determination of whether performance obligations are sufficiently specific so as to determine whether an arrangement is within the scope of AASB 15 Revenue from Contracts with Customers or AASB 1058 Income of Not-for-Profit Entities (refer to Note 3)
- other areas requiring judgements

Unless otherwise stated, all accounting policies are consistent with those applied in the prior year. Where appropriate, comparative figures have been amended to accord with current presentation, and disclosure has been made of any material changes to comparatives.

Goods and Services Tax (GST)

Income and expenses are recognised net of the amount of associated GST. Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the taxation authority is included with other receivables or payables in the balance sheet.

(b) Storm Events

Council has been impacted by three significant storm events during the last two financial years. The first event occurred in the Trentham area in June 2021, the second event was in the Creswick area in January 2022 and the third event in October 2022 was state wide.

The result of these storms was significant damage to property and infrastructure across the areas. A storm recovery team was set up by council to co-ordinate a response to the disasters and provide support and information to the affected communities.

Note 1 OVERVIEW (continued)

Significant accounting policies (continued)

(b) Storm Events (continued)

The costs to respond to the October storm event is unbudgeted and is being partially reimbursed through government disaster recovery funding and insurance claim assessments and approval. Total costs for the three events is \$13.7m, reimbursement for the January storm event is still outstanding as well as a percentage of the other storm events.

Total Financial Impact of Storm Events on Council

	Storm Event Trentham June 2021	Storm Event Creswick January 2022	Storm Event October 2022	Total Costs
	\$'000	\$'000	\$'000	\$'000
Claims Received	4,323	7	4,879	9,209
Costs				
Employee Benefits	624	461	254	1,339
Contractors	5,035	1,786	5,237	12,058
Other	182	114	15	311
Total expenditure	5,841	2,361	5,506	13,708
Cost to Council	(1,518)	(2,354)	(627)	(4,499)

Impact of Storm Events on 2022/2023 financial results

	Storm Event Trentham June 2021	Storm Event Creswick January 2022	Storm Event October 2022	Total Costs
	\$'000	\$'000	\$'000	\$'000
Claims Received	160	7	4,879	5,046
Costs				
Employee Benefits	126	203	254	583
Contractors	324	203	5,237	5,764
Other	5	26	15	46
Total expenditure	455	432	5,506	6,393
Cost to Council	(295)	(425)	(627)	(1,347)

(c) Carried Forward Works

The carried forward works value disclosed in Note 5.1(b) is stated at 30 June 2023 budget value. This amount may fluctuate due to cost inflation in the construction industry and the changing economic climate.

Note 2 Analysis of our results

2.1 Performance against budget

The performance against budget notes compare Council's financial plan, expressed through its annual budget,

The budget figures detailed below are those adopted by Council on 28 June 2022. The Budget was based on assumptions that were relevant at the time of adoption of the Budget. Council sets guidelines and parameters for income and expense targets in this budget in order to meet Council's planning and financial performance targets for both the short and long-term. The budget did not reflect any changes to equity resulting from asset revaluations, as their impacts were not considered predictable.

These notes are prepared to meet the requirements of the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

2.1.1 Income / Revenue and expenditure

	Budget 2023	Actual 2023	Variance	Variance	
	\$'000	\$'000	\$'000	%	Ref
Income / Revenue					
Rates and charges	24,804	24,866	62	0.2%	
Statutory fees and fines	1,134	1,013	(121)	-10.7%	1
User fees	833	1,154	321	38.5%	2
Grants - operating	8,277	14,243	5,966	72.1%	3
Grants - capital	12,661	9,603	(3,058)	-24.2%	4
Contributions - monetary	510	1,100	590	115.7%	5
Other income	1,368	2,057	689	50.4%	6
Total income / revenue	49,587	54,036	4,449	9.0%	
Expenses					
Employee costs	16,429	18,673	(2,244)	-13.7%	7
Materials and services	19,488	23,188	(3,700)	-19.0%	8
Depreciation	6,723	8,750	(2,027)	-30.2%	9
Amortisation - Intangible assets	133	-	133	100.0%	10
Bad and doubtful debts - allowance for impairment losses	11	- 3	14	127.3%	
Borrowing costs	198	146	52	26.3%	
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	-	2,973	(2,973)	100.0%	11
Other expenses	868	2,903	(2,035)	-234.3%	12
Total expenses	43,851	56,630	(12,779)	-29.1%	
Surplus (deficit) for the year	5,736	(2,594)	(8,330)	-145.2%	

Note 2.1 Performance against budget (continued)

2.1.1 Income / Revenue and expenditure (continued)
(i) Explanation of material variations

Ref Item / Explanation

- Statutory Fees and Fines The decrease in statutory fees and fines is attributable to planning enforcement fines being unfavourable to budget \$35k as there was less enforcement activity due to changes in staff. Town Planning Fees unfavourable \$60.5k as a result of reduced number of applications impacted by interest rates and a downturn in the building industry. Income waivers \$27.5k were unbudgeted as the expectation was that outdoor dining fees would be reactivated and fire prevention fines unfavourable \$10k. This is partially offset by storm water fees being favourable to budget \$18k.
- User fees The increase in user fees is attributable to the retention of aged care fees not requiring to be refunded to the government department \$395k which is partially offset by unfavourable gate fees charged at the transfer stations \$23.3k and lower building fee income being generated \$30.1k.
- Grants Operating The increase in operating grants is a result of 100% of the 2023/2024 financial assistance grants allocation (\$6.1m) being received in 2022/2023 per Federal Government decision, partially offset by storm recovery grants of \$0.3m being unfavourable to budget.
- 4 Grants capital The decrease in Capital Grants received is due to a number of factors. Delay in delivery of capital projects including Trentham Community Hub \$1.3m and Wombat Hill Botanic Gardens \$0.07m. Unsuccessful grant application for Daylesford to Hanging Rock Rail Trail \$0.5m. Delay in receipt of LRCI funding \$0.6m.
- 5 **Contributions Monetary** This is favourable to budget due to contributions being received for Creswick Trails \$0.35m and Hammon Park Trail Head \$0.24m
- **Other Income** This is favourable to budget due to improved interest rates on investments \$0.3m and additional rent revenue being received on commercial properties \$0.2m.
- 7 Employee Costs Employee costs are unfavourable to budget predominately due to temporary staff \$1.67m over budget which is attributable to covering vacant positions and temporary staff responding to storm events (\$311k). An underpayment of allowances resulted in backpay of \$0.14m and the inclusion of unbudgeted termination payments of \$0.28m.
- Materials and Services Materials and services are unfavourable to budget by \$3.7m due to a number of factors. Completion of a project that is not a council asset (Trentham Sportsground pavilion which is a state government asset) being expensed \$1.7m. Rising costs impacting fuel \$0.2m and Utilities \$0.1m. Additional investment in ICT \$0.3m and increased legal costs due to FOI requests and VCAT appeals \$0.3m. Consultants engaged for specific projects \$0.6m.
- Depreciation The budget depreciation had not taken into the increase due the large capital program and impact of revaluations, note depreciation is a non-cash item.
- 10 Amortisation of Intangibles All intangible items were written off in the prior financial year.
- 11 Net Gain / (loss) on disposal of asset The increase compared to budget relates to the sale of the Rex Building.
- Other Expenses The increase compared to budget relates to the write off of previous years work in progress (WIP) allocated to capital projects that will not result in recognition of assets \$1.7m, and vegetation offset removal charges \$0.4m.

Note 2 Analysis of our results (continued)

2.1 Performance against budget (continued)

2.1.2 Capital works

	Budget 2023 \$'000	Actual 2023 \$'000	Variance \$'000	Variance %	Ref
Property	¥ 555	Ψ 000	4 000	,,	
Land improvements	-	-	_	100%	
Buildings and Building Improvements	5,819	4,466	(1,353)	-23.3%	1
Total property	5,819	4,466	(1,353)	-23.3%	
Plant and equipment					
Plant, machinery and equipment	600	1,243	643	107.2%	2
Computers and telecommunications	767	242	(525)	-68.4%	3
Library books	60	28	(32)	-52.7%	
Total plant and equipment	1,427	1,513	87	6.1%	
Infrastructure					
Roads	3,881	2,663	(1,218)	-31.4%	4
Bridges	640	526	(114)	-17.8%	5
Footpaths and cycleways	1,456	299	(1,157)	-79.5%	6
Drainage	414	278	(137)	-33.0%	7
Recreational, leisure & community facilities	4,702	4,341	(361)	-7.7%	
Parks, open space and streetscapes	393	452	59	15.0%	
Other infrastructure	33	53	20	59.6%	
Total infrastructure	11,518	8,611	(2,907)	-25.2%	
Total capital works expenditure	18,764	14,590	(4,173)	-22.2%	
Represented by:					
New asset expenditure	7,782	6,142	(1,640)	-21.1%	
Asset renewal expenditure	8,329	5,553	(2,775)	-33.3%	
Asset upgrade expenditure	2,654	2,895	241	9.1%	
Total capital works expenditure	18,764	14,590	(4,173)	-22.2%	

Note 2 Analysis of our results (continued)

- 2.1 Performance against budget (continued)
- 2.1.2 Capital works
 - (i) Explanation of material variations

Ref Item / Explanation

- 1 Buildings and Building Improvements A number of projects that had been delayed in the previous year were completed, this included the Creswick Town Hall \$1.07m and building renewal works \$0.720m. Trentham Sports ground Pavilion was completed but is a state government asset so was not capitalised. It was budgeted as capital works.
- **Plant machinery and equipment-** Delays with delivery of fleet items in previous years has impacted the current year spend. The funding had been carried forward into 2022/2023.
- 3 Computers and telecommunications Focus during the year was on Hardware and Technology renewal however there was underspend on server equipment replacement and other technology development, which will be completed in 2023/2024.
- **Roads** renewal programs were completed however the Dean Newlyn Road project did not commence due to tender prices received being well in excess of the budget. This funding was redirected towards patching programs across the shire.
- **5 Bridges** a major bridge renewal was completed however a second bridge has only had design work completed in the current year.
- **Footpaths and cycleways f**unding for Daylesford to Hanging Rock Rail Trail was not successful so project has not commenced \$0.9m.
- 7 **Drainage** Kerb and channel rehabilitation projects were delayed due to challenges with internal and external resourcing to have construction commenced.

Note 2 Analysis of our results (continued)

2.2 Analysis of Council results by program

2.2.1 Council delivers its functions and activities through the following programs.

CEO Office

The Chief Executive Office (CEO) provides the strategic direction across council to enable the efficient, effective delivery of policy commitments, council vision and mission.

Infrastructure and Delivery

Infrastructure and Delivery Services is responsible for constructing new infrastructure and maintaining existing infrastructure across a very diverse range of assets that underpin the wellbeing of the community. These assets include capital works engineering services, environment and waste, parks and gardens, emergency management and municipal resources, including the delivery of major projects. Health and community safety services and facilities maintenance are also included as part of this program.

Community and Development

Community Services provides high quality community focused programs, service delivery and communication to residents. Community Services is comprised of community care, connected communities, family services, health communities, leisure and recreational services and social planning and investment.

Community Services is underpinned by both customer commitments and customer service strategies. Community and economic development are responsible for business improvement and customer service. Community and economic development also advocate on behalf of the community for major events, arts, culture, economic development and cultural opportunities including the delivery of a reconciliation action plan with the traditional owners of the land of the Dja Dja Wurrung.

Development Services incorporates planning services and includes the assessment of shire development, planning strategy and urban growth.

Organisational Services

Organisational Services provides efficient, effective and proactive support services across council to enable the delivery of all council services. The provision of these services includes finance services, governance, risk, digital information and technology and culture and performance.

Note 2 Analysis of our results (continued)

2.2 Analysis of Council results by program (continued)

2.2.2 Summary of income / revenue, expenses, assets and capital expenses by program

2023	Income / Revenue \$'000	Expenses \$'000	Surplus/ (Deficit) \$'000	Grants included in income / revenue \$'000	Total assets \$'000
CEO Office		1,786	(1,786)		<u> </u>
Infrastructure and Delivery Services	28,680	24,994	3,685	10,469	294,124
Community and Development Services	3,471	10,462	(6,991)	8,161	34,630
Organisational Services	19,274	16,776	2,498	5,216	61,154
	51,424	54,018	(2,594)	23,846	389,908
	Income /	Expenses	Surplus/	Grants included in	Total
	Revenue	LAPCHISCS	(Deficit)	income / revenue	assets
2022	\$'000	\$'000	\$'000	\$'000	\$'000
CEO Office	-	1,049	(1,049)	-	-
Infrastructure and Delivery Services	18,258	26,098	(7,840)	11,792	271,908
Community and Development Services	3,504	7,798	(4,294)	2,520	35,068
Organisational Services	25,387	17,769	7,618	5,461	67,146
	47,149	52,714	(5,565)	19,773	374,122

Note 3 Funding for the delivery of our services 2023 2022 3.1 Rates and charges \$'000 \$'000

Council uses Capital Improved Value (CIV) as the basis of valuation of all properties within the municipal district. The CIV of a property is an approximation of its market value.

The valuation base used to calculate general rates for 2022/2023 was \$9,045,824 million (2021/2022 \$6,654,477 million).

General rates	19,331	18,776
Garbage and Recycling Charges	2,643	2,356
Waste management charge	2,409	2,074
Special rates and charges	85	140
Supplementary rates and rate adjustments	78	140
Interest on rates and charges	311	258
Revenue in lieu of rates	9	1
Total rates and charges	24,866	23,745

The date of the latest general revaluation of land for rating purposes within the municipal district was 01/01/2023, and the valuation will be first applied in the rating year commencing 1/07/2023.

Annual rates and charges are recognised as revenues when Council issues annual rates notices. Supplementary rates are recognised when a valuation and reassessment is completed and a supplementary rates notice issued.

3.2 Statutory fees and fines

Infringements and costs	44	41
Permits	11	13
Local Law Permits	11	4
Environmental Health Permits	52	51
Registration fees	230	211
Town planning fees	596	605
Other fees and fines	69	38
Total statutory fees and fines	1,013	963

Statutory fees and fines (including parking fees and fines) are recognised as revenue when the service has been provided, the payment is received, or when the penalty has been applied, whichever first occurs.

3.3 User fees

Aged and health services	8	76
Building Services	232	261
Aquatic Centre Fees	9	-
Waste management services	456	387
Other fees and charges	449	90
Total user fees	1,154	814
User fees by timing of revenue recognition		
User fees recognised at a point in time	1,154	814
Total user fees	1,154	814

User fees are recognised as revenue at a point in time, or over time, when (or as) the performance obligation is satisfied. Recognition is based on the underlying contractual terms.

Note 3 Funding for the delivery of our services (continued)		
3.4 Funding from other levels of government	2023	2022
Grants were received in respect of the following:	\$'000	\$'000
Summary of grants		
Commonwealth funded grants	8,318	8,956
State funded grants	15,527	10,817
Total grants received	23,845	19,773
(a) Operating Grants		
Recurrent - Commonwealth Government		
Financial Assistance Grants - VGC	5,039	5,047
Local Road funding - VGC	2,332	2,267
Aged care	6	669
Community health	1	3
Recurrent - State Government		
Aged care	16	88
Libraries	177	174
Maternal and child health	119	339
Emergency Management	120	-
School crossing supervisors	44	43
Youth	36	30
Other	52	56
Total recurrent operating grants	7,942	8,716
Non-recurrent - State Government		
Commerce and tourism	300	700
Emergency management	791	146
Transport	-	4
Waste and environment	37	182
Working for Victoria	-	204
Storm Events	5,045	4,681
Other	128	200
Total non-recurrent operating grants	6,301	6,117
Total operating grants	14,243	14,833
(b) Capital Grants		
Recurrent - Commonwealth Government		
Roads to recovery	940	971
Total recurrent capital grants	940	971
Non-recurrent - State Government		
Buildings	6,030	787
Roads	977	1,511
Recreation, leisure and community facilities	1,609	1,416
Storm Events	-	125
Other	47	130
Total non-recurrent capital grants	8,663	3,969
Total capital grants	9,603	4,940

Note 3 Funding for the delivery of our services (continued)

3.4 Funding from other levels of government (continued)

(c) Recognition of grant income

Before recognising funding from government grants as revenue the Council assesses whether there is a contract that is enforceable and has sufficiently specific performance obligations in accordance with *AASB* 15 Revenue from Contracts with Customers. When both these conditions are satisfied, the Council:

- identifies each performance obligation relating to revenue under the contract/agreement
- determines the transaction price
- recognises a contract liability for its obligations under the agreement
- recognises revenue as it satisfies its performance obligations, at the time or over time when services are rendered.

Where the contract is not enforceable and/or does not have sufficiently specific performance obligations, the Council applies AASB 1058 Income for Not-for-Profit Entities.

Grant revenue with sufficiently specific performance obligations is recognised over time as the performance obligations specified in the underlying agreement are met. Where performance obligations are not sufficiently specific, grants are recognised on the earlier of receipt or when an unconditional right to receipt has been established. Grants relating to capital projects are generally recognised progressively as the capital project is completed. The following table provides a summary of the accounting framework under which grants are recognised.

Income recognised under AASB 1058 Income of Not-for-Profit Entities	2023	2022
	\$'000	\$'000
General purpose		
Specific purpose grants to acquire non-financial assets	9,602	4,940
Other specific purpose grants	8,550	9,530
Revenue recognised under AASB 15 Revenue from Contracts with Customers		
Specific purpose grants	5,693	5,303
_	23,845	19,773
(d) Unspent grants received on condition that they be spent in a specific	\$'000	\$'000
manner		
Operating		
Balance at start of year	2,378	1,570
Received during financial year and remained unspent at balance date	1,219	872
Received in prior years and spent during the financial year	(2,371)	(64)
Balance at year end	1,225	2,378
Capital		
Balance at start of year	5,660	4,816
Received during financial year and remained unspent at balance date	735	2,401
Received in prior years and spent during the financial year	(5,470)	(1,557)
Balance at year end	925	5,660
Unspent grants are determined and disclosed on a cash basis.		

Note 3 Funding for the delivery of our services (continued)

	2023	2022
	\$'000	\$'000
3.5 Contributions		
Monetary	1,100	518
Non-monetary	-	38
Total contributions	1,100	556
Contributions of non-monetary assets were received in relation to the f	following asset classes.	
Other Infrastructure	-	38
Total non-monetary contributions	-	38

Monetary and non monetary contributions are recognised as revenue at their fair value when Council obtains control over the contributed asset.

3.6 Net gain/(loss) on disposal of property, infrastructure, plant and equipment

Total net gain/(loss) on disposal of property, infrastructure, plant and equipment	(2,973)	(1,346)
Written down value of infrastructure assets renewed	(281)	(1,477)
Proceeds of sale Written down value of assets disposed	4,001 (6,693)	157 (26)

The profit or loss on sale of an asset is determined when control of the asset has passed to the buyer.

3.7 Other income

Interest	423	130
Reimbursements	235	112
Facilities rental income	1,280	924
Sale of materials	114	127
Other	5	5
Total other income	2,057	1,298

Interest is recognised as it is earned. Other income is measured at the fair value of the consideration received or receivable and is recognised when Council gains control over the right to receive the income.

Note 4 The cost of delivering services

	2023 \$'000	2022 \$'000
4.1 (a) Employee costs		
Wages and salaries	14,481	13,576
WorkCover	321	612
Superannuation	1,478	1,334
Fringe benefits tax	94	79
Agency staff	2,299	2,141
Total employee costs	18,673	17,742
\$583k costs associated due to storm events in 2023 (\$756k in 2022).		
(b) Superannuation		
Council made contributions to the following funds:		
Defined benefit fund		
Employer contributions to Local Authorities Superannuation Fund (Vision Super)	50	48
	50	48
Employer contributions payable at reporting date.	-	-
Accumulation funds		
Employer contributions to Local Authorities Superannuation Fund	568	531
(Vision Super)		
Employer contributions - other funds	864	755
	1,432	1,286
Employer contributions payable at reporting date.		-

Note 4 The cost of delivering services (continued)

	2023	2022
4.2 Materials and services	\$'000	\$'000
Building maintenance	53	56
Consultants	2,469	1,794
Contract payments		
Waste Service	3,062	3,067
Infrastructure Maintenance	7,953	1,777
General Contracts	2,531	7,450
Information technology	1,151	1,076
Insurance	576	537
Materials and services	4,081	3,860
Office administration	614	492
Utilities	699	614
Total materials and services	23,188	20,723

Expenses are recognised as they are incurred and reported in the financial year to which they relate. \$5.8M was incurred in 2023 in relation to storm recovery (\$6.3M in 2022).

4.3 Depreciation

Total depreciation	8,750	8,469
Infrastructure	5,245	5,111
Plant and equipment	1,169	1,031
Property	2,335	2,327

Refer to Note 5.2(c) and 6.1 for a more detailed breakdown of depreciation and amortisation charges and accounting policy.

4.4 Bad and doubtful debts - allowance for impairment losses

Rental Debtors	-	1
Other debtors	(3)	32
Total bad and doubtful debts - allowance for impairment losses	(3)	33
Movement in allowance for impairment losses in respect of debtors		
Balance at the beginning of the year	(110)	(79)
New provisions recognised during the year	(5)	(31)
Amounts already provided for and written off as uncollectible	87	-
Amounts provided for but recovered during the year	12	-
Balance at end of year	(16)	(110)

An allowance for impairment losses in respect of debtors is recognised based on an expected credit loss model. This model considers both historic and forward looking information in determining the level of impairment.

Note 4 The cost of delivering services (continued)

	2023	2022
4.5 Borrowing costs	\$'000	\$'000
Interest - Borrowings	146	188
Total borrowing costs	146	188

Borrowing costs are recognised as an expense in the period in which they are incurred, except where they are capitalised as part of a qualifying asset constructed by Council.

4.6 Other expenses

Auditors' remuneration - VAGO - audit of the financial statements, performance		
statement and grant acquittals	51	44
Auditors' remuneration - Internal Audit	38	30
Councillors' allowances	254	220
Community grants	300	274
Operating pension rebate	36	37
Tourism board membership	80	20
Work in Progress Write Off #	1,693	3,562
Others	451	26
Total other expenses	2,903	4,213

This write off figures includes the works completed on the Trentham Sportsground Pavilion as it is not a Council Asset. The prior year write off was The Rex building.

Note 5 Our financial position

te 5 out intancial position	2023	2022
5.1 Financial assets	\$'000	\$'000
(a) Cash and cash equivalents	·	·
Cash on hand	3	5
Cash at bank	8,228	6,531
Term deposits	6,043	43
Total cash and cash equivalents	14,274	6,579
(b) Other financial assets		
Term deposits - current	4,202	17,202
Total other financial assets	4,202	17,202
Total financial assets	18,476	23,781
Council's cash and cash equivalents are subject to external restrictions that limit discretionary use. These include:	amounts availab	le for
- Trust Funds and Deposits (note 5.3)	1,496	1,169
- Statutory reserves (note 9.1(b))	1,842	2,008
Total restricted funds	3,339	3,177
Total unrestricted cash and cash equivalents	10,935	3,402
Intended Allocations Although not externally restricted the following amounts have been allocated for	or specific future	purposes
by Council.		
- Cash held to fund carried forward works	5,040	8,531
 Unexpended grants received (Note 3.4(c)) 	2,151	8,038
- Discretionary reserves (Note 9.1(b))	4,525	1,479
Total unrestricted financial assets	3,422	2,556
- Financial Assistance Grants for 2023/2024 received in current year	6,062	4,430
Total unrestricted and allocated financial assets received	(2,640)	(1,874)
- Storm Claim Income anticipated to be received in 2023/2024 (Note 8.1(a))	(4,049)	(2,835)
Total unrestricted and allocated financial assets	1,409	961

Cash and cash equivalents include cash on hand, deposits at call, and other highly liquid investments with original maturities of three months or less, net of outstanding bank overdrafts.

Other financial assets are valued at fair value, at balance date. Term deposits are measured at original cost. Any unrealised gains and losses on holdings at balance date are recognised as either a revenue or expense.

Other financial assets include term deposits and those with original maturity dates of three to 12 months are classified as current, whilst term deposits with maturity dates greater than 12 months are classified as non-current.

Note 5 Our financial position (continued)

ote o Car imanolar position (commutea)	2023	2022
5.1 (c) Trade and other receivables	\$'000	\$'000
Current		
Statutory receivables		
Rates debtors	4,702	3,678
Special rate assessment	346	374
Infringement debtors	189	171
Net GST receivable	522	741
Non statutory receivables		
Loans and advances to community organisations		
Other debtors - rental	68	190
Other debtors - government grants	741	1,347
Other debtors - miscellaneous	339	469
Provision for doubtful debts - other debtors	(16)	(110)
Total current trade and other receivables	6,892	6,860

Short term receivables are carried at invoice amount. A provision for doubtful debts is recognised when there is objective evidence that an impairment has occurred. Long term receivables are carried at amortised cost using the effective interest rate method.

(d) Ageing of Receivables

The ageing of the Council's trade and other receivables (excluding statutory receivables) that are not impaired was:

Total trade and other receivables	1,148	1,897
Past due by more than 1 year	11	3
Past due between 181 and 365 days	96	11
Past due between 31 and 180 days	22	70
Past due by up to 30 days	26	1
Current (not yet due)	993	1,812

(e) Ageing of individually impaired Receivables

At balance date, other debtors representing financial assets with a nominal value of \$16,000 (2022: \$110k) were impaired. The amount of the provision raised against these debtors was \$16,000 (2022: \$110k). They individually have been impaired as a result of their doubtful collection. Many of the long outstanding past due amounts have been lodged with Council's debt collectors or are on payment arrangements.

The ageing of receivables that have been individually determined as impaired at

Total trade & other receivables	16	110
Past due by more than 1 year	16	110
Past due between 181 and 365 days	-	-
Past due between 31 and 180 days	-	-
Past due by up to 30 days	-	-
Current (not yet due)	-	-

Note 5 Our financial position (continued)

te 5	Our financial position (continued)		
		2023	2022
5.2	Non-financial assets	\$'000	\$'000
	(a) Inventories		
	Inventories held for distribution	13	17
	Total inventories	13	17
	Inventories held for distribution are measured at cost, adjusted when	applicable for any loss of service pot	ential.
	(b) Other assets		
	Prepayments	55	117
	Total other assets	55	117
	(c) Intangible assets		
	Software	<u>-</u>	_
	Total intangible assets		
	Gross carrying amount		
	Balance at 1 July	-	1,282
	Additions	-	-
	WIP	-	=
	Write-Off	-	(1,282)
	Balance at 30 June	-	=
	Accumulated amortisation and impairment		
	Balance at 1 July	-	874
	Amortisation expense	-	-
	Write-Off		(874)
	Balance at 30 June		-
	Net book value at 30 June	-	-

Intangible assets with finite lives are amortised as an expense on a systematic basis over the asset's useful life. Amortisation is generally calculated on a straight line basis, at a rate that allocates the asset value, less any estimated residual value over its estimated useful life. Estimates of the remaining useful lives and amortisation method are reviewed at least annually, and adjustments made where appropriate.

Note 5 Our financial position (continued)

Payables, trust funds and deposits and unearned income / revenue	2023	2022
(a) Trade and other payables		
Current	\$'000	\$'000
Non-statutory payables		
Trade payables	2,035	2,336
Accrued expenses	1,452	763
Income in advance	388	153
Total current trade and other payables	3,876	3,252
(b) Trust funds and deposits		
Current		
Refundable deposits	241	148
Fire services levy	438	374
Retention amounts	243	70
Other trust funds and deposits	574	577
Total current trust funds and deposits	1,496	1,169
(c) Unearned income/revenue		
Current		
Grants received in advance - operating	1,346	2,378
Grants received in advance - capital	806	5,660
Total current unearned income/revenue	2,151	8,038

Unearned income/revenue represents contract liabilities and reflect consideration received in advance from customers in respect of capital and other grants. Unearned income/revenue are derecognised and recorded as revenue when promised goods and services are transferred to the customer. Refer to Note 3.

Amounts received as deposits and retention amounts controlled by Council are recognised as trust funds until they are returned, transferred in accordance with the purpose of the receipt, or forfeited. Trust funds that are forfeited, resulting in council gaining control of the funds, are to be recognised as revenue at the time of forfeit.

Purpose and nature of items

Refundable deposits - Deposits are taken by council as a form of surety in a number of circumstances, including in relation to building works, tender deposits, contract deposits and the use of civic facilities.

Fire Service Levy - Council is the collection agent for fire services levy on behalf of the State Government. Council remits amounts received on a quarterly basis. Amounts disclosed here will be remitted to the state government in line with that process.

Retention Amounts - Council has a contractual right to retain certain amounts until a contractor has met certain requirements or a related warrant or defect period has elapsed. Subject to the satisfactory completion of the contractual obligations, or the elapsing of time, these amounts will be paid to the relevant contractor in line with Council's contractual obligations.

Note 5 Our financial position (continued)

5.4 Interest-bearing liabilities	2023	2022
Current	\$'000	\$'000
Borrowings - secured	408	629
Non-current		
Borrowings - secured	3,494	3,897
Total	3,903	4,526
Borrowings are secured by a deed of charge over council rates		
(a) The maturity profile for Council's		
borrowings is:		
Not later than one year	408	629
Later than one year and not later than five		
years	1,758	2,605
Later than five years	1,737	1,292
Total Interest-bearing liabilities	3,903	4,526

Borrowings are initially measured at fair value, being the cost of the interest bearing liabilities, net of transaction costs. The measurement basis subsequent to initial recognition depends on whether the Council has categorised its interest-bearing liabilities as either financial liabilities designated at fair value through the profit and loss, or financial liabilities at amortised cost. Any difference between the initial recognised amount and the redemption value is recognised in net result over the period of the borrowing using the effective interest method.

The classification depends on the nature and purpose of the interest bearing liabilities. The Council determines the classification of its interest bearing liabilities at initial recognition.

5.5 Provisions

		Landfill	
	Employee	restoration	Total
2023	\$ '000	\$ '000	\$ '000
Balance at beginning of the financial year	2,909	328	3,237
Additional provisions	1,220	-	1,220
Amounts used	(1,211)	(35)	(1,246)
Balance at the end of the financial year	2,918	293	3,211
Provisions - current	2,721	26	2,747
Provisions - non-current	197	267	464
2022			
Balance at beginning of the financial year	2,614	323	2,937
Additional provisions	1,511	27	1,538
Amounts used	(1,216)	(22)	(1,238)
Balance at the end of the financial year	2,909	328	3,237
Provisions - current	2,696	27	2,723
Provisions - non-current	213	301	514

Note 5 Our financial position (continued)

5.5 Provisions (continued)

/ \ \ - \ \	2023	2022
(a) Employee provisions	\$'000	\$'000
Current provisions expected to be wholly settled within 12 months		
Annual leave	927	925
Long service leave	343	335
Other	51	51
	1,321	1,311
Current provisions expected to be wholly settled after 12 months		
Annual leave	84	85
Long service leave	1,316	1,300
	1,400	1,385
Total current employee provisions	2,721	2,696
Non-current		
Long service leave	197	213
Annual leave	-	-
Total non-current employee provisions	197	213
Aggregate carrying amount of employee provisions:		
Current	2,721	2,696
Non-current	197	213
Total aggregate carrying amount of employee provisions	2,918	2,909

The calculation of employee costs and benefits includes all relevant on-costs and are calculated as follows at reporting date.

Annual leave

A liability for annual leave is recognised in the provision for employee benefits as a current liability because the Council does not have an unconditional right to defer settlement of the liability. Liabilities for annual leave are measured at:

- nominal value if the Council expects to wholly settle the liability within 12 months
- present value if the Council does not expect to wholly settle within 12 months.

Liabilities that are not expected to be wholly settled within 12 months of the reporting date are recognised in the provision for employee benefits as current liabilities, measured at the present value of the amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

Note 5 Our financial position (continued)

5.5 Provisions (continued)

Long service leave

Liability for long service leave (LSL) is recognised in the provision for employee benefits. Unconditional LSL is disclosed as a current liability as the Council does not have an unconditional right to defer settlement. Unconditional LSL is measured at nominal value if expected to be settled within 12 months or at present value if not expected to be settled within 12 months. Conditional LSL that has been accrued, where an employee is yet to reach a qualifying term of employment, is disclosed as a non-current liability and measured at present value.

	2023	2022
	\$'000	\$'000
Key assumptions:		
- discount rate	4.06%	3.69%
- index rate	2.50%	2.50%
- settlement rate	7 years	7 years
(b) Landfill restoration		
Current	26	27
Non-current	267	301
	293	328

Council is obligated to restore landfill sites to a particular standard. The forecast life of the site is based on current estimates of remaining capacity and the forecast rate of infill. The provision for landfill restoration has been calculated based on the present value of the expected cost of works to be undertaken. The expected cost of works has been estimated based on current understanding of work required to reinstate the site to a suitable standard. Accordingly, the estimation of the provision required is dependent on the accuracy of the forecast timing of the work, work required and related costs.

Council reviews the landfill restoration provision on an annual basis, including the key assumptions listed below:

- index rate	2.50%	2.50%
5.6 Financing arrangements		
5.6 Financing arrangements		

o i maneing arrangements		
	2023	2022
The Council has the following funding arrangements in place as at 30 June	\$'000	\$'000
Credit card facilities	150	150
Total facilities	150	150
Used facilities	105	59
Unused facilities	45	91

Note 5 Our financial position (continued)

5.7 Commitments

The Council has entered into the following commitments. Commitments are not recognised in the Balance Sheet. Commitments are disclosed at their nominal value and presented inclusive of the GST payable.

(a) Commitments for expenditure

2023	Not later than 1 year \$'000	Later than 1 year and not later than 2 years \$'000	Later than 2 years and not later than 5 years \$'000	Later than 5	Total \$'000
Operating	·	·	·	•	·
Maternal and child health	122		-	-	122
Library services	143	144			287
Kerbside Collection	2,953	3,071	3,194		9,218
Other	331	127	57	-	515
Total	3,549	3,342	3,251		10,142
Capital					
Buildings	3,290	-	-	-	3,290
Infrastructure	1,634				1,634
Total	4,924		-		4,924
		Later than 1 year and	Later than 2 years and		
	Night labor	not later	not later	Latauthau F	
2022	Not later	not later than 2	not later than 5	Later than 5	Total
2022	Not later than 1 year \$'000	not later	not later	Later than 5 years \$'000	Total \$'000
2022 Operating	than 1 year	not later than 2 years	not later than 5 years	years	
	than 1 year	not later than 2 years	not later than 5 years	years	
Operating	than 1 year \$'000	not later than 2 years \$'000	not later than 5 years	years	\$'000
Operating Transfer station	\$'000 660	not later than 2 years \$'000	not later than 5 years \$'000	years	\$'000
Operating Transfer station Maternal and child health	\$'000 660 365	not later than 2 years \$'000	not later than 5 years \$'000	years	\$'000 660 487
Operating Transfer station Maternal and child health Library services	\$'000 660 365 144	not later than 2 years \$'000	not later than 5 years \$'000	years \$'000 - - -	\$'000 660 487 431
Operating Transfer station Maternal and child health Library services Kerbside Collection	\$'000 \$660 365 144 2,840	not later than 2 years \$'000	not later than 5 years \$'000	years \$'000 - - - 3,194	\$'000 660 487 431 12,058
Operating Transfer station Maternal and child health Library services Kerbside Collection Other	\$'000 \$660 365 144 2,840 62	not later than 2 years \$'000 - 122 143 2,953	not later than 5 years \$'000 - - - 144 3,071	years \$'000 - - - 3,194 -	\$'000 660 487 431 12,058 62
Operating Transfer station Maternal and child health Library services Kerbside Collection Other Total	\$'000 \$660 365 144 2,840 62	not later than 2 years \$'000 - 122 143 2,953	not later than 5 years \$'000 - - - 144 3,071	years \$'000 - - - 3,194 -	\$'000 660 487 431 12,058 62
Operating Transfer station Maternal and child health Library services Kerbside Collection Other Total Capital	\$'000 \$660 365 144 2,840 62 4,071	not later than 2 years \$'000 - 122 143 2,953	not later than 5 years \$'000 - - - 144 3,071	years \$'000 - - - 3,194 -	\$'000 660 487 431 12,058 62 13,699
Operating Transfer station Maternal and child health Library services Kerbside Collection Other Total Capital Buildings	\$'000 \$'000 660 365 144 2,840 62 4,071	not later than 2 years \$'000 - 122 143 2,953	not later than 5 years \$'000 - - - 144 3,071	years \$'000 - - - 3,194 -	\$'000 660 487 431 12,058 62 13,699

Note 5 Our financial position (continued)

5.7 Commitments (continued)

2023

2022

Operating lease commitments

\$'000 \$'000

Council has elected not to recognise right-of-use assets and lease liabilities for short-term leases of equipment and land and buildings that have a lease term of 12 months or less and leases of low-value assets. Council recognises the lease payments associated with the leases as an expense on a straight-line basis over the lease term.

Not later than one year	4	14
Later than one year and not later than five years	15	16
Later than five years		3
	19	33

The above lease falls into the category of short term and low value. Council recognises the lease payments associated with these leases as an expense on a straight-line basis over the lease term.

(b) Operating lease receivables

Operating lease receivables

The Council has entered into commercial property leases on its investment property, consisting of surplus freehold office complexes. These properties held under operating leases have remaining non-cancellable lease terms of between 1 and 25 years. All leases include a CPI based revision of the rental charge annually.

Future undiscounted minimum rentals receivable under non-cancellable operating leases are as follows.

	8,225	9,490
Later than five years	2,975	3,762
Later than one year and not later than five years	4,253	4,684
Not later than one year	997	1,044

Note 6 Assets We Manage

6.1 Property, infrastructure, plant and equipment

Summary of property, infrastructure, plant and equipment

	Carrying amount 2022 \$'000	Additions \$'000	Found assets \$'000	Revaluation \$'000	Depreciation \$'000	Disposal \$'000	Write-off \$'000	Asset class transfers \$'000	Carrying amount 2023
Property	138,601	-	-	3,940	(2,335)	(6,700)	-	2,181	135,687
Plant and equipment	3,830	-	-	-	(1,169)	(23)	-	1,338	3,976
Infrastructure	195,311	-	-	20,010	(5,245)	(281)	-	7,228	217,024
Work in progress	5,605	14,590	-	-	-	-	(1,693)	(10,748)	7,755
	343,348	14,590		23,951	(8,749)	(7,004)	(1,693)	-	364,442
Work in progress						(7,004)	(1,693) (1,693)	(10,748)	-

Summary of Work in Progress (WIP)	Opening WIP \$'000	Additions \$'000	Write-off \$'000	Transfers \$'000	Closing WIP
Property	1,778	4,566	(426)	(2,317)	3,602
Plant and equipment	1,002	1,492	(54)	(1,339)	1,101
Infrastructure	2,825	8,532	(1,213)	(7,092)	3,052
Total	5,605	14,590	(1,693)	(10,748)	7,755

6.1 Property, infrastructure, plant and equipment (continued)

(a) Property

• • • •									
Land - specialised	Land - specialised	Land - non specialised	Land improvements	Total land & land Improvements	Buildings - specialised	Buildings - non specialised	Total buildings	Work in progress	Total property
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Carrying amount 2022	35,543	25,649	13,982	75,174	131,916	13,629	145,545	1,778	222,498
Accumulated depreciation at 30 June 2022	-	-	(5,826)	(5,826)	(71,977)	(4,315)	(76,292)	-	(82,118)
Adjusted Opening Balance	35,543	25,649	8,156	69,348	59,939	9,314	69,253	1,778	140,379
Movements in fair value									
Additions	-	-	-	-	-	-	-	4,566	4,566
Revaluation	(1,755)	(1,126)	-	(2,881)	9,785	680	10,466	-	7,584
Disposal	-	(3,000)	-	(3,000)	-	(3,700)	(3,700)	-	(6,700)
Transfers from Work in Progress	-	-	-	-	-	2,181	2,181	(2,317)	(136)
Write-Off	-	-	-	-	-	-	-	(426)	(426)
	(1,755)	(4,126)	-	(5,881)	9,785	(839)	8,947	1,824	4,889
Movements in accumulated depreciation						· <u></u>			
Depreciation and amortisation	-	-	(274)	(274)	(1,902)	(159)	(2,061)	-	(2,335)
Accumulated depreciation of disposals	-	-	-	-	-	-	-	-	-
Revaluation	<u> </u>			<u>-</u>	(3,358)	(286)	(3,644)	<u>-</u>	(3,644)
			(274)	(274)	(5,261)	(444)	(5,705)	<u> </u>	(5,979)
Carrying amount 2023	33,788	21,523	13,982	69,293	141,701	12,791	154,492	3,602	227,387
Accumulated depreciation at 30 June 2023	-	-	(6,100)	(6,100)	(77,238)		(81,997)	-	(88,098)
·	33,788	21,523	7,882	63,193	64,463	· 	72,493	3,602	139,289

6.1 Property, infrastructure, plant and equipment (continued)

(b) Plant and Equipment

(b) Flant and Equipment	Plant machinery and	Fixtures fittings and	Computers and	Library	Work In	Total plant and
	equipment	furniture	telecomms	collection	progress	equipment
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Carrying amount 2022	7,488	994	1,906	927	1,002	12,317
Accumulated depreciation at 30 June 2022	(4,961)	(821)	(1,023)	(680)	_	(7,485)
	2,527	173	883	247	1,002	4,832
Movements in fair value						
Additions	-	-	-	-	1,492	1,492
Found Assets	-	-	-	-	-	-
Revaluation	-	-	-	-	-	-
Disposal	(558)	-	-	-	-	(558)
Transfers from Work in Progress	1,139	-	148	52	(1,339)	(0)
Write-Off	-	-	-	-	(54)	(54)
	582		148	52	99	880
Movements in accumulated depreciation						
Depreciation and amortisation	(700)	(23)	(415)	(31)	-	(1,169)
Accumulated depreciation of disposals	535	-	-	-	-	535
	(165)	(23)	(415)	(31)	-	(634)
Carrying amount 2023	8,070	994	2,054	979	1,101	13,198
Accumulated depreciation at 30 June 2023	(5,126)	(844)	(1,439)	(711)	-	(8,120)
	2,943	150	615	268	1,101	5,078

6.1 Property, infrastructure, plant and equipment (continued)

(c) Infrastructure

(c) Intrastructure										
					Recreational,	Parks open				
			Footpaths and		leisure and	spaces and	Off street car	Other	Work In	Total
	Roads	Bridges	cycleways	Drainage	community	streetscapes	parks	infrastructure	progress	infrastructure
<u>.</u>	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Carrying amount 2022	237,002	29,972	8,984	18,826	1,902	2,983	259	7,373	2,825	310,126
Accumulated depreciation at 30 June 2022	(81,233)	(14,934)	(3,414)	(9,074)	(819)	(123)	(25)	(2,368)		(111,990)
Adjusted Opening Balance	155,769	15,038	5,570	9,752	1,083	2,860	234	5,005	2,825	198,136
Movements in fair value										
Additions	-	-	-	-	-	-	-	-	8,532	8,532
Found Assets	-	-	-	-	-	-	-	-	-	-
Revaluation	31,122	-	932	-	-	-	-	-	-	32,054
Disposal	(587)	(143)		-	-	-	-	-	-	(730)
Write-off	-	-	-	-	-	-	-	-	(1,213)	(1,213)
Transfers from Work in Progress	2,551	598	1,037	837	632	1,042	162	368	(7,092)	135
Impairment losses recognised in operating result	-	-	-	-	-	-	-	-	-	-
•	33,086	455	1,969	837	632	1,042	162	368	227	38,778
Movements in accumulated depreciation										
Depreciation and amortisation	(4,316)	(235)	(122)	(259)	(90)	(60)	(14)	(150)	-	(5,245)
Accumulated depreciation of disposals	345	104	-	-	-	-	-	-	-	449
Write-off	-	-	-	-	-	-	-	-	-	-
Revaluation	(11,569)	-	(474)	-	-	-	-	-	-	(12,044)
Impairment losses recognised in operating result	-	-	-	-	-	-	-	-	-	-
	(15,540)	(131)	(596)	(259)	(90)	(60)	(14)	(150)	-	(16,840)
Carrying amount 2023	270,088	30,427	10,953	19,663	2,534	4,026	421	7,741	3,052	348,905
Accumulated depreciation at 30 June 2023	(96,773)	(15,065)	(4,010)	(9,333)	(909)	(183)	(39)	(2,518)	-	(128,830)
·	173,315	15,362	6,943	10,330	1,625	3,843	382	5,224	3,052	220,075
·										

Note 6 Assets We Manage (continued)

6.1 Property, infrastructure, plant and equipment (continued)

Acquisition

The purchase method of accounting is used for all acquisitions of assets, being the fair value of assets provided as consideration at the date of acquisition plus any incidental costs attributable to the acquisition. Fair value is the price that would be received to sell an asset (or paid to transfer a liability) in an orderly transaction between market participants at the measurement date.

Where assets are constructed by Council, cost includes all materials used in construction, direct labour, borrowing costs incurred during construction, and an appropriate share of directly attributable variable and fixed overheads.

In accordance with Council's policy, the threshold limits have applied when recognising assets within an applicable asset class and unless otherwise stated are consistent with the prior year.

	Depreciation	Threshold
	Period	Limit
Asset recognition thresholds and depreciation periods		\$
Land & land improvements		
land	-	1,000
land improvements	20 -100	1,000
Buildings		
buildings	25 - 150	1,000
building and leasehold improvements	25 - 150	1,000
Plant and Equipment		
plant, machinery and equipment	3 - 10 years	1,000
others	3 - 10 years	1,000
Infrastructure		
roads - pavements, substructure, formation and earthworks	10 - 80	1,000
roads - kerb, channel and minor culverts and other	10 - 65	1,000
bridges - deck and substructure	50 - 200	1,000
footpaths and cycleways	75 years	1,000
others	5 - 80 years	1,000
Intangible assets	3 -10 years	1,000

Land under roads

Council recognises land under roads acquired after 30 June 2008 at fair value. Council does not recognise land under roads that it controlled prior to that period in this financial report.

Depreciation and amortisation

Buildings, land improvements, plant and equipment, infrastructure, and other assets having limited useful lives are systematically depreciated over their useful lives to the Council in a manner which reflects consumption of the service potential embodied in those assets. Estimates of remaining useful lives and residual values are made on a regular basis with major asset classes reassessed annually. Depreciation rates and methods are reviewed annually.

Where assets have separate identifiable components that are subject to regular replacement, these components are assigned distinct useful lives and residual values and a separate depreciation rate is determined for each component.

Road earthworks are not depreciated on the basis that they are assessed as not having a limited useful life.

Straight line depreciation is charged based on the residual useful life as determined each year.

Depreciation periods used are listed above and are consistent with the prior year unless otherwise stated.

Note 6 Assets We Manage (continued)

6.1 Property, infrastructure, plant and equipment (continued)

Note 6 Assets We Manage (continued)

Repairs and maintenance

Where the repair relates to the replacement of a component of an asset and the cost exceeds the capitalisation threshold the cost is capitalised and depreciated. The carrying value of the replaced asset is expensed.

Valuation of land and buildings

Valuation of land and buildings were undertaken by a qualified independent valuer Michael Lynch, AAPI, of WBP Rating Valuation Services. The valuation of land and buildings is at fair value, being market value based on highest and best use permitted by relevant land planning provisions. Where land use is restricted through existing planning provisions the valuation is reduced to reflect this limitation. This adjustment is an unobservable input in the valuation. The adjustment has no impact on the comprehensive income statement.

Specialised land is valued at fair value using site values adjusted for englobo (undeveloped and/or un-serviced) characteristics, access rights and private interests of other parties and entitlements of infrastructure assets and services. This adjustment is an unobservable input in the valuation. The adjustment has no impact on the comprehensive income statement.

Any significant movements in the unobservable inputs for land and land under roads will have a significant impact on the fair value of these assets.

The date and type of the current valuation is detailed in the following table. An indexed based revaluation was conducted in the current year, this valuation was based on fair value, a full revaluation of these assets will be conducted in 2023/24.

Details of the Council's land and buildings and information about the fair value hierarchy as at 30 June 2023 are as follows:

	Level 1	Level2	Level 3	Date of Valuation	Type of Valuation
	\$'000	\$'000	\$'000	_	
Land	-	21,523	-	Jun-23	index
Specialised land	-	-	33,788	Jun-23	index
Land improvements	-	-	7,882	Jun-23	index
Buildings		8,031	64,463	Jun-23	index
Total	-	29,554	106,133		

Note 6 Assets We Manage (continued)

6.1 Property, infrastructure, plant and equipment (continued)

Note 6 Assets We Manage (continued)

Valuation of infrastructure

Valuation of infrastructure assets has been determined in accordance with an in-house valuation as at 30 June 2023 undertaken by in-house council officers of Hepburn Shire Council.

The date and type of the current valuation is detailed in the following table. An index based revaluation was conducted in the current year, this valuation was based on the changes in indexation indicators from the Producer Price Indexes, Australia, a full revaluation of these assets will be conducted in 2023/24.

The valuation is at fair value based on current replacement cost less accumulated depreciation as at the date of valuation.

Details of the Council's infrastructure and information about the fair value hierarchy as at 30 June 2023 are as follows:

Where no valuation date is provided, Council has deemed that the valuation techniques for which the lowest level input that is significant to the fair value measurement is unobservable.

	Level 1	Level 2	Level 3	Date of Valuation	Type of Valuation
	\$'000	\$'000	\$'000	_	
Roads	-	-	173,315	Jun-23	index
Bridges	-	-	15,362	Jun-23	index
Footpaths and cycleways	-	-	6,943	Jun-23	index
Drainage	-	-	4,243	Jun-23	index
Kerb and channel	-	-	6,087	Jun-23	index
Recreational, leisure and community facilities	-	-	1,625	-	
Parks, open space and streetscapes	-	-	3,843	-	
Off Street Car Parks	-	-	382	-	
Other infrastructure	-	-	5,224	-	
Total		-	217,023		

Description of significant unobservable inputs into level 3 valuations

Specialised land and land under roads is valued using a market based direct comparison technique. Significant unobservable inputs include the extent and impact of restriction of use and the market cost of land per square metre. The extent and impact of restrictions on use varies and results in a reduction to surrounding land values between 5% and 95%. The market value of land varies significantly depending on the location of the land and the current market conditions. Currently land values range between \$1 and \$1,600 per square metre.

Specialised buildings are valued using a current replacement cost technique. Significant unobservable inputs include the current replacement cost and remaining useful lives of buildings. Current replacement costs is calculated on a square metre basis and ranges from \$161 to \$57,728 per square metre. The remaining useful lives of buildings are determined on the basis of the current condition of buildings and vary from 5 years to 150 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of buildings are sensitive to changes in expectations or requirements that could either shorten or extend the useful lives of buildings.

Note 6 Assets We Manage (continued)

6.1 Property, infrastructure, plant and equipment (continued)

Note 6 Assets We Manage (continued)

Infrastructure assets are valued based on the current replacement cost. Significant unobservable inputs include the current replacement cost and remaining useful lives of infrastructure. The remaining useful lives of infrastructure assets are determined on the basis of the current condition of the asset and vary from 5 years to 200 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of infrastructure are sensitive to changes in use, expectations or requirements that could either shorten or extend the useful lives of infrastructure assets.

	2023	2022
Reconciliation of specialised land	\$'000	\$'000
Land under roads	118	106
Parks and reserves	33,670	35,437
Total specialised land	33,788	35,543

Note 7 People and relationships

7.1 Council and key management remuneration

(a) Related Parties

Parent entity

Hepburn Shire Council is the parent entity.

(b) Key Management Personnel

Key management personnel (KMP) are those people with the authority and responsibility for planning, directing and controlling the activities of Hepburn Shire Council. The Councillors, Chief Executive Officer and Directors are deemed KMP

Councillors

Councillor Lesley Hewitt

Councillor Don Henderson

Councillor Jennifer Bray

Councillor Timothy Drylie (Mayor to 14/11/2022)

Councillor Brian Hood (Mayor from 15/11/2022)

Councillor Tessa Halliday

Councillor Juliet Simpson

Officers

Chief Executive Officer - Bradley Thomas

Director Infrastructure and Delivery - Bruce Lucas

Director Organisational Services - Andrew Burgess (to 19/03/2023)

Director Community and Development - Leigh McCallum (to 22/07/2023)

Director Community and Development - Natalie Walker (29/08/2022 to 31/03/2023)

	2023	2022
	No.	No.
Total Number of Councillors	7	7
Total of Chief Executive Officer and other Key Management Personnel	5	4
Total Number of Key Management Personnel	12	11

Note 7 People and relationships (continued)

7.1 Council and key management remuneration (continued)

(c) Remuneration of Key Management Personnel

Remuneration comprises employee benefits including all forms of consideration paid, payable or provided by Council, or on behalf of the Council, in exchange for services rendered. Remuneration of Key Management Personnel and Other senior staff is disclosed in the following categories.

Short-term employee benefits include amounts such as wages, salaries, annual leave or sick leave that are usually paid or payable on a regular basis, as well as non-monetary benefits such as allowances and free or subsidised goods or services.

Other long-term employee benefits include long service leave, other long service benefits or deferred compensation.

Post-employment benefits include pensions, and other retirement benefits paid or payable on a discrete basis when employment has ceased.

Termination benefits include termination of employment payments, such as severance packages.

	2023	2022
	\$	\$
Total remuneration of key management personnel was as follows:		
Short-term employee benefits	971,927	973,062
Other long-term employee benefits	10,597	22,850
Post-employment benefit	89,730	85,666
Termination benefits	-	-
Total	1,072,254	1,081,578
The numbers of key management personnel whose total remuneration from Council and any related entities, fall within the following bands:		
\$10,000 - \$19,999	1	-
\$20,000 - \$29,999	4	4
\$30,000 - \$39,999	1	1
\$40,000 - \$49,999	1	1
\$50,000 - \$59,999	1	1
\$150,000 - \$159,999	1	1
\$170,000 - \$179,999	1	-
\$210,000 - \$219,999	1	2
\$280,000 - \$289,999	1_	1
	12	11

277,491

Notes to the Financial Report For the Year Ended 30 June 2023

Note 7 People and relationships (continued)

7.1 Council and key management remuneration (continued)

(d) Remuneration of other senior staff

Other senior staff are officers of Council, other than Key Management Personnel, whose total remuneration exceeds \$160,000 and who report directly to a member of the KMP. *

	2023	2022
	\$	\$
Total remuneration of other senior staff was as follows:		
Short-term employee benefits	144,911	-
Other long-term employee benefits	3,001	-
Post-employment benefit	14,195	-
Termination benefits	115,385	-
Total	277,491	-
The number of other senior staff are shown below in their relevant income b	o a do.	
The number of other senior start are snown below in their relevant income b		2022
	2023	2022
Income Range:	No.	No.
\$270,000 - \$279,999	1	-
	1	-
Total remuneration for the reporting year for other senior staff included	i	

^{*} Due to a definitional change the comparative figures in this note may not align with the previous year's annual report, which included disclosure of senior officers as defined in the Local Government Act 1989.

7.2 Related party disclosure

above, amounted to

(a) Transactions with related parties

During the period Council had no reportable transactions with related parties. 2022:Nil

(b) Outstanding balances with related parties

There are no outstanding balances at the end of the reporting period in relation to transactions with related parties. 2022:Nil

(c) Loans to/from related parties

Council does not make loans to or receive loans from related parties, no guarantees have been provided. 2022:Nil

(d) Commitments to/from related parties

Council has no outstanding commitments to or from related parties. 2022:Nil

Note 8 Managing uncertainties

8.1 Contingent assets and liabilities

Contingent assets and liabilities are not recognised in the Balance Sheet, but are disclosed by way of a note and, if quantifiable, are measured at nominal value. Contingent assets and liabilities are presented inclusive of GST receivable or payable respectively.

(a) Contingent assets

Council have not received all money for claims submitted for Storm recovery events. The below table outlines the amount receivable based on various claim rates.

Outstanding Claims from the June 2021, January 2022 and October 2022 Storm recovery

Maximum Amount to be refunded			\$4,499,537
Claim rates on outstanding claims	80%	90 %	100%
Claim Amounts	\$3,599,629	\$4,049,583	\$4,499,537

(b) Contingent liabilities

Legal Matters

From time to time Council is involved in legal matters which are conducted through Council's solicitors. As these matters may yet be finalised, or the financial outcomes are unable to be reliably estimated, no allowance has for these contingencies has been made in the financial report.

Superannuation

Council has obligations under a defined benefit superannuation scheme that may result in the need to make additional contributions to the scheme, matters relating to this potential obligation are outlined below. As a result of the volatility in financial markets the likelihood of making such contributions in future periods exists.

Future superannuation contributions

In addition to the disclosed contributions, Council has paid unfunded liability payments to Vision Super totalling \$0 (2020/21 \$0). There were no contributions outstanding and no loans issued from or to the above schemes as at 30 June 2022. The expected contributions to be paid to the Defined Benefit category of Vision Super for the year ending 30 June 2024 are \$58,000.

Liability Mutual Insurance

Council is a participant of the MAV Liability Mutual Insurance (LMI) Scheme. The LMI scheme provides public liability and professional indemnity insurance cover. The LMI scheme states that each participant will remain liable to make further contributions to the scheme in respect of any insurance year in which it was a participant to the extent of its participant's share of any shortfall in the provision set aside in respect of that insurance year, and such liability will continue whether or not the participant remains a participant in future insurance years.

Note 8 Managing uncertainties (continued)

8.1 Contingent assets and liabilities (continued)

MAV Workcare

Council was a participant of the MAV WorkCare Scheme. The MAV WorkCare Scheme provided workers compensation insurance. MAV WorkCare commenced business on 1 November 2017 and the last day the Scheme operated as a self-insurer was 30 June 2021. In accordance with the Workplace Injury Rehabilitation and Compensation Act 2013, there is a six year liability period following the cessation of the Scheme (to 30 June 2027). During the liability period, adjustment payments may be required (or received). The determination of any adjustment payments is dependent upon revised actuarial assessments of the Scheme's tail claims liabilities as undertaken by Work Safe Victoria. If required, adjustments will occur at the 3-year and 6-year points during the liability period, and will affect participating members.

8.2 Change in accounting standards

Certain new Australian Accounting Standards and interpretations have been published that are not mandatory for the 30 June 2023 reporting period. Council assesses the impact of these new standards. As at 30 June 2023 there were no new accounting standards or interpretations issued by the AASB which are applicable for the year ending 30 June 2024 that are expected to impact Council.

8.3 Financial instruments

(a) Objectives and policies

The Council's principal financial instruments comprise cash assets, term deposits, receivables (excluding statutory receivables), payables (excluding statutory payables) and bank borrowings. Details of the significant accounting policies and methods adopted, including the criteria for recognition, the basis of measurement and the basis on which income and expenses are recognised, in respect of each class of financial asset, financial liability and equity instrument is disclosed in the notes of the financial statements. Risk management is carried out by senior management under policies approved by the Council. These policies include identification and analysis of the risk exposure to Council and appropriate procedures, controls and risk minimisation.

(b) Market risk

Market risk is the risk that the fair value or future cash flows of council financial instruments will fluctuate because of changes in market prices. The Council's exposure to market risk is primarily through interest rate risk with only insignificant exposure to other price risks and no exposure to foreign currency risk.

Note 8 Managing uncertainties (continued)

8.3 Financial instruments (continued)

Interest rate risk

Interest rate risk refers to the risk that the value of a financial instrument or cash flows associated with the instrument will fluctuate due to changes in market interest rates. Council's interest rate liability risk arises primarily from long term loans and borrowings at fixed rates which exposes council to fair value interest rate risk. Cash flow interest rate risk is the risk that the future cash flows of a financial instrument will fluctuate because of changes in market interest rates. Council has minimal exposure to cash flow interest rate risk through its cash and deposits that are at floating rates.

Investment of surplus funds is made with approved financial institutions under the *Local Government Act* 2020. Council manages interest rate risk by adopting an investment policy that ensures:

- diversification of investment product;
- monitoring of return on investment; and
- benchmarking of returns and comparison with budget.

There has been no significant change in the Council's exposure, or its objectives, policies and processes for managing interest rate risk or the methods used to measure this risk from the previous reporting period.

Interest rate movements have been significant during the year and have had an impact on the Council's year end result.

(c) Credit risk

Credit risk is the risk that a contracting entity will not complete its obligations under a financial instrument and cause Council to make a financial loss. Council have exposure to credit risk on some financial assets included in the balance sheet. Particularly significant areas of credit risk exist in relation to outstanding fees and fines as well as loans and receivables from sporting clubs and associations. To help manage this risk:

- council have a policy for establishing credit limits for the entities council deal with;
- council may require collateral where appropriate; and
- council only invest surplus funds with financial institutions which have a recognised credit rating specified in council's investment policy.

Receivables consist of a large number of customers, spread across the ratepayer, business and government sectors. Credit risk associated with the council's financial assets is minimal because the main debtor is secured by a charge over the rateable property.

There are no material financial assets which are individually determined to be impaired.

Council may also be subject to credit risk for transactions which are not included in the balance sheet, such as when council provide a guarantee for another party. Details of our contingent liabilities are disclosed in Note 8.1(b).

The maximum exposure to credit risk at the reporting date to recognised financial assets is the carrying amount, net of any provisions for impairment of those assets, as disclosed in the balance sheet and notes to the financial statements. Council does not hold any collateral.

Note 8 Managing uncertainties (continued)

8.3 Financial instruments (continued)

(d) Liquidity risk

Liquidity risk includes the risk that, as a result of council's operational liquidity requirements it will not have sufficient funds to settle a transaction when required or will be forced to sell a financial asset at below value or may be unable to settle or recover a financial asset.

To help reduce these risks Council:

- have a liquidity policy which targets a minimum and average level of cash and cash equivalents to be maintained;
- have readily accessible standby facilities and other funding arrangements in place;
- have a liquidity portfolio structure that requires surplus funds to be invested within various bands of liquid instruments;
- monitor budget to actual performance on a regular basis; and
- set limits on borrowings relating to the percentage of loans to rate revenue and percentage of loan principal repayments to rate revenue.

There has been no significant change in Council's exposure, or its objectives, policies and processes for managing liquidity risk or the methods used to measure this risk from the previous reporting period.

With the exception of borrowings, all financial liabilities are expected to be settled within normal terms of trade. Details of the maturity profile for borrowings are disclosed at Note 5.4.

Unless otherwise stated, the carrying amounts of financial instruments reflect their fair value.

(e) Sensitivity disclosure analysis

Taking into account past performance, future expectations, economic forecasts, and management's knowledge and experience of the financial markets, Council believes the following movements are 'reasonably possible' over the next 12 months:

- A parallel shift of + 1% and -1% in market interest rates (AUD) from year-end RBA cash rate of 4.1%.

These movements will not have a material impact on the valuation of Council's financial assets and liabilities, nor will they have a material impact on the results of Council's operations.

8.4 Fair value measurement

Fair value hierarchy

Council's financial assets and liabilities are not valued in accordance with the fair value hierarchy, Council's financial assets and liabilities are measured at amortised cost.

Council measures certain assets and liabilities at fair value where required or permitted by Australian Accounting Standards. AASB 13 Fair value measurement, aims to improve consistency and reduce complexity by providing a definition of fair value and a single source of fair value measurement and disclosure requirements for use across Australian Accounting Standards.

All assets and liabilities for which fair value is measured or disclosed in the financial statements are categorised within a fair value hierarchy, described as follows, based on the lowest level input that is significant to the fair value measurement as a whole:

Level 1 — Quoted (unadjusted) market prices in active markets for identical assets or liabilities;

Level 2 — Valuation techniques for which the lowest level input that is significant to the fair value measurement is directly or indirectly observable; and

Level 3 — Valuation techniques for which the lowest level input that is significant to the fair value measurement is unobservable.

For the purpose of fair value disclosures, Council has determined classes of assets and liabilities on the basis of the nature, characteristics and risks of the asset or liability and the level of the fair value hierarchy as explained above.

In addition, Council determines whether transfers have occurred between levels in the hierarchy by re-assessing categorisation (based on the lowest level input that is significant to the fair value measurement as a whole) at the end of each reporting period.

Note 8 Managing uncertainties (continued)

8.4 Fair value measurement (continued)

Revaluation

Subsequent to the initial recognition of assets, non-current physical assets, other than plant and equipment, are measured at their fair value, being the price that would be received to sell an asset (or paid to transfer a liability) in an orderly transaction between market participants at the measurement date. (For plant and equipment carrying amount is considered to approximate fair value given short useful lives). At balance date, the Council reviewed the carrying value of the individual classes of assets measured at fair value to ensure that each asset materially approximated its fair value. Where the carrying value materially differed from the fair value at balance date, the class of asset was revalued.

Fair value valuations are determined in accordance with a valuation hierarchy. Changes to the valuation hierarchy will only occur if an external change in the restrictions or limitations of use of an asset result in changes to the permissible or practical highest and best use of the asset. In addition, Council undertakes a formal revaluation of land, buildings, and infrastructure assets on a regular basis ranging from two to five years. The valuation is performed either by experienced council officers or independent experts. The following table sets out the frequency of revaluations by asset class.

Asset class	Revaluation
Land	Biennial
Buildings	Biennial
Roads	1 to 4 years
Bridges	1 to 4 years
Footpaths and cycleways	1 to 4 years
Drainage	1 to 4 years
Recreational, leisure and community facilities	Not scheduled
Waste management	Not scheduled
Parks, open space and streetscapes	Not scheduled
Other infrastructure	Not scheduled

Where the assets are revalued, the revaluation increments are credited directly to the asset revaluation reserve except to the extent that an increment reverses a prior year decrement for that class of asset that had been recognised as an expense in which case the increment is recognised as revenue up to the amount of the expense. Revaluation decrements are recognised as an expense except where prior increments are included in the asset revaluation reserve for that class of asset in which case the decrement is taken to the reserve to the extent of the remaining increments. Within the same class of assets, revaluation increments and decrements within the year are offset.

Impairment of assets

At each reporting date, the Council reviews the carrying value of its assets to determine whether there is any indication that these assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs of disposal and value in use, is compared to the assets carrying value. Any excess of the assets carrying value over its recoverable amount is expensed to the comprehensive income statement, unless the asset is carried at the revalued amount in which case, the impairment loss is recognised directly against the revaluation surplus in respect of the same class of asset to the extent that the impairment loss does not exceed the amount in the revaluation surplus for that same class of asset.

8.5 Events occurring after balance date

No matters have occurred after balance date that require disclosure in the financial report.

Note 9 Other matters

9.1 Reserves

	Balance at beginning of reporting	Increment (decrement)	Balance at end of reporting period
	period		P
(a) Asset revaluation reserves	\$'000	\$'000	\$'000
2023			
Property			
Land and land improvements	54,793	(2,881)	51,912
Buildings	39,150	6,821	45,971
	93,943	3,940	97,883
Infrastructure			
Roads	89,788	20,010	109,799
Other infrastructure	11,467	-	11,467
	101,255	20,010	121,266
Total asset revaluation reserves	195,198	23,951	219,149
2022			
Property			
Land and land improvements	38,494	16,299	54,793
Buildings	35,335	3,815	39,150
	73,829	20,114	93,943
Infrastructure			
Roads	89,788	-	89,788
Other infrastructure	11,467	-	11,467
	101,255	-	101,255
Total asset revaluation reserves	175,084	20,114	195,198

The asset revaluation reserve is used to record the movement in fair value of Council's assets over time.

Note 9 Other matters (continued)

9.1 Reserves (continued)

	Balance at beginning of reporting period	Transfer from accumulated surplus	Transfer to accumulated surplus	Balance at end of reporting period
(b) Other reserves	\$'000	\$'000	\$'000	\$'000
2023			_	
Clunes caravan park reserve	7	-	-	7
Heritage advisory fund	20	-	-	20
Mineral springs financial reserve	1,273	1,070	(858)	1,485
Mt Beckworth pit reserve	28	-	-	28
Public open space reserve *	2,008	396	(561)	1,842
Smeaton hill pit reserve	74	-	-	74
Waste management reserve	77	5,590	(4,866)	801
Staff accommodation and Birch ward Facilities	<u> </u>	2,132	(22)	2,109
Total Other reserves	3,486	9,187	(6,307)	6,367
2022				
Clunes caravan park reserve	7	-	-	7
Debt management reserve	1,792	-	(1,792)	-
Heritage advisory fund	20	-	-	20
Mineral springs financial reserve	1,060	599	(386)	1,273
Mt Beckworth pit reserve	28	-	-	28
Public open space reserve *	1,526	497	(16)	2,008
Smeaton hill pit reserve	74	-	-	74
Waste management reserve	(565)	4,962	(4,320)	77
Total Other reserves	3,942	6,058	(6,514)	3,486

^{*} Indicates statutory reserve

Note 9 Other matters (continued)

	2023	2022
9.2 Reconciliation of cash flows from operating activities to surplus/(deficit)	\$'000	\$'000
Surplus/(deficit) for the year	(2,594)	(5,565)
Depreciation/amortisation	8,750	8,469
Loss on disposal of property, infrastructure and plant	2,973	1,346
Contributions - non monetary	0	(38)
Interest expense	146	188
Write off of Work in Process	1,722	3,812
Change in assets and liabilities:		
(Increase)/decrease in trade and other receivables	(32)	(2,318)
(Increase)/decrease in prepayments	62	13
Increase/(decrease) in trade and other payables	389	1,553
(Decrease)/increase in unearned income / revenue	(5,651)	1,307
(Decrease)/increase in other liabilities	(18)	34
(Increase)/decrease in inventories	4	2
Increase/(decrease) in provisions	(26)	300
Increase/(decrease) in trust funds / deposits	327	(36)
Net cash provided by/(used in) operating activities	6,052	9,069

9.3 Superannuation

Hepburn Shire Council makes many of its employer superannuation contributions in respect of its employees to the Local Authorities Superannuation Fund (the Fund). This Fund has two categories of membership, accumulation and defined benefit, each of which is funded differently. Obligations for contributions to the Fund are recognised as an expense in Comprehensive Operating Statement when they are made or due.

Accumulation

Council makes both employer and employee contributions to The Fund's accumulation category, Vision MySuper/Vision Super Saver, on a progressive basis. Employer contributions are normally based on a fixed percentage of employee earnings (for the year ended 30 June 2023, this was 10.5% as required under Superannuation Guarantee (SG) legislation (2022: 10.0%)).

Defined Benefit

Council does not use defined benefit accounting for its defined benefit obligations under the Fund's Defined Benefit category. This is because the Fund's Defined Benefit category is a pooled multi-employer sponsored plan.

There is no proportional split of the defined benefit liabilities, assets or costs between the participating employers as the defined benefit obligation is a floating obligation between the participating employers and the only time that the aggregate obligation is allocated to specific employers is when a call is made. As a result, the level of participation of Council in the Fund cannot be measured as a percentage compared with other participating employers. Therefore, the Fund Actuary is unable to allocate benefit liabilities, assets and costs between employers for the purposes of AASB 119.

Note 9 Other matters (continued)

9.3 Superannuation (continued)

Funding arrangements

Council makes employer contributions to the Defined Benefit category of the Fund at rates determined by the Trustee on the advice of the Fund Actuary. A triennial actuarial investigation is currently underway for the Defined Benefit category which is expected to be completed by 31 December 2023. Council was notified of the 30 June 2023 VBI during August 2023 (2022: August 2022). The financial assumptions used to calculate the 30 June 2023 VBI were:

Net investment returns 5.7% pa Salary information 3.5% pa Price inflation (CPI) 2.8% pa

As at 30 June 2022, an interim actuarial investigation was held as the Fund provides lifetime pensions in the Defined Benefit category.

The vested benefit index (VBI) of the defined benefit category of which Council is a contributing employer was 102.2%. The financial assumptions used to calculate the VBI were:

Net investment returns 5.5% pa Salary information 2.5% pa to 30 June 2023, and 3.5% pa thereafter Price inflation (CPI) 3.0% pa.

Council was notified of the 30 June 2022 VBI during August 2022 (2021: August 2021). Vision Super has advised that the estimated VBI at June 2023 was 104.1%.

The VBI is used as the primary funding indicator. Because the VBI was above 100%, the 30 June 2022 actuarial investigation determined the Defined Benefit category was in a satisfactory financial position and that no change was necessary to the Defined Benefit category's funding arrangements from prior years.

Note 9 Other matters (continued)

9.3 Superannuation (continued)

Employer contributions

(a) Regular contributions

On the basis of the results of the 2022 interim actuarial investigation conducted by the Fund Actuary, Council makes employer contributions to the Fund's Defined Benefit category at rates determined by the Fund's Trustee. For the year ended 30 June 2023, this rate was 10.5% of members' salaries (10.0% in 2021/2022). This rate is expected to increase in line with any increases in the SG contribution rate and was reviewed as part of the 30 June 2022 interim valuation.

In addition, Council reimburses the Fund to cover the excess of the benefits paid as a consequence of retrenchment above the funded resignation or retirement benefit.

(b) Funding calls

If the Defined Benefit category is in an unsatisfactory financial position at an actuarial investigation or the Defined Benefit category's VBI is below its shortfall limit at any time other than the date of the actuarial investigation, the Defined Benefit category has a shortfall for the purposes of SPS 160 and the Fund is required to put a plan in place so that the shortfall is fully funded within three years of the shortfall occurring. The Fund monitors its VBI on a quarterly basis and the Fund has set its shortfall limit at 97%.

In the event that the Fund Actuary determines that there is a shortfall based on the above requirement, the Fund's participating employers (including Council) are required to make an employer contribution to cover the shortfall.

Using the agreed methodology, the shortfall amount is apportioned between the participating employers based on the pre-1 July 1993 and post-30 June 1993 service liabilities of the Fund's Defined Benefit category, together with the employer's payroll at 30 June 1993 and at the date the shortfall has been calculated.

Due to the nature of the contractual obligations between the participating employers and the Fund, and that the Fund includes lifetime pensioners and their reversionary beneficiaries, it is unlikely that the Fund will be wound up.

If there is a surplus in the Fund, the surplus cannot be returned to the participating employers. In the event that a participating employer is wound-up, the defined benefit obligations of that employer will be transferred to that employer's successor.

The 2022 interim actuarial investigation surplus amounts

An actuarial investigation is conducted annually for the Defined Benefit category of which Council is a contributing employer. Generally, a full actuarial investigation is conducted every three years and interim actuarial investigations are conducted for each intervening year. An interim investigation was conducted as at 30 June 2022 and the last full investigation was conducted at 30 June 2020.

Note 9 Other matters (continued)

9.3 Superannuation (continued)

The Fund's actuarial investigations identified the following for the Defined Benefit category of which Council is a contributing employer:

	2022		
	(Interim)		
	\$m	\$m	
A VBI surplus	\$44.60	\$214.70	
A total service liability surplus	\$105.80	\$270.30	
A discounted accrued benefits surplus	\$111.90	\$285.20	

The VBI surplus means that the market value of the fund's assets supporting the defined benefit obligations exceed the vested benefits that the defined benefit members would have been entitled to if they had all exited on 30 June 2022.

The total service liability surplus means that the current value of the assets in the Fund's Defined Benefit category plus expected future contributions exceeds the value of expected future benefits and expenses as at 30 June 2022.

The discounted accrued benefits surplus means that the current value of the assets in the Fund's Defined Benefit category exceeds the value of benefits payable in the future but accrued in respect of service to 30 June 2022.

The 2023 triennial actuarial investigation

A triennial actuarial investigation is being conducted for the Fund's position as at 30 June 2023. It is anticipated that this actuarial investigation will be completed by 31 December 2023. The financial assumptions for the purposes of this investigation are:

	2023	2020
	Triennial investigation	Triennial investigation
Net Investment	5.7% pa	5.6% pa
Return		
Salary Inflation	3.5% pa	2.5% pa for the first two
		years and 2.75% pa
		thereafter
Price Inflation	2.8% pa	2.0% pa

Superannuation contributions

Contributions by Council (excluding any unfunded liability payments) to the above superannuation plans for the financial year ended 30 June 2023 are detailed below:

			2023	2022
Scheme	Type of Scheme	Rate	\$'000	\$'000
Vision super	Defined benefit	10.5% (2022: 10.0%)	50	48
Vision super	Accumulation fund	10.5% (2022: 10.0%)	568	531
Other funds	Accumulation fund	10.5%	864	755

Council has not paid any unfunded liability payments to Vision Super during the 2022/23 and 2021/22 years.

There were no contributions outstanding and no loans issued from or to the above schemes as at 30 June 2023.

The expected contributions to be paid to the Defined Benefit category of Vision Super for the year ending 30 June 2024 is \$58,000.

Note 10 Change in accounting policy

There have been no changes to accounting policies in the 2022/2023 year.

There are no pending accounting standards that are likely to have a material impact on council.



PERFORMANCE STATEMENT

For the Year Ended 30 June 2023

Performance Statement
For the Year Ended 30 June 2023

Description of Municipality

Hepburn Shire is a small rural Shire, with a population of 16,555. The population is projected to reach 17,700 by 2036. The Shire covers an area of 1,473square kilometres which includes Clunes, Creswick, Daylesford, Hepburn Springs and Trentham, and the villages of Glenlyon, Allendale, Kingston, Leonard's Hill, Lyonville, Newlyn, Denver and Smeaton, and other smaller settlements, each with their own unique identity and character. Located in central Victoria, the Shire is ideally situated within easy access to Melbourne, Ballarat and Bendigo. It is a great place to live, work, invest and visit.

Hepburn Shire has a rich cultural history which began with the Dja Dja Wurrung People, the Traditional Owner and custodian's of the area. Mass migration during Victoria's goldrush era saw many cultures settle in the region, which created a distinctive architecture and culture, still present throughout the Shire today. The Shire is renowned for its native forests, mineral springs reserves and waterways, botanical gardens, volcanic plains with rich soils, gold, and many spectacular heritage buildings. It is a popular tourist destination that has a reputation for indulgence and relaxation, festivals and outdoor recreational activities.

The Shire has a vibrant and diverse welcoming community that is well services by schools ad childcare, recreation facilities, libraries, hospitals and shopping precincts. There is a large range of events throughout the year including markets, community run festivals, book fairs, LGBTIQA+ festivals and artisan masterclasses. With a strong arts a community there are opportunities to visit artist studios, exhibitions and workshops.

There has been three significant storm events that have impacted the Shire during 2021/2022 and 2022/2023 and the recovery works required following these storms have had a significant financial impact on the Council. Commentary throughout the performance statements will reflect the impact of the storm events on Council's results.

Performance Statement For the Year Ended 30 June 2023

Sustainable Capacity Indicators								
	Results	Results	Results	Results				
Indicator / measure [formula]	2020	2021	2022	2023	Comments			
Population C1 Expenses per head of municipal population	\$2,084.26	\$2,225.60	\$3,237.76	\$3,420.72	Total expenses have increased this year to costs associated with recovery works for storm events and writing off of costs incurred that will not be recognised as assets.			
[Total expenses / Municipal population]								
C2 Infrastructure per head of municipal population	\$16,003.13	\$19,903.57	\$21,088.82	\$18,196.86	The construction and renewal of assets combined with revaluation of assets has increased the value of assets controlled by Council. The increase in population has slightly decreased the indicator this year.			
[Value of infrastructure / Municipal population]								
C3 Population density per length of road	11.16	11.28	11.37	11.56	Remained consistent			
[Municipal population / Kilometres of local roads]								
Own-source revenue C4 Own-source revenue per head of municipal population [Own-source revenue / Municipal population]	\$1,517.62	\$1,323.20	\$1,647.32	\$1,757.17	This indicator has increased due to the reallocation of loss on disposal of assets being recognised as an expense, rather than negative revenue.			
Recurrent grants								
C5 Recurrent grants per head of municipal population	\$471.92	\$439.19	\$594.99	\$536.51	This has decreased due to population growth and increasing pressure on available grants.			
[Recurrent grants / Municipal population]								
Disadvantage C6 Relative Socio-Economic Disadvantage [Index of Relative Socio-Economic Disadvantage by decile]	6.00	6.00	6.00	6.00	The socio-economic index summarises a range of information about the economic and social conditions of people and households within the shire. The decile has remained constant throughout the past four years.			

Performance Statement

For the Year Ended 30 June 2023

Sustainable Capacity Indicators								
	Results	Results	Results	Results				
Indicator / measure [formula]	2020	2021	2022	2023	Comments			
Workforce turnover								
C7 Percentage of staff turnover	22.3%	22.5%	35.3%	23.7%	The trend for staff turnover is positive. This is likely due to post Covid adjustment and the return to a more normalised work environment.			
[Number of permanent staff resignations and terminations / Average number of permanent staff for the financial year] x100								

Definitions

[&]quot;adjusted underlying revenue" means total income other than:

⁽a) non-recurrent grants used to fund capital expenditure; and

⁽b) non-monetary asset contributions; and

⁽c) contributions to fund capital expenditure from sources other than those referred to above

[&]quot;infrastructure" means non-current property, plant and equipment excluding land

[&]quot;local road" means a sealed or unsealed road for which the council is the responsible road authority under the Road Management Act 2004

[&]quot;population" means the resident population estimated by council

[&]quot;own-source revenue" means adjusted underlying revenue other than revenue that is not under the control of council (including government grants)

[&]quot;relative socio-economic disadvantage", in relation to a municipality, means the relative socio-economic disadvantage, expressed as a decile for the relevant financial year, of the area in which the municipality is located according to the Index of Relative Socio-Economic Disadvantage (Catalogue Number 2033.0.55.001) of SEIFA

[&]quot;SEIFA" means the Socio-Economic Indexes for Areas published from time to time by the Australian Bureau of Statistics on its Internet website

[&]quot;unrestricted cash" means all cash and cash equivalents other than restricted cash.

Financial Performance Indicators									
	Results	Results	Results	Results					
Dimension/indicator / measure	2020	2021	2022	2023	2024	2025	2026	2027	Material Variations and Comments
Efficiency Expenditure level E2 Expenses per property assessment [Total expenses / Number of property assessments]	\$2,931.50	\$3,129.05	\$4,497.40	\$4,817.52	\$4,095.80	\$3,160.20	\$3,181.04	\$3,225.00	The average expenditure per property has remained high due to another storm event in October 2022 which had costs associated with recovery works for this event and events from previous years. This impact continues into 2024 but then returns to expected expenditure levels.
Revenue level E4 Average rate per property assessment [General rates and Municipal charges / Number of property assessments]	1,566.03	1,598.16	\$1,612.58	\$1,651.04	\$1,714.89	\$1,754.87	\$1,789.22	\$1,825.15	This measure shows the continuing upward trend in average rates and reflects Council's commitment to maintain rate increases within the State Government imposed restrictions on rate revenue. Hepburn Council is a lower rating Council than most other Small Rural Councils.
Liquidity Working capital L1 Current assets compared to current liabilities [Current assets / Current liabilities] x100	331.94%	223.75%	194.62%	238.19%	139.80%	125.70%	119.60%	113.02%	This measure is one reflection of Council's current financial position. The higher assets reflects the early receipt of the Financial Assistance Grants for 2023/2024 and the reduction in liabilities is due to income in advance being utilised to fund capital projects.
Unrestricted cash L2 Unrestricted cash compared to current liabilities [Unrestricted cash / Current liabilities] x100	33.59%	22.96%	16.16%	3.80%	-6.10%	42.71%	40.62%	38.96%	This measure is one reflection of Council's financial position. The reduction from the prior year is due to the stimulus funding that was received for capital works that are still to be delivered so cash needs to be identified as restricted and Financial Assistance Grant funding for 2023/2024 being received in 2022/2023.

ATTACHMENT 14.1.2

Financial Performance Indicators									
	Results	Results	Results	Results					
Dimension/indicator /measure	2020	2021	2022	2023	2024	2025	2026	2027	Material Variations and Comments
Obligations Loans and borrowings									
O2 Loans and borrowings compared to rates	18.88%	30.00%	19.17%	15.75%	33.87%	34.81%	32.73%	29.78%	Interest bearing loans as a percentage of rate revenue decreased this year as one loan was paid out during the year and there was a new loan of \$1.5m drawn down.
[Interest bearing loans and borrowings / Rate revenue] x100									The slight decrease is due to a new \$1.5m loan being drawn in
O3 Loans and borrowings repayments compared to rates	2.90%	2.63%	9.54%	9.16%	4.47%	4.62%	5.47%	5.18%	December 2022 and a previous loan being paid out in April 2023. This indicator is still low compared to industry targets.
[Interest and principal repayments on interest bearing loans and borrowings / Rate revenue] x100 Indebtedness									. , ,
O4 Non-current liabilities compared to own source revenue	16.60%	23.42%	16.67%	13.75%	28.94%	28.30%	24.46%	19.02%	Non current liabilities as a percentage of Councils revenue from rates and finance has decreased due to the repayment of a loan and an increase in rates revenue in the current year. Council is well within its capacity to meet its loan repayment obligations.
[Non-current liabilities / Own source revenue] x100 Asset renewal and upgrade									
O5 Asset renewal and upgrade compared to depreciation	125.16%	123.21%	103.42%	96.55%	119.95%	164.16%	125.36%	106.94%	This result shows that Council's spending on asset renewal is within range. The reduction is due to the large capital program and the investment in renewal and upgrade projects and an increase in depreciation charge.
[Asset renewal and asset upgrade expense / Asset depreciation] x100									
Operating position Adjusted underlying result									
OP1 Adjusted underlying surplus (or deficit)	-1.88%	-17.07%	-22.18%	-24.81%	-25.72%	2.52%	3.30%	3.81%	The reduction from prior years is predominately impacted by costs associated with storm recovery that have not been reimbursed and the writing off of costs incurred that will not be recognised as assets.
[Adjusted underlying surplus (deficit)/ Adjusted underlying revenue] x100									

Fina	Financial Performance Indicators										
		Results	Results	Results	Results						
Din	ension/indicator/measure	2020	2021	2022	2023	2024	2025	2026	2027	Material Variations and Comments	
S1	Stability Rates concentration Rates compared to adjusted underlying revenue [Rate revenue / Adjusted underlying revenue] x100	64.66%	71.53%	54.71%	54.62%	67.74%	69.39%	69.60%	69.54%	This result has remained consistent with prior years due to the early receipt of 100% of the Financial Assistance Grants funding.	
S2	Rates effort Rates compared to property values	0.38%	0.36%	0.35%	0.27%	0.26%	0.25%	0.25%	0.24%	The reduction in rates compared to property values suggests that there is a small reduction in the overall rate burden upon property owners. The reduction also reflects Council's commitment to maintain rate increases within the State Government imposed restrictions on rate revenue.	
	[Rate revenue / Capital improved value of rateable properties in the municipality] x100										

Definitions

- "adjusted underlying revenue" means total income other than:
- (a) non-recurrent grants used to fund capital expenditure; and
- (b) non-monetary asset contributions; and
- (c) contributions to fund capital expenditure from sources other than those referred to above
- "adjusted underlying surplus (or deficit)" means adjusted underlying revenue less total expenditure
- "asset renewal expenditure" means expenditure on an existing asset or on replacing an existing asset that returns the service capability of the asset to its original capability
- "current assets" has the same meaning as in the AAS
- "current liabilities" has the same meaning as in the AAS
- "non-current assets" means all assets other than current assets
- "non-current liabilities" means all liabilities other than current liabilities
- "non-recurrent grant" means a grant obtained on the condition that it be expended in a specified manner and is not expected to be received again during the period covered by a council's Strategic Resource
- "own-source revenue" means adjusted underlying revenue other than revenue that is not under the control of council (including government grants
- "population "means the resident population estimated by council
- "rate revenue" means revenue from general rates, municipal charges, service rates and service charges
- "recurrent grant "means a grant other than a non-recurrent grant
- "residential rates" means revenue from general rates, municipal charges, service rates and service charges levied on residential properties
- "restricted cash" means cash and cash equivalents, within the meaning of the AAS, that are not available for use other than for a purpose for which it is restricted, and includes cash to be used to fund capital works expenditure from the previous financial year
- "unrestricted cash" means all cash and cash equivalents other than restricted cash.

Servic	e Performance Indicators					
		Results	Results	Results	Results	
Servic	e/indicator /measure	2020	2021	2022	2023	Comments
AF6	Aquatic Facilities Utilisation Utilisation of aquatic facilities [Number of visits to aquatic facilities / Municipal population]	1.59	1.20	1.64	1.47	Decrease of visits to aquatics facilities is due to shorter opening hours to manage aquatics sector wide qualified staff shortages and number of pool closures due to weather policy, staffing limitations and reactive maintenance requirements.
AM7	Animal Management Health and safety Animal management prosecutions [Number of successful animal management prosecutions]	0%	0%	0%	100.00%	One successful prosecution relating to a serious dog attack.
FS4	Food Safety Health and safety Critical and major non-compliance outcome notifications [Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises followed up / Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises] x100	100.00%	50.00%	100.00%	100.00%	All critical and major non-compliant notifications have been followed up.
G5	Governance Satisfaction Satisfaction with council decisions [Community satisfaction rating out of 100 with how council has performed in making decisions in the interest of the community]	38.00	44.00	41.00	42.00	This year's Community Satisfaction Survey has seen an improvement by increasing one point from last year's results.

Servic	rvice Performance Indicators										
		Results	Results	Results	Results						
Servic	e/indicator /measure	2020	2021	2022	2023	Comments					
	Libraries										
LB4	Participation Active library borrowers in municipality [Number of active library borrowers in the last three years / The sum	18.08%	15.66%	13.67%	12.82%	The reduction is likely due to an increase in other available activities returning and becoming available post COVID that are an alternative to borrowing books from the library. We also see many people sit in our library services reading books whereas through COVID this was not an option.					
	of the population for the last three years] x100										
MC4	Maternal and Child Health (MCH) Participation Participation in the MCH service	78.99%	76.96%	86.01%	85.37%	Currently working with Central Highland Rural Health (service provider) to increase the 3.5 year old attendance rate. Have seen positive improvements compared to 2020 rates.					
	[Number of children who attend the MCH service at least once (in the year) / Number of children enrolled in the MCH service] x100										
	Participation										
MC5	Participation in the MCH service by Aboriginal children	76.74%	75.76%	80.95%	88.89%	Increase attendance from Aboriginal children in local MCH programs demonstrating a positive trend.					
	[Number of Aboriginal children who attend the MCH service at least once (in the year) / Number of Aboriginal children enrolled in the MCH service] x100										
	Roads										
R5	Satisfaction Satisfaction with sealed local roads	44.00	47.00	39.00	33.00	The performance rating this year for sealed local roads is at its lowest rating in 10 years. This is consistent with increase in water and flood damaged roads across the Shire. Reduction in satisfaction has occurred statewide.					
	[Community satisfaction rating out of 100 with how council has performed on the condition of sealed local roads]										

Servic	ervice Performance Indicators									
		Results	Results	Results	Results					
Servic	e/indicator /measure	2020	2021	2022	2023	Comments				
	Statutory Planning									
	Decision making									
SP4	Council planning decisions upheld at VCAT	0.00%	80.00%	50.00%	40.00%	The VCAT decisions overturned rested largely in policy within the planning scheme. Council is undertaking a large strategic planning program that will go directly to these matters.				
	[Number of VCAT decisions that did not set aside council's decision									
	in relation to a planning application / Number of VCAT decisions in									
	relation to planning applications] x100									
	Waste Collection									
	Waste diversion									
NC5	Kerbside collection waste diverted from landfill	37.81%	48.46%	40.22%	34.23%	A 6% decrease due to a reporting error for last years recycling and organics tonnages. Have seen a decrease in overall waste delivered to land fill.				
	[Weight of recyclables and green organics collected from kerbside									
	bins / Weight of garbage, recyclables and green organics collected from kerbside bins] x100									

Definitions

[&]quot;Aboriginal child" means a child who is an Aboriginal person

[&]quot;Aboriginal person" has the same meaning as in the Aboriginal Heritage Act 2006

[&]quot;active library member" means a member of a library who has borrowed a book from the library

[&]quot;annual report" means an annual report prepared by a council under sections 131, 132 and 133 of the Act

[&]quot;CALD" means culturally and linguistically diverse and refers to persons born outside Australia in a country whose national language is not English

[&]quot;class 1 food premises" means food premises, within the meaning of the Food Act 1984, that have been declared as class 1 food premises under section 19C of that Act

[&]quot;class 2 food premises" means food premises, within the meaning of the Food Act 1984, that have been declared as class 2 food premises under section 19C of that Act

[&]quot;critical non-compliance outcome notification" means a notification received by council under section 19N(3) or (4) of the Food Act 1984, or advice given to council by an authorised officer under that Act, of a deficiency that poses an immediate serious threat to public health

[&]quot;food premises" has the same meaning as in the Food Act 1984

[&]quot;local road" means a sealed or unsealed road for which the council is the responsible road authority under the Road Management Act 2004

[&]quot;major non-compliance outcome notification" means a notification received by a council under section 19N(3) or (4) of the Food Act 1984, or advice given to council by an authorized officer under that Act, of a deficiency that does not pose an immediate serious threat to public health but may do so if no remedial action is taken

[&]quot;MCH" means the Maternal and Child Health Service provided by a council to support the health and development of children within the municipality from birth until school age

[&]quot;population" means the resident population estimated by council

[&]quot;target population" has the same meaning as in the Agreement entered into for the purposes of the Home and Community Care Act 1985 of the Commonwealth

[&]quot;WorkSafe reportable aquatic facility safety incident" means an incident relating to a council aquatic facility that is required to be notified to the Victorian Workcover Authority under Part 5 of the Occupational Health and Safety Act 2004.

1. Basis of preparation

Council is required to prepare and include a performance statement within its annual report. The performance statement includes the results of the prescribed sustainable capacity, service performance and financial performance indicators and measures together with a description of the municipal district and an explanation of material variations in the results. This statement has been prepared to meet the requirements of the Local Government Act 2020 and Local Government (Planning and Reporting) Regulations 2020.

Where applicable the results in the performance statement have been prepared on accounting bases consistent with those reported in the Financial Statements. The other results are based on information drawn from council information systems or from third parties (e.g. Australian Bureau of Statistics).

The performance statement presents the actual results for the current year and for the prescribed financial performance indicators and measures. The Local Government (Planning and Reporting) Regulations 2020 requires explanation of any material variations in the results contained in the performance statement. Council has adopted materiality thresholds relevant to each indicator and measure and explanations have not been provided for variations below the materiality thresholds unless the variance is considered to be material because of its nature.

The forecast figures included in the performance statement are those adopted by council in its Annual Budget on 27 June 2023 and which forms part of the council plan. The financial plan includes estimates based on key assumptions about the future that were relevant at the time of adoption and aimed at achieving sustainability over the long term. Detailed information on the actual financial results is contained in the General Purpose Financial Statements.

Performance Statement

For the Year Ended 30 June 2023

Certification of the Performance Statement

In my opinion, the accompanying performance statement has been prepared in accordance with the *Local Government Act* 2020 and the Local Government (Planning and Reporting) Regulations 2020.

Kathy Fulton - Certified Practicing Accountant

Principal Accounting Officer

Date: 19 September 2023

In our opinion, the accompanying performance statement of Hepburn Shire Council for the year ended 30 June 2023 presents fairly the results of council's performance in accordance with the Local Government Act 2020 and the Local Government (Planning and Reporting) Regulations 2020.

The performance statement contains the relevant performance indicators, measures and results in relation to service performance, financial performance and sustainable capacity.

At the date of signing, we are not aware of any circumstances that would render any particulars in the performance statement to be misleading or inaccurate.

We have been authorised by Council and by the Local Government (Planning and Reporting) Regulations 2020 to certify this performance statement in its final form.

Mayor Cr Brian Hood

Councillor

Date: 19 September 2023

Cr Lesley Hewitt

Councillor

Date:

19 September 2023

Bradley Thomas

Chief Executive Officer

Date:

19 September 2023

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

	Service / indicator / measure	2020	2021	2022	2023	Comments
	Aquatic Facilities Service standard Health inspections of aquatic facilities	1.20	0.00	0.00	1.00	Satisfactory pool inspections in line with the Public Health and Wellbeing Act 2008 were undertaken on Council's Aquatics
	[Number of authorised officer inspections of Council aquatic facilities / Number of Council aquatic facilities]					Facilities during the 2022/2023 Pool Season.
	Utilisation Utilisation of aquatic facilities	1.59	1.20	1.64	1.47	Decrease of visits to aquatics facilities is due to shorter opening hours to manage aquatics sector wide qualified staff shortages and number of pool closures due to weather policy, staffing limitations and reactive maintenance requirements.
	[Number of visits to aquatic facilities / Municipal population]					and reactive maintained requirements.
	Service cost Cost of aquatic facilities	\$15.95	\$19.84	\$12.95	\$18.91	Cost of aquatics services per visit is consistent with lower staffing levels and reduced opening hours of the pools throughout the 2022/2023 Pool Season
	[Direct cost of aquatic facilities less income received / Number of visits to aquatic facilities]					
	Animal Management Timeliness Time taken to action animal management requests	1.58	4.14	4.48	4.54	There have been some complex service requests relating to anima management that have remained open until resolved. This has
						contributed to an increased average response time. In addition, the Ballarat Animal Shelter has been at capacity for a long period of time which has made it difficult to respond to some service request in a timely manner that relate to the cat trapping program.
	[Number of days between receipt and first response action for all animal management requests / Number of animal management requests]					
M2	Service standard Animals reclaimed	83.33%	11.63%	13.75%	45.10%	These statistics relate to animals that have been collected and impounded either due to lack of registration or owners unable to be contacted. All other animals are provided a free ride home.
	[Number of animals reclaimed / Number of animals collected] x100					
M5	Animals rehomed	55.56%	95.35%	27.50%	21.57%	The number of animals successfully returned to their owner is approximately 45% which has meant that fewer have required rehoming. Unfortunately, animal shelters across the region still hav a number of animals available for adoption as adoption rates have declined post covid.
	[Number of animals rehomed / Number of animals collected] x100					
M6	Service cost Cost of animal management service per population	\$8.29	\$10.91	\$9.72	\$12.25	There has been an increase in the cost of animal management services as the number of EFT has increased in the team.
	[Direct cost of the animal management service / Population]					
	Health and safety Animal management prosecutions	0.00%	0.00%	0.00%	100.00%	One successful prosecution relating to a serious dog attack.
	[Number of successful animal management prosecutions / Number of animal management prosecutions] x 100					

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

	Service / indicator / measure	2020	2021	2022	2023	Comments
	Food Safety					
FS1	Timeliness Time taken to action food complaints	1.50	5.00	1.00	1.00	All food complaints have been actioned the same or the following
						day.
	[Number of days between receipt and first response action for all food complaints / Number of food complaints]					
	Service standard					
FS2	Food safety assessments	74.30%	25.67%	48.44%	75.53%	Food Safety Assessments are carried out across a calendar year. Therefore, the remaining assessments will be completed outside of
						the reporting period.
	[Number of registered class 1 food premises and class 2 food premises that receive an annual food safety assessment in accordance with the					
	Food Act 1984 / Number of registered class 1 food premises and class 2					
	food premises that require an annual food safety assessment in accordance with the Food Act 1984] x100					
	Service cost					
FS3	Cost of food safety service	\$449.60	\$585.21	\$841.56	\$835.57	Direct cost of food safety service has increased this financial year
						due to workforce shortage of Environmental Health Officers and the need to employ contractors to cover vacant positions.
						need to employ contractors to cover vacant positions.
	[Direct cost of the food safety service / Number of food premises registered or notified in accordance with the Food Act 1984]					
	·					
	Health and safety					
FS4	Critical and major non-compliance outcome notifications	100.00%	50.00%	100.00%	100.00%	All critical and major non-compliant notifications have been followed up.
	[Number of critical non-compliance outcome notifications and major non-					 -
	compliance notifications about a food premises followed up / Number of critical non-compliance outcome notifications and major non-compliance					
	notifications about a food premises] x100					
	Governance					
	Transparency					
G1	Council decisions made at meetings closed to the public	3.03%	4.68%	9.29%	13.99%	Council ensures that as many decisions as possible are made in a public forum, and the majority of those decisions made at
						confidential meetings are disclosed to the public after the fact.
	[Number of Council resolutions made at meetings of Council, or at meetings of a delegated committee consisting only of Councillors, closed					
	to the public / Number of Council resolutions made at meetings of Council					
	or at meetings of a delegated committee consisting only of Councillors] x100					
	Consultation and engagement					
G2	Satisfaction with community consultation and engagement	41.00	44.00	44.00	46.00	Community satisfaction on engagement and consultation has
						improved by 2 points over the past 12 months.
	[Community satisfaction rating out of 100 with how Council has performed on community consultation and engagement]					
	Attendance					
G3	Councillor attendance at council meetings	96.94%	99.25%	97.32%	98.10%	Councillor attendance at meetings has been excellent through the year, with all Councillors adhering to attendance and leave
						requirements with very few absences. This has been partly due to an amendment to the Governance Rules in August 2022 to allow
						virtual attendance by Councillors at all Council Meetings.
	[The sum of the number of Councillors who attended each Council					
	meeting / (Number of Council meetings) × (Number of Councillors elected at the last Council general election)] x100					
	Service cost					
G4	Cost of elected representation	\$37,815.57	\$37,259.57	\$37,944.57	\$38,540.57	This is within range and has reflects the increase in allowances paid
	[Direct cost of the governance service / Number of Councillors elected at					to Councillors.
	the last Council general election]					
	Satisfaction					
G5	Satisfaction Satisfaction with council decisions	38.00	44.00	41.00	42.00	This year's Community Satisfaction Survey has seen an
						improvement by increasing one point from last year's results.
	[Community satisfaction rating out of 100 with how council has performed in making decisions in the interest of the community]					
	in making decisions in the interest of the confindinty					
			l	l	l	

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

Ser	rvice / indicator / measure	2020	2021	2022	2023	Comments
Utili	raries isation sical library collection usage	3.61	2.50	3.16	4.66	Usage of the library collection is within target. Library teams continue to promote its services to maximise the benefits of the libraries collections.
	mber of physical library collection item loans / Number of physical rry collection items]					
LB2 Rece	ource standard ently purchased library collection mber of library collection items purchased in the last 5 years / nber of library collection items] x100	73.18%	69.34%	66.17%	75.36%	75.36% of library collection has been purchased in the last five (5) years.
LB4 Activ	ticipation ve library borrowers in municipality	18.08%	15.66%	13.67%	12.82%	The reduction is likely due to an increase in other available activities returning and becoming available post COVID that are an alternative to borrowing books from the library. We also see many people sit in our library services reading books whereas through COVID this was not an option.
	mber of active library borrowers in the last three years / The sum of population for the last three years] x100					
LB5 Cost	vice cost t of library service per population ect cost of the library service / Population]	\$44.80	\$39.36	\$37.21	\$42.86	This figure is inclusive of all directly related costs: - Wages, depreciation, utilities, etc.
MC2 Infar	ernal and Child Health (MCH) vice standard nt enrolments in the MCH service mber of infants enrolled in the MCH service (from birth notifications eived) / Number of birth notifications received] x100	100.89%	101.50%	104.63%	102.36%	All children have been enrolled in MCH service
	vice cost t of the MCH service	\$86.46	\$86.79	\$98.54	\$138.10	Cost of the MCH service - Council is currently working with the auspiced provider of MCH through a new contract to find a more cost-effective way to provide the service given recent state funding cuts for Maternal Child Health statewide
Part MC4 Parti	st of the MCH service / Hours worked by MCH nurses] ticipation icipation in the MCH service mber of children who attend the MCH service at least once (in the 1) / Number of children enrolled in the MCH service) x100	78.99%	76.96%	86.01%	85.37%	Currently working with Central Highland Rural Health (service provider) to increase the 3.5 year old attendance rate. Have seen positive improvements compared to 2020 rates.
Part MC5 Parti [Nun (in th	ticipation icipation in the MCH service by Aboriginal children mber of Aboriginal children who attend the MCH service at least once he year) / Number of Aboriginal children enrolled in the MCH service]	76.74%	75.76%	80.95%	88.89%	Increase attendance from Aboriginal children in local MCH programs demonstrating a positive trend.
MC6 Parti	o isfaction icipation in 4-week Key Age and Stage visit mber of 4-week key age and stage visits / Number of birth notifications sived] x100	96.43%	94.74%	99.07%	95.28%	Some families choose to go outside Hepburn region to access MCH services that are closer to home.
MC6 Parti	icipation in 4-week Key Age and Stage visit mber of 4-week key age and stage visits / Number of birth notifications	96.43%	94.74%	99.07%	95.28%	

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

	Service / indicator / measure	2020	2021	2022	2023	Comments
R	Roads Satisfaction of use Sealed local road requests [Number of sealed local road requests / Kilometres of sealed local roads] x100	41.94	46.96	50.26	43.08	High number of requests relating to flood or water damaged roads.
R2	Condition 2 Sealed local roads maintained to condition standards [Number of kilometres of sealed local roads below the renewal intervention level set by Council / Kilometres of sealed local roads] x100	99.47%	96.91%	97.73%	98.19%	Based on pavement condition
R	Service cost 3 Cost of sealed local road reconstruction [Direct cost of sealed local road reconstruction / Square metres of sealed local roads reconstructed]	\$51.92	\$56.20	\$49.88	\$49.40	Based on a very small FY22/23 road reconstruction program
R4	Service Cost 4 Cost of sealed local road resealing [Direct cost of sealed local road resealing / Square metres of sealed local roads resealed]	\$6.80	\$7.59	\$8.67	\$10.77	Includes asphalt resealing works
R	Satisfaction Satisfaction with sealed local roads	44.00	47.00	39.00	33.00	The performance rating this year for sealed local roads is at its lowest rating in 10 years. This is consistent with increase in water and flood damaged roads across the Shire. Reduction in satisfaction has occurred statewide.
	[Community satisfaction rating out of 100 with how council has performed on the condition of sealed local roads]					

The following statement provides the results of the prescribed service performance indicators and measures including explanation of results in the comments.

	Service / indicator / measure	2020	2021	2022	2023	Comments
	Statutory Planning					
SP1	Time taken to decide planning applications	53.00	69.00	107.00	145.00	Whilst planning days are slightly higher than previous, significant work is being done to move through the backlog of work so that these are completed as they are attributing to the number of days. This in time should start to trend downwards as the backlog clears. A process improvement project is also underway to improve efficiencies and processes which should also have a positive
	[The median number of days between receipt of a planning application and a decision on the application]					impact.
SP2	Service standard Planning applications decided within required time frames	60.99%	64.47%	19.70%	33.79%	Whilst planning days are slightly higher than previous, significant work is being done to move through the backlog of work so that these are completed as they are attributing to the number of days. This in time should start to trend downwards as the backlog clears. A process improvement project is also underway to improve efficiencies and processes which should also have a positive impact.
	[(Number of regular planning application decisions made within 60 days) + (Number of VicSmart planning application decisions made within 10 days) / Number of planning application decisions made] x100					
SP3	Service cost Cost of statutory planning service	\$1,662.25	\$2,012.01	\$2,458.49	\$3,473.95	Costs to the service are higher than average due to a reliance on additional resources to assist with backlog of applications, however still within the targeted range. This service should prove more cost effective going forward with system and process improvements, a better interface for the public via the website and additional resources within the team.
	[Direct cost of the statutory planning service / Number of planning applications received]					
SP4	Decision making Council planning decisions upheld at VCAT	0.00%	80.00%	50.00%	40.00%	The VCAT decisions overturned rested largely in policy within the planning scheme. Council is undertaking a large strategic planning program that will go directly to these matters.
	[Number of VCAT decisions that did not set aside council's decision in relation to a planning application / Number of VCAT decisions in relation to planning applications] x100					
	Waste Collection Satisfaction					
WC1	Kerbside bin collection requests	94.46	96.44	104.19	162.83	Contractor staff and fleet shortages have contributed to an increase
	[Number of kerbside garbage and recycling bin collection requests / Number of kerbside bin collection households] x1000					in kerbside requests.
WC2	Service standard Kerbside collection bins missed [Number of kerbside garbage and recycling collection bins missed /	4.58	3.59	5.89	12.76	Contractor staff and fleet shortages have contributed to an increase in kerbside requests.
	Number of scheduled kerbside garbage and recycling collection bin lifts] x10,000					
WC3	Service cost Cost of kerbside garbage bin collection service	\$111.64	\$119.33	\$149.49	\$163.63	Slight increase due to increase in disposal rates
	[Direct cost of the kerbside garbage bin collection service / Number of kerbside garbage collection bins]					
WC4	Service cost Cost of kerbside recyclables collection service	\$71.43	\$85.15	\$77.88	\$82.38	Slight increase due to increase in disposal rates
	[Direct cost of the kerbside recyclables bin collection service / Number of kerbside recyclables collection bins]					
WC5	Waste diversion Kerbside collection waste diverted from landfill	37.81%	48.46%	40.22%	34.23%	A 6% decrease due to a reporting error for last years recycling and organics tonnages. Have seen a decrease in overall waste delivered to land fill.
	[Weight of recyclables and green organics collected from kerbside bins / Weight of garbage, recyclables and green organics collected from kerbside bins] x100					

14.2 2022/2023 PROJECTS CARRIED FORWARD BUDGET REVIEW

Go to 02:58:06 in the meeting recording to view this item.

DIRECTOR COMMUNITY AND CORPORATE

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

ATTACHMENTS

- 1. Table 1 Capital Projects Carry Forward 2023/2024 [14.2.1 2 pages]
- 2. Table 2 Special Projects Carry Forward 2023/2024 [14.2.2 1 page]
- 3. Table 3 Storm Events Carry Forward 2023/2024 [14.2.3 1 page]
- 4. Table 4 Other Budget Adjustments 2023/2024 [14.2.4 1 page]

OFFICER'S RECOMMENDATION

That Council approves the amended capital works, special projects program and other budget adjustments per tables 1, 2, 3 and 4 for the 2023/2024 financial year.

MOTION

That Council approves the amended capital works, special projects program and other budget adjustments per tables 1, 2, 3 and 4 for the 2023/2024 financial year.

Moved: Cr Lesley Hewitt **Seconded:** Cr Tim Drylie

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley

Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil Abstained: Nil

EXECUTIVE SUMMARY

This report provides Council a review of the 2022/2023 Capital Works Program and Special Projects in line with the year-end Financial Statements and seeks approval for carry forwards for projects.

In 2022/2023, the Capital Works Program delivered a total of \$14.59M, across 70 projects, including major projects such as Hammon Park Trail Head, Creswick Town Hall, and the Quarry Street public toilets. Council also delivered \$9.8M of Special Projects which included \$7.0M in storm recovery and rectification works. This is a record delivery of projects for Council.

Given the economic disruptors including cost escalation, supply chain shortages and contractor availability, the Capital Works program has been reviewed. Officers advise

that 39 projects (26 Capital Works Projects and 12 Special Operating Projects) require carry forward expense to the 2023/2024 financial year with a total of \$7.48M (Capital \$6.44M and Special Operating \$1.04M. There is also \$2.12M Income for Capital Projects to be carried forward. (Table 1 and Table 2 outline the projects with carry forward required). Cash funding exists to finalise these projects from the cash available at June 2023.

The grant funding for storm events that requires carryover has been identified (Table 3 outlines storm funding to be carried forward), with claims and reimbursement for works continuing. It is expected that approximately a further \$4.05m will be paid as reimbursement in early 2023 for works and costs already undertaken.

There are budget adjustments of \$553k expense and \$471k income identified to be included in the carry forward budget (Table 4 outlines budget adjustment details).

BACKGROUND

Budgets are developed each year using the most relevant information and assumptions available at the time. It is a standard process that a number of projects remain unfinished as at 30 June, and need to be 'carry-forward' into the new financial year to be completed.

Storm Events and Impacts

Council was undertaking recovery rectification works in recovery from the storm event in January 2022 (impact of \$2.3M), when an additional storm event occurred in October 2022 (impact of \$5.5M). This second event placed additional strain on Council's physical and monetary resources. The total cost of storm events to date is \$13.7M with \$9.2M recovered from the Victorian Government. We forecast that \$4.05M (90%) will be received in 2023/2024.

KEY ISSUES

A review of all capital and special projects has been completed to identify expense and income required to be carried over to complete the project.

The review was based on the best information and estimates at the time.

The review has not considered changes to any projects that were adopted in the 2023/2024 budget.

Summary of Adjustments to the 2023/2024 Budget

Description	Budget	
Capital Works Project expenditure carried	\$6.44M	Table 1
forward from 2022/2023 – 26 projects		
Capital Works Project income carried forward	\$2.12M	Table 1
from 2022/2023 – 8 projects		

Special Operating Project expenditure carried forward from 2022/23 – 12 projects	\$1.04M	Table 2
Special Operating Project income carried forward from 2022-23 – 1 Projects	\$0.004M	Table 2
Storm related projects – 4 projects, expenditure and income with no net cost to Council	\$0	Table 3
Additional project expense requests/variations for approval – 8 projects	\$0.55M	Table 4
Additional project income requests/variations for approval – 7 projects	\$0.47M	Table 4

Details are provided in the attachments.

The net cash impact of the carry-forwards is funded by the closing position as at 30 June 2023. The estimated unrestricted cash position as at 30 June 2024 remains slightly below \$1m. A detailed review of the position in June 2024 will be conducted as part of the development of the ten-year Financial Plan, to be developed with Councillors prior to the end of 2023.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

A dynamic and responsive Council

- 5.3 A sustainable and agile organisation with strong corporate governance that supports excellent operations
- 5.5 Strong asset management and renewal.

FINANCIAL IMPLICATIONS

The project budget review incorporates changes to Council's 2023/2024 budget to identify the consolidated financial implications of all known and reported variances.

Council has a commitment to those projects where an existing funding allocation has been made in 2022/2023, and this funding allocation will be carried forward to allow the completion of the projects in the 2023/2024 budget year.

Council received grants late in the 2022/2023 financial year and these were recognised as income in advance at year-end and both the income and expenditure will be included in the carry-forward budget.

Reporting on the progress of these carry-forward projects will form part of the 2023/2024 budget and quarterly financial reporting provided to Council.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The review of the Capital Works Program and delivery has been undertaken by officers with consideration for impacts on community expectations and needs. Outcomes of this review will be communicated appropriately to the Hepburn community.

RISK AND GOVERNANCE IMPLICATIONS

There are risks in the management of community expectations and Council's reputation. Officers will mitigate risks and implications through effective communications with community and external funders.

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

ENVIRONMENTAL SUSTAINABILITY

There are no sustainability implications associated with this report.

GENDER IMPACT ASSESSMENT

A Gender Impact Assessment (GIA) was undertaken on previous adopted budgets. Gender considerations and the impact to community for the carry-forward of projects and budgets has been considered and there no implications associated with this report.

Table 1. Carry Forward Capital Projects from 2022/2023

Project Name	2022/23 project	2022/23	Comments
	expense to be	project income	
	carried forward	to carry	
	to 2023/24		
	\$	\$	
Public Art Commission	23,916		Fish trap artwork to now be
			installed in Trentham Hub.
2 12 1111 2 1111 1	150 100		Timing for project delivery.
1	453,199		Chlorine conversion and leak
Program			detection to be undertaken in
			Q1 and Q2 of FY24 (prior to
			swimming season opening). Timing for project delivery.
Glaniyan Pavilian	49 100		Design works will commence
-	48,100		once Masterplan is adopted by
Redevelopment Poject			Council.
Creswick Bowls Club - Green	360.375	429.550	Delay in procurement, however
		,	project now well underway.
·	56,020		Project is in final stages for
Implementation	,		adoption.
Trentham Community Hub	2,294,089	471,987	Has experienced delays and is on
Design & Construct			track for completion in 2024.
IT Hardware / Technology	175,000		Project delays due to timing.
Renewal Program			
Server Equipment	22,500		Rack renewal scheduled for Q1.
·			
· · ·	363,466	27,451	Weather and project delays.
•	223,129		Complete design, procure and
			undertake construction.
	180,000		Fulfil contracted works.
-	20.700		Contractor delays.
	39,780		Projects are committed but
	06.056		delayed due to weather
Footpath Renewal Program	90,050		Projects are committed but delayed due to weather
Clunes Pedestrian Crossing	44 552		Delays due to timing.
	44,332		belays due to timing.
	124.289	62.619	Delays due to timing.
<u> </u>			Delays with heritage
Wombat IIII Botaine Gardens	370,013	230,433	requirements and timing.
Central Springs Masterplan -	327.200	350.000	Timing for procurement.
			l l l l l l l l l l l l l l l l l l l
Chatfield Reserve Lake	21,554		Delays due to timing.
Daylesford Landscape Works	,		'
Road Reseals Program	110,169		Delays due to timing.
Sealed road patching	415,838		Delays due to timing – contract
	,		in place.
	Public Art Commission Pool Building Renewal Works Program Glenlyon Pavilion Redevelopment Project Creswick Bowls Club - Green Redevelopment Aquatics Strategy Implementation Trentham Community Hub Design & Construct IT Hardware / Technology Renewal Program Server Equipment Replacement Bullarto Station Project Bridge Renewal - Wheelers Bridge (Design & Early Works) Kerb & Channel Upgrade & Renewal Program Drainage Upgrade and Renewal Program - FY23 Footpath Renewal Program Clunes Pedestrian Crossing Point Footpath Expansion Program Wombat Hill Botanic Gardens Central Springs Masterplan - Detailed Design Chatfield Reserve Lake Daylesford Landscape Works Road Reseals Program	expense to be carried forward to 2023/24 \$ Public Art Commission 23,916 Pool Building Renewal Works Program 453,199 Glenlyon Pavilion Redevelopment Project 56,020 Creswick Bowls Club - Green Redevelopment 76,020 Implementation 77 Trentham Community Hub 2,294,089 Design & Construct 17 IT Hardware / Technology Renewal Program 5erver Equipment 22,500 Replacement Bullarto Station Project 363,466 Bridge Renewal - Wheelers Bridge (Design & Early Works) Kerb & Channel Upgrade & 180,000 Renewal Program 96,056 Clunes Pedestrian Crossing Point Footpath Renewal Program 96,056 Clunes Pedestrian Crossing 44,552 Point Footpath Expansion Program 124,289 Wombat Hill Botanic Gardens 570,019 Central Springs Masterplan - Detailed Design Chatfield Reserve Lake Daylesford Landscape Works Road Reseals Program 110,169	expense to be carried forward to 2023/24 Public Art Commission 23,916 Pool Building Renewal Works Program Glenlyon Pavilion Redevelopment Project Creswick Bowls Club - Green Redevelopment Aquatics Strategy Implementation Trentham Community Hub Design & Construct IT Hardware / Technology Renewal Program Server Equipment 22,500 Replacement Bullarto Station Project 363,466 27,451 Bridge Renewal - Wheelers Bridge (Design & Early Works) Kerb & Channel Upgrade & 180,000 Renewal Program Program Drainage Upgrade and Renewal Program 96,056 Clunes Pedestrian Crossing Point Footpath Expansion Program 124,289 62,619 Wombat Hill Botanic Gardens 570,019 238,493 Central Springs Masterplan - Detailed Design Chatfield Reserve Lake Daylesford Landscape Works Road Reseals Program 110,169

Number	Project Name	2022/23 project expense to be carried forward to 2023/24	2022/23 project income to carry forward \$	Comments
001139	Road Rehab - Ullina- Kooroocheang Rd	110,386	465,062	Delays due to timing.
000975	Creswick Mechanics Institute Building upgrades	37,351		Monitoring and assessment of works completed. Delays due to timing.
001082	Creswick Town Hall	25,000	73,825	Minor finalisation works. Delays due to timing.
001158	Hammon Park Pavilion Repairs	48,653		Plan for future upgrades to the building.
001084	Lee Medlyn Bottle Museum	250,050		Deferred at mid-year review. Undertake the planned next stage of work.
001144	Dog Parks Master Planning	22,126		Delays due to timing.
	Total Capital Projects	6,442,818	2,118,986	

[•] These projects come at no net additional cost to Council, other than already budgeted.

Table 2. Carry Forward Special Projects from 2022/2023

Number	Project Name	2022/23 project expense to be carried forward to 2023/24	2022/23 project income to carry forward \$	Comments
000570	RAP Development 2021-24	27,000		Delays due to vacancy in Reconciliation Officer, Executive Team meeting with Djaara in September.
000676	Implement biodiversity strategy actions	46,694		Project expenditure being incurred as part of the strategic planning project.
001054	Streamlining for Growth	61,700	41,700	Minor grant to assist with the strategic planning
001147	Western Transmission Line Strategy	48,904		Western Transmission Line work and strategic planning – to be utilised for the EES preparation.
001160	Settlement Strategy and Township Structure Plans	93,774		Strategic planning.
000878	Hub For Premium Produce	34,635		AgVic agreed to extension for website.
001166	Walking and Cycling Strategy 2022-23	45,000		Contribute to strategic planning, for the Integrated Transport Study.
001150	Technology One Development	402,452		Continue TechOne upgrades, following on the adoption of the ICT strategy.
000370	Tree Risk Mitigation	100,000		Undertake tree audit. Timing.
001109	Sustainable Hepburn - Waste	168,041		Funding to assist the FOGO rollout – funded by the waste reserve.
001135	Regenerative Agriculture	10,000		Contribution to Carbon Pilot Partnership. Timing.
	Total	1,037,930	41,700	Tarenership, Tilling.

• These projects come at no net additional cost to Council, other than already budgeted.

Table 3. Storm Events Carry Forward from 2022/2023

Number	Project Name	2022/23 project expense to be carried forward to 2023/24	project income	Comments
001168	Storm Recovery DRA	30,618	30,618	
001169	Storm Recovery – Community Led Recovery Program	125,027	125,027	
001177	Community Recovery Office	298,019	298,019	
001180	Council Flood Support Fund	444,689	444,689	
	Total Special Projects	898,353	898,353	

• These projects come at no net additional cost to Council, other than already budgeted.

Table 4. New Projects, Variations and Update on Grants to be added to 2023/2024

Project	Project Name	Expense	Income Ś	Comment
001189	Creswick Floods Mitigation Study	200,000	120,000	Grant funding received after budget adoption
001191	Onsite Domestic Wastewater Management Plan	40,000		Grant funding received after budget adoption
001194	Mineral Springs Awareness (tourism focus)	28,600		Grant funding received after budget adoption
001186	Digital Literacy for Seniors	7,923		Timing of grant funding, project commenced once funding was received
001176	Grampians climate adaptation workshop	3,225	-	Funding received in prior years
001116	Central Springs Bore Investigation	10,726		Funding received after budget adoption
001184	Smith's Creek Pedestrian Bridge Renewal	22,581	22,581	Timing of grant funding
Strategic Planning		240,000		Additional expenditure required to conduct community engagement, consultancy for the five township structure plans
Financial Services	Financial Assistance Grants	-	ĺ	Additional Federal Government funding due to Victorias population growth, notified after the budget adoption.
	Total	553,055	470,830	Net cost to Council of \$82,225

14.3 POLICY 46 (C) PROCUREMENT POLICY DRAFT - 2023

Go to 03:00:20 in the meeting recording to view this item.

DIRECTOR COMMUNITY AND CORPORATE

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

ATTACHMENTS

1. Draft Procurement Policy September 2023 [14.3.1 - 32 pages]

OFFICER'S RECOMMENDATION

That Council:

- 1. Revokes the Procurement Policy that was adopted on 21 December 2021; and
- 2. Adopts the Procurement Policy 2023.

MOTION

That Council:

- Revokes the Procurement Policy that was adopted on 21 December 2021; and
- 2. Adopts the Procurement Policy 2023.

Moved: Cr Tessa Halliday
Seconded: Cr Don Henderson

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley

Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil Abstained: Nil

EXECUTIVE SUMMARY

The current Procurement Policy was adopted on 21 December 2021 to ensure compliance with section 108(1) of the *Local Government Act 2020*.

A review of the policy has been undertaken to ensure continuous improvement, whilst improving the provision of support, guidance and advice to staff in their day-to-day procurement activities, the following actions have been undertaken:

- Consultation in relation to the application of the current Procurement Policy,
- Review of the current Procurement Policy and development of the revised Procurement Policy, and
- Review of the procedures and supporting templates and development of the new procedures.

BACKGROUND

Following the adoption of the Procurement Policy in December 2021, an extensive review of the policy has been undertaken in consultation with staff and benchmarking against best practice in the Local Government Sector.

The consultation process included face-to-face meetings with departments, online meetings with staff, telephone discussions and emails from staff.

The Executive team were also included in the consultation process with three presentations being scheduled at Executive Team meetings.

The feedback was incorporated, where appropriate, into the revised Procurement Policy, and this was provided to staff for further review and consultation.

The feedback provided was very positive but identified that officers wanted simple, clear and easy to use guidance documents.

The review process also identified information that could be better presented in Guidance Documents rather than in the body of the policy.

KEY ISSUES

New Procurement Policy and New Guidance Documents

The outcome of the above actions resulted in the development of the revised Procurement Policy and the following guidance documents:

- 1. Guidance Application of Evaluation Criteria,
- 2. Guidance Procurement Methodology and Process,
- 3. Guidance Request for Procurement Exemption,
- 4. Guidance Application of Insurance Cover,
- 5. Guidance Establishment and Use of the Panel of Suppliers, and
- 6. Instrument of Financial Sub-Delegation (Chief Executive Officer to Staff Members).

Following the adoption of the Procurement Policy by Council and the approval of the Guidance Documents, a designated Intranet page will be available for staff to access all applicable Procurement Information.

Outcome of Consultation

The report provides the summary of the consultation outcomes in Table 1 and Table 2 below:

Table 1 - provides the changes which were proposed to the revised Procurement Policy and some guidance documents and provides recommendations about the proposed changes.

Table 2 - lists the matters which were raised by the staff members during the consultation process for clarification, but which will not require any changes to the revised Procurement Policy, however, will require some amendments to the

guidance documents. The guidance documents are in the process of being updated. This report also advises that all of these points were discussed with the staff and answered during the consultation process.

Table 1 – Proposed Changes and Recommended Actions

No	Proposed Changes	Recommended
		YES or NO
1	Appendix 1	Not recommended
	Two different procurement thresholds for projects less than \$300,000 (inclusive of GST):	The current 'one layer' threshold has been proven to be a more effective procurement process and is supported by the majority of staff members.
	Goods & Services, andWorks	
2	Clause 12.1 – Evaluation Criteria	Not recommended
	Two options for assessment: pass/fail or weighted assessment. The panel will choose which option they will apply for their project.	It will be a very subjective process, will introduce inconsistency in the evaluation process and might confuse the market (potential suppliers).
3	Clause 12.1 – Evaluation Criteria	Not recommended
	Two stage assessment:	This has been presented to the
	Mandatory criteria such as insurance and OH&S, and	Executive team at previous meetings and was not supported by the Executive team.
	Weighted criteria such as capacity/capability.	LACCULIVE LEATH.
4	Clause 12.1 – Financial Viability	Recommended
	Provide a list of companies who will undertake financial viability assessment.	The guidance will be incorporated into the <i>Guidance – Application of Evaluation Criteria</i> document.
5	Clause 13.1 – Probity Adviser	Recommended
	State a list of companies who will provide probity advice.	The guidance will be incorporated into the <i>Guidance – Application of Evaluation Criteria</i> document.
6	Clause 16 Demonstrate Sustained Value	Recommended
	value	See attached Procurement Policy.

	Minor clarification to the wording clause 16.2.2 and clause 16.2.3.	
7	Appendix 2 – Demonstrate Sustainable Procurement Introduce 'check list' measures for economic, environmental and social principles for easier and more effective assessment.	Recommended Council's Hepburn Sustainable Strategy 2022-2026 has been reviewed and where applicable, this has been reflected in the Procurement Policy, however, further staff consultation is recommended to be led by Council's Sustainability and Climate Resilience Coordinator in coordination with the procurement officer after which further 'check list' measures can be introduced to the Guidance document and where necessary a policy statement to the Procurement Policy. Guidance – Application of Evaluation Criteria document.
8	Appendix 2 – Exemptions Include the following: • Plant and equipment servicing/spare parts where applicable to maintain warranty protection or to maintain plant to Original Equipment Manufacturer (OEM) standard; • Payments to Dja Dja Wurrung Clans Aboriginal Corporation; and associated entities up to \$100,000 • Regional library supplies.	Recommended Procurement Policy and the Guidance — Request for Procurement Exemption have been amended to incorporate these changes.
9	Guidance – How to Establish and Use Panel of Suppliers Retain the current threshold for the Panel: Up to \$50,000 – one written	Recommended No changes to the Procurement Policy, these changes are included in the Guidance – Establishment and Use of the Panel of Suppliers document.

quotation \$50,001 - \$299,999 - request minimum 3 written quotations.

Table 2 – Clarification Points Raised by Staff and Answered During Consultation Process

- 1. Procurement process
- 2. Exemption process
- 3. Financial delegations
- Updating current procurement documents especially RFT and RFQ documents
- 5. Insurance lease, licenses v procurement
- 6. Process and a template for contract variations
- 7. Monitoring cumulative spend
- 8. Contractor Performance Management at end of contract
- 9. Bank guarantees v retention money or other type of security
- 10. Evaluation Panel roles and responsibilities and any training
- 11. Conflict of Interest how to identify, manage and monitor
- 12. Signing documents electronic signature vs wet signature
- 13. How to purchase fleet in line with the new Procurement Policy
- 14. How to use Tenders. Net platform
- 15. How to use MAV and Procurement Australia panels
- 16. Saving documents Content Manager
- 17. Contract templates and conditions
- 18. Where can I find the approved Procurement Policy and Guidance Documents

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

A dynamic and responsive Council

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

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Consultation with staff from across the organisation assisted in the review of the Procurement Policy.

Once the policy has been adopted, it will be made available to our community on Council's website.

RISK AND GOVERNANCE IMPLICATIONS

There are no risk implications associated with this report.

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

ENVIRONMENTAL SUSTAINABILITY

There are no sustainability implications associated with this report. Sustainability considerations are made during the procurement process including contract specifications and evaluation criteria.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.





POLICY NUMBER: 46 (C)

NAME OF POLICY: PROCURMENT POLICY 2023

DATE AMENDED:

DATE OF NEXT REVIEW: In accordance with section 108 (5) of the Local

Government Act 2020, Council must review the

Policy at least once during its 4-year term.

DATE APPROVED:

RESPONSIBLE OFFICER: Manager Financial Services

REFERENCES:



► PROCUREMENT POLICY 2023

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ATTACHMENT 14.3.1 SHIRE COUNCIL

► PROCUREMENT POLICY 2023

1. BACKGROUND

This Procurement Policy is made under section 108 of the *Local Government Act 2020* (Vic) ('the Act'). The Act requires a Council to:

- prepare and adopt a Procurement Policy which specifies the principles, processes and procedures applying in respect of the purchase of goods and services and carrying out of works by the Council;
- b. review its Procurement Policy at least once during each 4-year term of the Council; and
- c. comply with its Procurement Policy before entering into a contract for the purchase of goods or services or the carrying out of works.

2. PURPOSE

The purpose of the Procurement Policy ('Policy') is consistent with the requirements of section 108(2) of the Act and will:

- a. promote open and fair competition and provide Value for Money;
- provide clear guidelines to the Council to allow consistency and control over procurement activities;
- c. demonstrate accountability to ratepayers and residents;
- d. provide guidance on ethical behaviour in public sector procurement;
- e. demonstrate the application of best practice in procurement activities;
- f. demonstrate the consideration of sustainability in procurement with respect to social, economic and environmental factors;
- g. increase the probability of obtaining the best outcome for the municipal community when procuring goods and services, and delivering works; and
- h. promote collaborative procurement.

3. OBJECTIVES

These objectives will be achieved by requiring that the Council's contracting, purchasing and contract management activities:

- a. support the Council's corporate strategies, aims and objectives;
- b. achieve demonstrable Value for Money;
- c. are conducted in, and demonstrate, an impartial, fair and ethical manner;
- d. span the whole life cycle of an acquisition and take sustainability considerations into account;
- e. seek continual improvement through innovative and technological initiatives, and
- f. generate and support Local Business through inclusion wherever practicable.

ATTACHMENT 14.3.1 PEPULL SHIRE COUNCIL

► PROCUREMENT POLICY 2023

4. APPLICATION OF THE POLICY

- a. This Policy will apply to all Councillors, Council Staff and all persons engaged in procurement on Council's behalf, and they will be accountable for compliance with all relevant legislative requirements and requirements of this Policy.
- b. It is recognised this will enhance achievement of the Council's objectives such as sustainable and socially responsible procurement, supporting local economies and obtaining Value for Money, leading to a better result in the provision of goods, services and works for the benefit of the community.
- c. This Policy provides direction on the conduct of procurement activities throughout the sourcing, management and disposal phases. It also covers the general procurement framework but does not extend to the related accounts payable processes.
- d. The Council must comply with this Policy before entering into a contract for the purchase of goods or services or the carrying out of works.

5. EFFECTIVE LEGISLATIVE AND POLICY COMPLIANCE AND CONTROL

ETHICS AND PROBITY

5.1.1 Requirement

- a. The Council's procurement activities shall be performed in an open, transparent and ethical manner with demonstrated integrity, fairness and accountability that meets relevant legal requirements.
- b. All procurement activities shall be conducted in accordance with the requirements of the Act, this Policy and any associated procedures, relevant legislation and relevant Australian Standards.

5.1.2 Conduct of Councillors and Council Staff

- a. Councillors and Council Staff shall at all times conduct themselves in ways that are in accordance with the Councillor Code of Conduct or the Staff Code of Conduct respectively, will perform their duties ethically and with integrity and must:
 - 1. Treat potential and existing suppliers with equality and fairness;
 - 2. Not use their position to seek or receive personal gain in procurement matters;
 - 3. Maintain confidentiality of Commercial in Confidence information;
 - 4. Present the highest standards of professionalism and probity;
 - 5. Afford suppliers the same information and an equal opportunity to tender or quotation for goods, services and works contracts;
 - 6. Be able to account for all decisions and demonstrate and provide evidence of the processes followed;
 - 7. Not perform any work under any Council contracts they are supervising i.e., Council Staff cannot also work for the relevant supplier;

► PROCUREMENT POLICY 2023



- 8. Query incidents, decisions or directions that appear to contradict or deviate from Council's standards of ethics or probity or established policies and procedures;
- 9. Ensure that the requirements of this Policy and Council's procurement procedures are adhered to in relation to any expenditure of Council funds.

5.1.3 Conflict of Interest

- a. Councillors and Council Staff shall at all times avoid situations which may give rise to an actual or perceived conflict of interest. A conflict of interest may be a 'general' or a 'material' conflict of interest.
- b. A member of Council Staff has a general conflict of interest in a matter if an impartial, fair-minded person considers that the person's private interests could result in that person acting in a manner that is contrary to their public duty.
- c. A member of Council Staff has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter. The benefit or loss may be direct or indirect and pecuniary or non-pecuniary. Affected persons include, among others, the member of Council Staff and their family members.
- d. Council Staff involved in the procurement process, in particular preparing tender/quotation documentation, writing tender or quotation specifications, opening tenders or quotation, participating in tender or quotation evaluation panels, preparing a recommendation report; and Councillors and Council Staff awarding contracts must:

Avoid conflicts of interest, whether material or general or actual, potential or perceived;

Declare that they do not have a conflict of interest in respect of the procurement. Council Staff participating in tender or quotation evaluation panels must complete a Conflict of Interest declaration form. Council Staff must declare any actual or perceived conflicts in line with Council's internal processes for reporting conflicts of interest; and

Observe prevailing Council and Government guidelines on how to prevent or deal with Conflict of Interest situations; and not take advantage of any tender related information whether or not for personal gain.

5.1.4 Fair and Honest Dealing

- a. All prospective contractors and suppliers must be treated impartially and afforded an equal opportunity to tender or submit a quotation.
- b. Any suspected improper conduct, including suspected fraud, corruption, substantial mismanagement of public resources, risk to public health and safety, risk to the environment, or detrimental action should be managed in accordance with Council's internal policies and processes.

ATTACHMENT 14.3.1 SHIRE COUNCIL

► PROCUREMENT POLICY 2023

5.1.5 Probity, Accountability and Transparency

- a. Accountability in procurement means being able to justify and provide evidence of the process followed. An independent third party must be able to see clearly that a process has been followed and that the process was fair and reasonable.
- b. Council Staff must be able to account for all procurement decisions and ensure all procurement activities leave an audit trail for monitoring and reporting purposes.

5.1.6 Gifts and Benefits

- a. No Councillor or member of Council Staff shall seek or accept any immediate or future reward or benefit in return for the performance of any duty or work for Council or where it could be reasonably perceived as influencing them or their position or undermining their integrity or the integrity of the process in some way.
- b. Any gift or benefit offered to a Councillor or Council Staff will be managed in accordance with Council's internal policies and processes.
- c. Councillors and Council Staff, particularly contract supervisors:
 - 1. must not knowingly visit a current supplier's premises without invitation when acting in their official capacity; and
 - 2. must not knowingly engage a Council supplier for private benefit unless that engagement is on proper commercial terms.

5.1.7 Disclosure of Information

- a. Commercial in Confidence information received by the Council must not be disclosed and is to be stored in a secure location.
- b. Councillors and Council Staff must take all reasonable measures to maintain confidentiality of:
 - 1. Information disclosed by organisations in tenders, quotation or during tender negotiations; and
 - 2. Commercial in Confidence information.
- Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier.
- d. At no stage should any discussion be entered into which could improperly influence the procurement process or negotiation of a contract prior to the contract approval process being finalised, other than authorised pre-contract negotiations.

6. COMPLAINTS & REPORTING SUSPICIOUS ACTIVITIES

6.1 Complaints Handling

Members of the public and suppliers are encouraged to report known or suspected incidences of improper conduct to the Chief Executive Officer.

ATTACHMENT 14.3.1 SHIRE COUNCIL

► PROCUREMENT POLICY 2023

Councillors and Council Staff will report and manage complaints in accordance with Council's internal policies and processes.

6.2 Reporting Suspicious Activities

- a. All Councillors, Council Staff and Council suppliers are required at all times to act honestly and with integrity and to safeguard the public resources for which they are responsible. Council is committed to protecting all revenue, expenditure and assets from any attempt to gain illegal benefits (financial or otherwise).
- Council will take all reasonable steps to protect those who assist Council by providing information about suspected fraud. This will include confidentiality of identity and protection from harassment to the extent possible.
- c. Suspected improper conduct, offers of bribes, commissions and any other irregular approaches from suppliers, prospective suppliers or other individuals will be investigated and reported in accordance with Council's internal policies and processes.
- d. The Chief Executive Officer must notify IBAC of any matter they suspect on reasonable grounds to involve corrupt conduct occurring or having occurred in accordance with mandatory reporting requirements under the *Independent Broad-based Anti-corruption Commission Act 2011*.

7. GOVERNANCE

7.1 Treatment of GST

All monetary values stated in this Policy are inclusive of goods and services tax (GST) unless specifically stated otherwise.

7.2 Structure

- a. Council has delegated a range of powers, duties and functions to the Chief Executive Officer in relation to procurement. The delegation aims to ensure that the Council's procurement structure operates according to processes that:
 - 1. are flexible enough to procure in a timely manner the diverse range of goods, works and services required by Council;
 - 2. guarantee that prospective contractors and suppliers are afforded an equal opportunity to tender or submit a quotation; and
 - 3. encourage competition and collaboration.

7.3 Responsible Financial Management

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

ATTACHMENT 14.3.1 PEPO UNCIL

► PROCUREMENT POLICY 2023

b. Council funds must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

8. PROCUREMENT THRESHOLDS AND COMPETITION

8.1 Procurement Process

- a. Council must undertake any procurement activity in compliance with sections 108 and 109 of the Act and this Policy before entering into a contract for the purchase of goods or services or the carrying out of works.
- In every procurement activity all practicable efforts must be made to consider the sustainable procurement consideration as described in clause 16.2 of this Policy.
- c. Council Staff members must ensure that any purchased goods from a foreign supplier comply with the relevant Australian Standards.

8.2 Procurement Principles

- a. Council will apply the following fundamental best practice principles to procurement, irrespective of the value and complexity of that procurement:
 - 1. Value for Money;
 - 2. Sustainability (social, economic and environmental);
 - 3. Open and fair competition;
 - 4. Accountability;
 - 5. Risk management, and
 - 6. Probity and transparency.

8.3 Procurement Thresholds

- a. A public tender process must be used for all procurements valued at \$300,000 and above (incl of GST) for goods, services or works. For procurements valued under \$300,000 (incl of GST), the request for quotation process must be undertaken.
- b. When applying the procurement threshold as described in Appendix 1 of this Policy the following must be strictly complied with:
 - The value of the purchase is to include the total anticipated cost of the goods, services or works to be supplied during the total contract term which include an initial term, any option to extend the contract, applicable goods and services tax (GST) and anticipated contingency allowances;
 - 2. Clause 21.4 Contract Splitting Prohibited;
 - 3. Clause 21.5 Cumulative Spend.

ATTACHMENT 14.3.1 SHIRE COUNCIL

► PROCUREMENT POLICY 2023

8.4 Procurement Methodology

The Council's standard methodology for procuring goods, services and works shall be by any of the following:

- a. Contract following a Request for Quotation or Request for Tender process (see Appendix 1);
- b. Purchase Order following a Request for Quotation process (see Appendix 1);
- Multi-stage tenders commencing with an expression of interest followed by a tender process;
- d. Using Collaborative Procurement arrangements (see clause 15);
- e. Purchases made under the exempt circumstances (see Appendix 2);
- f. Purchases made in compliance with the Corporate Credit Card Policy (see clause 17)

unless other arrangements are authorised by Council or under appropriate delegated authority on an 'as needs' basis as required by abnormal circumstances.

Council will also procure goods, services or works from its internal Panel of Suppliers. See Guidance for Establishing and Use of Panel of Suppliers document.

9. EXEMPTIONS TO REQUIREMENTS FOR THE REQUEST FOR PUBLIC TENDER AND REQUEST FOR QUOTATION PROCESSES

- Exemptions to the requirements for the public tendering, expression of interest and request for quotation processes are set out in detail in Appendix 2 of this Policy.
- b. If Council Staff or persons engaged in procurement on Council's behalf request the exemption, they must follow the requirements of **Appendix 2 of this Policy** and the steps that are detailed in the **Guidance Request for Procurement Exemption** document.
- c. The key procurement principles as set out below will still apply:
 - Value for Money;
 - 2. maintaining transparency and accountability;
 - 3. managing risk;
 - 4. avoiding and managing conflict of interest;
 - 5. ensuring compliance with confidentiality principles.

10. PUBLIC NOTICE REQUIREMENTS

- All public tenders invited by the Council will be published via Council's Tenders.Net portal and may be advertised in the newspapers.
- b. Information regarding current tenders and awarded tenders will be published on Council's website.
- c. Request for Quotation valued at \$50,000 (incl of GST) and above for goods,



services or works will be published via Council's Tenders.Net portal.

11. PROCUREMENT PLAN AND PROBITY PLAN

11.1 Procurement Plan

A procurement plan must be developed for any procurement activity where the proposed total contract value exceeds \$50,000 (inclusive of GST) and be approved by a financial delegate before undertaking the procurement activity.

11.2 Probity Plan

- a. A probity plan is a document that sets out the steps to be taken and the processes to be implemented to ensure a tender is conducted fairly and ethically.
- b. The probity plan must be developed and implemented in one of two circumstances:
 - 1. where a proposed total contract sum exceeds \$3 million (inclusive of GST) over the life of the contract; or
 - 2. where a proposed contract is considered by Council or the Chief Executive Officer to be particularly complex, of a high risk or controversial nature, and requiring a high level of public confidence.

12. EVALUATION OF TENDERS AND QUOTATIONS

12.1 Evaluation Criteria

- a. Council must include the following evaluation criteria categories to determine whether a proposed contract provides Value for Money.
- b. For more detailed guidance about the evaluation criteria see *Guidance -***Application of Evaluation Criteria and Guidance Application of Insurance Cover documents.

CRITERION	MINIMUM WEIGHTING
Price	20%
Capability of the respondents to provide the goods or services or works	10%
Capacity of the respondents to provide the goods or services or works	10%
Occupational Health & Safety	10%
Local Content	7.5%
Demonstration of Sustainable Procurement This includes social, economic, and environmental sustainability	10%



- c. A Council Staff member may add other evaluation criteria to the table under this clause 12.1(b) subject to the needs and/or requirements of their project in order to achieve Value for Money and the best outcome for Council and its community. Any Council Staff member who wishes to add any additional criterion to their project's evaluation criteria must submit this request for an approval via Procurement Plan.
- d. A Council Staff member who wishes to remove any criterion and/or reduce the weighting that is described under clause 12.1(b) must submit this request for an approval via Procurement Plan.

12.2 Financial Viability Assessment

- a. An external financial viability assessment must be conducted for all short-listed supplier/s for purchases over \$1 million (inclusive of GST) or which are considered complex, high risk and critical purchases and/or projects.
- b. In assessing whether a financial viability assessment is required, consideration is given to the likelihood and consequence of a financial viability issue in the purchase or project and subsequent contract, as well as any other factors that have the potential to impact on the overall level of risk.
- c. Procurement Officer will conduct this assessment via an external independent party on behalf of the Evaluation Panel, and this process will be undertaken as part of the evaluation process but will not be scored.

12.3 Evaluation Panel

Council Staff members and all persons engaged in procurement on Council's behalf must ensure that:

- a. an Evaluation Panel will be established to evaluate each submission against the evaluation criteria;
- b. the composition of the Evaluation Panel will be established in accordance with the table in this clause 12.3.
- c. evaluation criteria and their associated weightings must be established and agreed to by the Evaluation Panel prior to the request for tender or request for quotation or expression of interest being officially open to the market;
- d. a Procurement Plan must be signed off by the financial delegate prior to the procurement documentation being officially open to the market;
- e. the evaluation process is robust, systematic and unbiased;
- f. a probity adviser be appointed to any procurement process and/or Evaluation Panel in line with clause 13; and
- g. if required, external specialists be included in the evaluation process in order to achieve Value for Money.



Contract Value (inclusive of GST)	Min. Number of Panel Members	Minimal Panel Composition
\$10,000 -\$50,000	2	Staff members of the relevant department
\$50,001- \$300,000	3 (scoring members)	 Subject matter expert from the relevant department Co-ordinator and/or Manager of the relevant department One staff member from a different department or Directorate Note: Seek advice from the Procurement Officer, if required
\$300,001 - \$3M	3 (scoring members)	 Subject matter expert from the relevant department Co-ordinator and/or Manager of the relevant department One staff member from a different department or Directorate
	Advisers	 Procurement Officer must be involved in the Panel as an adviser May include a probity adviser (see clause 13) May seek advice from a member of the Financial Services Department May include external party to provide specialist advice
Over \$3M	4 (scoring members)	 Subject matter expert from the relevant department Manager and/or Director or Executive Manager of the relevant department One staff member from a different department A member from the Financial Services Department Note: A Director or an Executive Manager must be included if it is a complex and high-risk major project
	Advisers	 Procurement officer must be involved in the Panel as an adviser Must include a probity adviser (see clause 13) May include external party to provide specialist advice

13. PROBITY ADVISER OR PROBITY AUDITOR

13.1 Probity Adviser

- a. A formal probity plan must be developed, and a probity adviser appointed in the following circumstances:
 - 1. where the proposed total contract sum exceeds \$3 million (incl of GST) over the life of the contract; or
 - 2. where a proposed contract is considered by Council or the Chief Executive Officer to be particularly complex, of a high risk or controversial nature, and requiring a high level of public confidence.
- b. At the discretion of the Chief Executive Officer a probity adviser may be

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appointed to any procurement process and/or Evaluation Panel in order to provide advice on probity related matters and to oversee the evaluation process.

13.2 Probity Auditor

a. At the discretion of the Chief Executive Officer a probity auditor may be appointed to review an outcome of the procurement process and/or evaluation process for continuous improvement.

14. SHORTLISTING AND BEST AND FINAL OFFER NEGOTIATIONS

- a. Council may conduct a shortlisting process during expression of interest, tender and quotation processes. Shortlisting can be based on any criterion or criteria but only in pursuit of the most advantageous outcome for the Council.
- b. Shortlisted tenderers may be invited by the Council to submit a best and final offer in relation to all or certain aspects of their respective tenders.
- c. Once one or more preferred tenderers are selected, negotiations can be conducted in order to obtain the optimal solution and commercial arrangements within the original scope and intent of the tender. Probity requirements apply to all negotiations.

15. COLLABORATIVE PROCUREMENT

- a. In accordance with section 108(c) of the Act, the Council will first consider collaboration with other Councils and public bodies or utilise Collaborative Procurement Arrangement, when procuring goods, services or works in order to take advantage of economies of scale.
- b. Council staff must consider any opportunities for collaborative procurement in relation to a procurement process undertaken by Council.
- c. In accordance with section 109(2) of the Act any Council report that recommends entering into a contract must include information in relation to opportunities for collaboration, if available:
 - 1. the nature of the identified opportunities, if any, with other Councils and public bodies; and
 - 2. whether Council did, or did not, pursue the identified opportunities for collaboration in relation to the recommended contract.
- d. Council may collaborate with other Councils or other bodies such as MAV Procurement or Procurement Australasia to procure goods, services or works established through a public tender process where it provides an advantageous Value for Money outcome for the Council.
- e. Any Federal or State Government grant funded projects may be excluded from collaborative procurement.



16. DEMONSTRATE SUSTAINED VALUE

16.1 Achieving Value for Money

16.1.1 Requirement

The 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. Lowest price is not the sole determinant of Value for Money.

16.1.2 Approach

This will be facilitated by:

- a. achieving continuous improvement in procurement activity in accordance with the requirements set out in this Policy;
- developing, implementing and managing processes that support the coordination and streamlining of activities throughout the procurement lifecycle;
- c. effective use of competition;
- d. using existing Council contractual arrangement or Collaborative Procurement Arrangements where appropriate;
- e. identifying and rectifying inefficiencies in procurement processes;
- f. developing cost efficient tender processes;
- Council Staff responsible for providing procurement services or assistance within the Council providing competent advice in terms of available products and agreements; and
- h. working with suppliers to create relationships that are professional, productive, and are appropriate to the value and importance of the goods, services and works being acquired.

16.2 Sustainable Procurement

16.2.1 Sustainable Procurement Definition

Sustainable procurement involves decision making that has the most positive environmental, social and economic impacts possible across the entire lifecycle of goods, services and works. The United Nations Environment Programme defines sustainable procurement as a "process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves Value for Money on a whole of life basis in terms of generating benefits not only the organisation, but also to society and the economy whilst minimising damage to the environment."

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16.2.2 Applying Sustainable Procurement in Council

- a. Sustainability will be embedded in the Council's operations. All Council Staff will have a clear and shared understanding about what it means and how they can apply it to their daily tasks. The Council commits to applying the principles of sustainability to its decision-making and activities.
- b. Council demonstrates sustainable procurement by:
 - 1. being accountable for its impacts on society, the economy and the environment including the impacts of the organisation's supply chain;
 - 2. examining anticipated organisational, project and/or community needs;
 - 3. continually improving sustainability specifications, practices and outcomes, and
 - 4. planning and undertaking sustainability evaluations as part of contracting activities.

16.2.3 Principles and objectives

- a. Council commits to
 - 1. applying specific principles of sustainability to its decision-making and activities, and
 - 2. focusing on specific Economic, Environmental and Social objectives.

Area	Principles	Objectives
Economic	Council is committed to procurement that supports Local Business. Where practicable and applicable Council will give preference to goods manufactured or produced in Australia and will actively seek quotations and tenders from Local Businesses. Council's Procurement Policy will be underpinned by the following principles: Ensuring accountability and transparency; Ensuring Value for Money outcomes; Ensuring open and effective competition, and development of competitive Local Business and industry; Fostering innovation and emerging sectors; and Considering life cycle costs.	 Council's economic sustainability approach aims to: Achieve Value for Money on a whole of life (including disposal) basis, rather than just initial cost; Consider broader life cycle impacts of products procured; Ensure probity and accountability in the procurement process; Commit to sourcing locally; Build relationships with Local Business and encourage procurement from them to help build their capacity; Increase local employment; Consider purchasing from the suppliers who will demonstrate innovative or creative approaches to supplying goods, services or works; and Consider purchasing goods, services or works which will consider the benefits and disadvantages of life cycle costing of goods, services or works (i.e., purchase price, maintenance, operating and disposal costs).

b. The following Economic, Environmental and Social objectives as described in the **table** below have been determined in line with these principles.



Area	Principles	Objectives
Social	Council is committed to building stronger communities and meeting social objectives which benefit the municipality and commits to integration of measures in its procurement processes and documentation which promote improved social outcomes. Council's sustainable procurement will be underpinned by the following principles: A thorough understanding of the socioeconomic issues affecting the community; Creation of training and employment opportunities for unemployed or disadvantaged residents and ratepayers in Council's municipality, and marginalised job seekers in Council's municipality, to address local socioeconomic issues; Promotion of equity, diversity and equal opportunity; and Respect for human rights, the rule of law and international norms of behaviour.	 Council's social sustainability approach aims to: Ensure vendors do not exploit workers and provide fair wages, including inclusive business practices; Maintain a social procurement program to increase social procurement spend across the Hepburn Shire municipality; Ensure sourced products are accessible by all segments of the community; Increase employment opportunities for indigenous people, people with a disability, disadvantaged people and long term unemployed; Improve gender equity; Support and promote safe and fair workplaces; and Prevent, detect and remove modern slavery from Council's supply chain.



17. PURCHASES BY CORPORATE CREDIT CARD

a. Any procurement undertaken by the corporate credit card must comply with Council's Corporate Credit Card Policy requirements.

18. CHIEF EXECUTIVE OFFICER EMERGENCY POWER

- a. The Chief Executive Officer has the power to declare that a contract must be entered into because of an emergency as defined in *Appendix 3 Definitions & Abbreviations* of this Policy and thus avoid delays in responding to an emergency.
- b. Any decision taken by the Chief Executive Officer under this clause 18 will be communicated to Councillors, and if required by the Mayor, will be subject of a report to the next scheduled Council meeting for noting.

19. RISK MANAGEMENT AND OCCUPATIONAL HEALTH AND SAFETY

a. Council is committed to manage all aspects of its procurement processes in line with its risk management policy and in such a way that all risks, including occupational health and safety, are identified, analysed, evaluated, treated, monitored and communicated to the standards required by the law, Australian Standards and Council policies and procedures.

Where applicable Council will purchase goods, services and works that reduce air, water and soil pollution, greenhouse gas emissions, waste production, natural resource depletion and biodiversity depletion whenever they present an acceptable Value for Money outcome, and in some cases where they might not. Council's sustainable procurement activities will be underpinned by the following principles:

Environmental

- Considering a product's or asset's lifecycle;
- Promoting circular economy participation;
- Managing demand to reduce procurement requirements;
- Encouraging innovation through specifications; and
- Engaging suppliers who are also committed to reducing their environmental impact.

Council's environmental sustainability and approach aims to:

- Improve energy efficiency;
- Reduce greenhouse gas emissions and contribution towards Council's carbon footprint;
- Minimise waste production;
- Improve water efficiency;
- Reduce air, water and soil pollution;
- Reduce biodiversity impacts;
- Minimise pollution and harmful impacts on natural environment;
- Avoid or reduce the use of goods, materials, products or services that generate waste;
- Re-use goods, products or materials, where possible, to extend their useful lifecycle; and
- Procure goods, products or materials that are recycled.
- Increase the use of recycled materials to:
 - Reduce demand for raw materials and non-renewable resources; and
 - Close the loop on curbside recycling.
- b. Council requires all contractors, service providers and volunteers to comply with

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all OH&S legislative requirements. Suppliers must, upon request by Council, provide evidence of certification or policy when providing goods, services or works.

20. INTERNAL CONTROLS

Council Staff and all persons engaged in procurement on Council's behalf must diligently follow a framework of internal controls over procurement processes in order to ensure:

- a. more than one person is involved in, and responsible for, each procurement transaction;
- b. transparency in the procurement process;
- c. a clearly documented audit trail exists for procurement functions;
- d. required authorisations are obtained and documented;
- e. systems are in place for appropriate monitoring and performance measurement;
- f. Council maintains all records relevant to administering this Policy in accordance with the *Public Records Act 1973* (Vic); and
- g. information received by Council that is Commercial in Confidence must not be disclosed and is to be stored in a secure location. Councillors and Council Staff are to protect, by refusing to release or discuss the following:
 - information disclosed by organisations in tenders, quotations or during tender negotiations;
 - 2. all information that is Commercial in Confidence; and
 - 3. pre-contract information including but not limited to information provided

in quotations and tenders or subsequently provided in pre-contract negotiations.

h. a process is in place for escalation, where appropriate, of procurement matters (including procedural non-compliance) to the Executive Team, the Audit and Risk Committee and Council.

21. CONTRACT MANAGEMENT AND RELATED PROCESSES

21.1 Contract Management

- a. The purpose of contract management is to ensure that Council, and where applicable its customers, receive the goods, services or works provided to the required standards of quality and quantity as intended by the contract.
- b. The provision of goods, services and works by contract potentially exposes Council to risk. Council will minimise its risk exposure by measures such as:
 - 1. standardising contracts to include current, relevant clauses;
 - 2. ensuring the contract or purchase order reflects the tender pricing;
 - 3. requiring security deposits where appropriate;
 - 4. requiring evidence of relevant insurance cover;
 - 5. referring specifications to relevant experts where appropriate;
 - 6. requiring a correctly executed contractual agreement before commencement;

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- 7. use of or reference to relevant Australian Standards (or equivalent); and
- 8. effectively managing the contract including monitoring and enforcing performance.

21.2 Awarding Contract

- a. All contracts with expenditure equal to or less than \$330,000 (inclusive of GST) must be approved by the Chief Executive Officer or their delegate as described in the *Instrument of Financial Sub -Delegation* document.
- b. Council employees must ensure that they seek Council's resolution on all contracts with expenditure greater than \$330,000 (inclusive of GST).

21.3 Contract Execution

- a. The Chief Executive Officer will execute any contract on behalf of Council provided that:
 - 1. the contract is within the Chief Executive Officer's financial delegation as outlined in S5 Instrument of Delegation to Chief Executive Officer; or
 - 2. Council by its resolution has awarded the contract which is outside the Chief Executive Officer's financial delegation.
- The Chief Executive Officer may delegate the execution of any contract to a Council Staff member as described in the Instrument of Financial Sub – Delegation.
- d. The Chief Executive Officer or a delegated Council Staff member may sign contract under this clause 21.3 either by signing a physical form of the document by hand or an electronic form of the document using electronic signature software method.
- e. Notwithstanding clause 21.3 (a) Council may resolve to delegate execution of a contract to the Mayor or Council's delegate.

21.4 Contract Splitting Prohibited

- a. Before undertaking any procurement activity, the scope of the procured goods, services or works, and anticipated length and value of a contract must be determined in good faith.
- b. The circumstances which intentionally seek to avoid the requirement to undertake the tendering process or request for quotation process will breach the requirements of this Policy to conduct tendering process or request for quotation process where threshold values would otherwise be reached. These following circumstances are prohibited under this Policy:
 - 1. Contract splitting;
 - 2. Splitting the purchases or orders so the total value of the purchase falls under the amount of a financial delegate's authority limit;
 - 3. Placing multiple orders;

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- 4. Seeking multiple quotations with a single supplier;
- 5. Engaging in effect a single supplier under different guises.

21.5 Cumulative Spend

- a. In order to be efficient, effective and achieve Value for Money Council must practice cumulative spend process.
- b. Council may, from time to time or as necessary, enter into multiple contracts where significant amounts are expended and result in cumulative spend on one supplier, or for one service, over a period of time. For the purpose of the threshold cumulative spend will be calculated over a period of two (2) years.
- c. In each circumstance where accumulated significant amounts are likely to be spent on one supplier, or for one service which may exceed the procurement threshold for tendering as described in Appendix 1 Council must consider undertaking a request for tender process in order to procure the required goods, services or works.
- d. A process for monitoring and reporting to senior management on cumulative supplier payments will be applied as a way of identifying Value for Money principle being achieved through a competitive procurement process and from the risk management point of view.

21.6 Contract Variation

- a. All contract variations must be assessed to determine whether they constitute variations under the terms of the contract, or whether they are in effect a new contract. Council must also assess variations for justification of value and scope in the context of the original contract.
- b. The following delegates may approve contract variations up to the amounts set out in the following table:

DELEGATE	APPROVAL AMOUNT (INCLUSIVE OF GST)
Council	Aggregate of all contract variations above 30% of the original contract sum, or above \$330,000 individually.
Chief Executive Officer	Aggregate of all contract variations up to 30% of the original contract sum, or \$330,000 individually, whichever is the lesser subject to remaining within budget or offset savings being identified.
Council Staff	Financial delegation in relation to the contract variations for Council Staff is defined in the <i>Instrument of Financial Sub -Delegation</i> document.

22. RELATED LEGISLATION, POLICIES AND REFERENCES

Council must comply with all the relevant provisions of the Acts and Regulations in all procurement matters, including but not limited to:

Legislation

- Local Government Act 2020 (Vic)
- Local Government (Planning and Reporting) Regulations 2020 (Vic)
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Competition and Consumer Act 2010 (Cth)



- Occupational Health and Safety Act 2004 (Vic)
- Occupational Health and Safety Regulations 2017 (Vic)
- Privacy and Data Protection Act 2014 (Vic)
- Public Records Act 1973 (Vic)
- Freedom of Information Act 1982 (Vic)
- Child Wellbeing and Safety Act 2005 (Vic)
- Gender Equality Act 2020 (Vic)

Policies

- Council's Officer Code of Conduct
- Councillor Code of Conduct
- Supplier Code of Conduct
- Corporate Credit Card Policy
- Fraud Prevention Policy
- Risk Management Policy
- Occupational Health and Safety Policy
- Other relevant Policies

References/Guidance

- Best Practice Procurement Guidelines 2013
- Whittlesea City Council Procurement Policy (Engage Victoria)
- Victorian Auditor-General's Office report on Tendering and Contracting in Local Government, February 2010

23. DOCUMENT INFORMATION

Policy Owner:	Manager Financial Services
Send feedback about the Policy to, or further information can be sought via:	procurement@hepburn.vic.gov.au
Policy Approved:	Xxx 2023
Policy Review:	The Procurement Policy must be reviewed at least once during each 4-year term of the Council in compliance with section 108 of the <i>Local Government Act 2020</i> (Vic).
Administrative Amendments	The Chief Executive Officer is authorised to make minor administrative changes to the Procurement Policy to ensure clarity and readability.







APPENDICES



APPENDIX 1: Procurement Methodology for Request for Tender and Request for Quotation

PROCUREMENT THRESHOLD (Inclusive of GST)	PROCUREMENT METHODOLOGY	EST. TIMEFRAME FOR SUPPLIER RESPONSE (minimum)	PROCUREMENT PROCESS
\$0 - \$5,000	Request at least one (1) verbal quotation	3 business days	Direct approach to supplierRaise a Purchase Order
\$5,001 - \$10,000	Request at least one (1) written quotation	1 week	 Direct approach to supplier Raise a Purchase Order Attach quotation and any other document/s from supplier to the Purchase Order in TechOne Save documents in Content Manager
\$10,001 - \$50,000	Request at least two (2) written quotations	2 weeks	 Direct approach to suppliers Evaluate quotations and select the successful supplier Raise a Purchase Order Attach quotation and any other document/s from supplier to the Purchase Order in TechOne Save documents in Content Manager



\$50,001-\$299,999	Request at least three (3) written quotations	2 weeks	 Procurement Plan must be prepared and approved by a financial delegate before release of the RFQ documents RFQ must be released to the market through Tenders.Net platform Evaluate quotation/s and select the successful supplier Prepare a report and obtain a written approval from a financial delegate on the recommended supplier Save documents in Content Manager Signed contract is recommended (Talk to Procurement Officer)
\$300,000 and above	Tender	3 weeks	 Procurement Plan must be prepared and approved by a financial delegate before release of the EOI or RFT documents EOI or RFT must be released to the market through Tenders.Net platform Evaluate submission/s and select the successful supplier Prepare a report and obtain a written approval from a financial delegate on the recommended supplier Save documents in Content Manager Contract must be signed (Talk to Procurement Officer)

NOTE

See *Guidance – Procurement Methodology and Process* document for more information and guidance.

APPENDIX 2: PROCUREMENT EXEMPTIONS

TABLE 1 – EXEMPTIONS FROM PROCUREMENT PROCESS

Table 1 below provides the circumstances which are exempt from the express of interest or general public tendering or request for quotation requirements.

Any expenditure for the purchase of goods, services or works must be approved by the financial delegate in line with the **Instrument of Financial Sub-Delegation** before entering into a contract.

Where the values of the goods, services or works to be purchased exceeds the financial delegation of the Chief Executive Officer before entering into a contract a report for the Council must be prepared for Council's consideration with the recommended supplier's name and contract price.

Exemption Name	Explanation and Limitations



	Where the Chief Executive Officer has resolved that the contract must be entered into because of an emergency. See:
A contract made due to	a. Clause 18 of this Policy — <i>Chief Executive Officer Emergency Power</i> .
a genuine emergency or hardship	b. See definition of Emergency below.
	c. A Procurement Exemption Form must be submitted under this exempt circumstance. The process of submission is described in Attachment 1 of the <i>Guidance – Request for Procurement Exemption</i> document.
	Council may procure goods, services or works through:
	a. Municipal Association of Victoria Procurement (MAV Procurement).
	b. Procurement Australia (PA).
A contract made with, or a purchase from a contract made by,	c. Department of Premier & Cabinet (eServices Register or IT Infrastructure Register).
another government entity, government-	d. National Procurement network members (e.g., Local Buy).
owned entity or other approved third party	Council staff must ensure that they follow the rules, where applicable, required by the above agents and/or Council's RFQ process according to Appendix 1 of this Policy.
	This general exemption allows engagements with another government entity or government owned entity. For example, Federal, State or Local Government or an entity owned by the Federal, State or Local Government.

Exemption Name	Explanation and Limitations
Legal Services	Provision of legal advice. However, Council staff should undertake RFQ process in accordance with Appendix 1 of this Policy if the procurement process is about updating the templates or purchase of new templates.
Operating Lease	Where a lessor leases an asset, such as leasing a vehicle or plant and equipment to the Council and assumes the residual value risk of the asset. The asset under the operating lease does not vest in Council.



Novated Contract	 Novated contracts are exempt from public tendering providing: a. The initial contract was entered into in compliance with section 108 of the <i>Local Government Act 2020</i>; and b. The Council has undertaken due diligence in respect of the new party to the contract.
Statutory Compulsory Monopoly Insurance Schemes	 a. Public liability and professional indemnity insurances taken out by the Council, which is a member of, or participates in, MAV Insurance Scheme which is approved by the Minister. b. WorkCover insurance; c. Motor Vehicle compulsory third party insurance.
Information technology resellers and software developers	 a. Purchase of software specific only to one provider. b. Renew software licenses and maintenance and support, or upgrade existing systems, where there is only one supplier of the software, who holds the intellectual property rights to the software.
Other Purchases	 a. Plant and equipment servicing/spare parts where applicable to maintain warranty protection or to maintain plant to Original Equipment Manufacturer (OEM) standard. b. Payments to Dja Dja Wurrung Clans Aboriginal Corporation and associated entities up to \$100,000 (inclusive of GST). c. Regional library supplies.

TABLE 2 – EXEMPT CIRCUMSTANCES REQUIRE PROCUREMENT EXEMPTION FORM

Table 2 below provides the circumstances where a Council staff member may purchase goods, services or works directly from a supplier without undertaking a procurement process. In this instance a Procurement Exemption Form must be submitted for approval as outlined in Attachment 1 or Attachment 2 of *Guidance – Request for Procurement Exemption* document.

Any expenditure (Purchase Order) for the purchase of goods, services or works must be approved by the financial delegate in line with the **Instrument of Financial Sub-Delegation** document.

Where the values of the goods, services or works to be purchased exceeds the financial delegation of the Chief Executive Officer before entering into a contract a report for the Council must be prepared



for Council's consideration with the recommended supplier's name and contract price.

Exemption Name	Explanation and Limitations	
Sole or select supplier	 Supply of goods or services or works can be procured from a sole supplier or a restricted group of suppliers (select sourcing). The transparent way of engaging a supplier would be to demonstrate: a. It is in the public interest. b. There is one or a limited number of available suppliers in the market or suppliers able to submit quotations. c. The marketplace is restricted by statement of license or third-party ownership of an asset (excluding public utility plant). d. Council is party to a joint arrangement where Council jointly owns the Intellectual Property with a third-party provider. 	
Extension of contracts while Council is at market	Allows Council to extend an existing contract where the procurement process to replace the contract has commenced, and where the tender process or negotiations will take or have taken longer than expected. This applies where there is no option to extend the existing contract or option/s to extend the existing contract has been exhausted. This exemption may be used when the establishment of an interim short-term arrangement is considered not to be in the public interest, as it may be cost prohibitive and/or present a risk in the delivery of critical public services to the municipality.	
Goods or services procured which is issued under copyright law. Other Purchases Arts programming such as stage shows, bands or performers as determined by the relevant Director or Executive Manager.		

Exemption Name	Explanation and Limitations	
Chief Executive Officer's discretion	Goods, services or works which are an extension of the previous work undertaken or supplied by the supplier where the Chief Executive Officer is satisfied that the work has been undertaken, and where the background knowledge about the goods or services or works is known and there is continuity of history and expertise that the supplier will achieve Value for Money and will justify obtaining only one quotation. The total value of the cumulative spend must not exceed \$300,000 (incl of GST).	



	Other exceptional circumstances as solely determined by the Chief Executive Officer which will achieve greater Value for Money than undertaking a request for quotation process. Where no quotations or tenders were submitted after the market has been tested and it is reasonably likely that re-advertising RFQ or RFT will achieve the same outcome of receiving no submissions, in this instance direct contact with the supplier of choice may be appropriate. Where the values of the goods, services or works to be purchased exceeds the financial delegation of the Chief Executive Officer before entering into a contract a report for the Council must be prepared for Council's consideration with the recommended supplier's name and contract price.	
A contract made because of genuine emergency or hardship	 Where the Chief Executive Officer has resolved that the contract must be entered into because of an emergency. See: a. Clause 18 of this Policy – Chief Executive Officer Emergency Power. b. See definition of Emergency below. A Procurement Exemption Form must be submitted under this exempt circumstance. The process of submission is described in Attachment 1 of the Guidance – Request for Procurement Exemption document. 	

TABLE 3 - Other Payments

Table 3 provides circumstances which are exempt from the market engagement process and <u>do not</u> require submitting a Procurement Exemption Form.

CATEGORIES	EXAMPLES	
Statutory Payments	 Legislative or statutory requirements such as payments to the Australian Taxation Office, fines Roads Corporation of Victoria (VicRoads) payment for fleet management VEC – payments to the Victorian Electoral Commission (VEC) EPA Victoria Levy Fire Services Property Levy 	



Council Staff and Councillors	 Superannuation (including Defined Benefits superannuation calls) Payroll Deductions WorkCover, Injury Management Licences or Subscription or Membership Renewals Recruitment advertising Professional workshops, seminars and conference registration fees and travel arrangements Mayor and Councillor allowances and expenses
Council Properties	 Sale or Purchase of Land Lease or Licence of Property Warranty Renewals Investments/Terms deposits Loan contracts Contracts for sale of goods Grants (from the Federal or State Government) where Council's role in the funding arrangement is that of 'fund manager' and passes on funds from another level of government or other body.
Utility Services	Gas, electricity, water, sewerage charges, telecommunication whereby the infrastructure is owned and managed by a single or particular party. This also applies to new or maintenance or service or upgrade of assets owned by the utility provider.
Others	 Payments to other municipalities Payments made by the administrator of a Special Rates Scheme Venue hire General advertising Sundry Funds (such as pension rebates, deceased animal refunds) Australia Post charges Medical expenses Couriers Victorian Auditor – General's Office (VAGO) fees

APPENDIX 3:

Definitions and Abbreviations

TERM	DEFINITION	
Act	The Local Government Act 2020 (Vic)	



Collaborative Procurement Arrangement	A contract established by the Council, government or a nominated agent, such as Procurement Australasia, Municipal Association of Victoria (MAV), or local government entity, for the benefit of numerous state, federal and/or local government entities that achieves best value by leveraging combined economies of scale.	
Commercial in Confidence	Information that, if released, may prejudice the business dealings or commercial interests of Council or another party, e.g., prices, discounts, rebates, profits, methodologies and process information, etc.	
Contract Management	The process that ensures all parties to a contract fully meet their respective obligations as efficiently and effectively as possible in order to deliver the contract objectives and provide Value for Money.	
Council	Hepburn Shire Council.	
Councillors	Council's elected representatives (the Mayor and Councillors) or Administrator(s) appointed to act in this capacity.	
Council Staff	Includes all Council officers, temporary employees, contractors, volunteers and consultants while engaged by Council.	
Emergency	 a. an emergency due to the actual or imminent occurrence of an event which destroys or damages, or threatens to destroy or damage, any Council property as a result of: a flooding, windstorm, earthquake or other natural event; a fire; an explosion; a plague or an epidemic or pandemic or contamination which may require the immediate procurement of goods, services or works to ensure business continuity, safety and security; an emergency due to the actual or imminent occurrence of an event which in any way endangers or threatens to endanger the safety or health of Council staff; the occurrence of a natural disaster such as flooding, bushfire, earthquake, windstorm or other natural event, epidemic or pandemic or contamination which may require the immediate procurement of goods, services or works to provide, or support in the provision of, relief in the Hepburn Shire municipality; any sudden or unexpected disruption to Council's essential services such as IT breakdown or failure or power outage which may require the immediate procurement of goods, services or works to ensure business continuity; 	



	 e. unforeseen cessation of trading of a core service provider and a need to appoint a replacement service provider on the grounds of public safety; f. a state of disaster declared under the Emergency Management Act 1986, or any other declaration made by the Premier of Victoria which will impact the Hepburn Shire municipality; g. any other situation which is liable to continue a risk to life or property. (Section 3 of the Emergency Management Act 2013 and clause 3.7.1 of the Victorian Local Government Best Practice Procurement Guidelines 2013 have been used in the drafting the definition of 'emergency') 	
IBAC	The Independent Broad-based Anti-corruption Commission.	
Indigenous Business	An Indigenous Business is one that is at least 50% owned by an Aboriginal or Torres Strait Islands person(s) (consistent with Supply Nation's definition).	
Local Business	A commercial business within an operational premises that is physically located within the Hepburn Shire municipality or within the Central Highlands Region being Ararat, Pyrenees, Ballarat, Moorabool, Hepburn and Golden Plains municipalities.	
Breach	 Policy Breach relates to a breach of non-compliant procedural process. Material Breach relates to a breach of legislation such as fraud, corruption or occupational health and safety. 	
Probity	Within government, the term "probity" is often used in a general sense to mean "good process". A procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with the Council's policies and legislation, are established, understood and followed from the outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.	
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.	
Schedule of Rates Contract	A standing offer arrangement based on a Schedule of Rates contract that sets out rates for goods and services which are available for the term of the agreement but without a commitment to purchase a specified value or quantity of goods or services.	
Sustainability	Activities that meet the needs of the present without compromising the ability of future generations to meet their needs.	
Tender Process	The process of inviting parties from either a select list or via public advertisement to submit an offer by tender followed by evaluation of submissions and selection of a successful bidder or tenderer in accordance with pre-determined evaluation criteria.	
Total Contract Sum	 The potential total value of the contract including: costs for the full term of the contract, including any options for either party to extend the contract; applicable goods and services tax (GST); anticipated contingency allowances. 	



Value for Money in procurement is about selecting the supply of goods, services and works considering both cost and non-cost factors including:

Value for Money

- Non-cost factors such as contribution to the advancement of Council's priorities, fitness for purpose, quality, service and support; and
- Cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.



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

Go to 03:03:44 in the meeting recording to view this item.

DIRECTOR COMMUNITY AND CORPORATE

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

ATTACHMENTS

- S5 Instrument of Delegation Council to CEO September 2023 [14.4.1 4 pages]
- S6 Instrument of Delegation Council to Council Staff September 2023 [14.4.2 108 pages]

OFFICER'S RECOMMENDATION

That Council:

- 1. In the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 (the Act), resolves that:
 - a. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument;
 - The instrument comes into force immediately upon this resolution being made and is to be signed by the Chief Executive Officer and the Mayor;
 - c. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked; and,
 - d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
- 2. In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, resolves that:
 - a. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the

conditions and limitations specified in that Instrument;

- The instrument comes into force immediately upon resolution of Council and is to be signed by the Council's Chief Executive Officer and the Mayor;
- c. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked; and,
- d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

MOTION

That Council:

- 1. In the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 (the Act), resolves that:
 - a. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument;
 - The instrument comes into force immediately upon this resolution being made and is to be signed by the Chief Executive Officer and the Mayor;
 - c. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked; and,
 - d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
- 2. In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, resolves that:
 - a. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the

- conditions and limitations specified in that Instrument;
- The instrument comes into force immediately upon resolution of Council and is to be signed by the Council's Chief Executive Officer and the Mayor;
- c. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked; and,
- d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Moved: Cr Don Henderson **Seconded:** Cr Juliet Simpson

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley

Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil Abstained: Nil

EXECUTIVE SUMMARY

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

The previous Instrument of Delegation to the CEO and the Instrument of Delegation to Members of Council Staff were executed on 31 March 2023.

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

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

BACKGROUND

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

Delegations enable the business of Council to be carried out effectively, in line with Council approved policies and are assigned to positions within Council, rather than to

staff individually. When executing powers under delegation, staff are also limited and bound by Council policies and procedures.

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

- (1) A Council may by instrument of delegation delegate to—
 - (a) the members of a delegated committee; or
 - (b) the Chief Executive Officer— any power, duty or function of a Council under this Act or any other Act other than a power, duty or function specified in subsection (2).
- (2) The following are specified for the purposes of subsection (1)—
 - (a) the power of delegation;
 - (b) the power to elect a Mayor or Deputy Mayor;
 - (c) the power to grant a reasonable request for leave under section 35;
 - (d) subject to subsection (3), the power to appoint the Chief Executive Officer, whether on a permanent or acting basis;
 - (e) the power to make any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
 - (f) the power to approve or amend the Council Plan;
 - (g) the power to adopt or amend any policy that the Council is required to adopt under this Act;
 - (h) the power to adopt or amend the Governance Rules;
 - (i) the power to appoint the chair or the members to a delegated committee;
 - (j) the power to make, amend or revoke a local law;
 - (k) the power to approve the budget or revised budget;
 - (I) the power to borrow money;
 - (m) subject to section 181H(1)(b) of the Local Government Act 1989, the power to declare general rates, municipal charges, service rates and charges and special rates and charges;
 - (n) any power, duty or function prescribed by the regulations for the purposes of this subsection.

The current Instrument of Delegation to the Chief Executive Officer and Instrument of Delegation to Members of Council Staff were executed on 21 March 2023.

Council subscribes to the Maddocks Authorisations and Delegations Service, which provides advice regarding legislative amendments and template instruments which

are then tailored to organisational requirements. Maddocks have informed Council about the legislative changes that affect the powers, duties and functions of Council.

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

Delegation from Council

Require resolution of Council

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

Includes delegations required and excluded under the Local Government Act 2020

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

Powers are delegated direct to officers under the following Acts:

- Cemeteries and Crematoria Act 2003
- Domestic Animals Act 1994
- Environment Protection Act 1970
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Cemeteries and Crematoria Regulations 2015
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

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

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

onsite wastewater management systems with a design or actual flow rate

of sewage not exceeding 5000 litres on any day; and

• noise from the construction, demolition or removal of residential premises.

Delegation from the CEO

To be determined by the CEO

Schedule 7 – Sub-delegation from the CEO to Council Staff under various Acts

Powers, as delegated to the CEO by Council or under various Acts, are subdelegated to Council Staff under various Acts and through administrative powers.

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

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

Schedule 15 – delegation from the CEO to Council Staff related to Freedom of Information Processing

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

KEY ISSUES

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

There are no legislative changes advised by Maddocks for this instrument. The Instrument is based upon the Maddocks template, and continues the delegations approved in March 2023.

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

The revised Instrument of Delegation to Members of Council staff is based upon the previous Instrument considered by Council in March 2023. This revision has also been updated to include recent position changes across the organisation.

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

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

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

The following changes have been made to the S6:

 Minor amendments to the reference 'delivery of memorial' has been removed from s 181 of the Planning and Environment Act 1987

Instruments of Delegation to be authorised by the CEO

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

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

Instrument of Sub-Delegation by CEO (S7)

The revised Instrument of Delegation to Members of Council staff is based upon the previous Instrument considered by Council in March 2023. This revision has also been updated to include recent position changes across the organisation and recent legislative changes and to provide further clarity on officer powers.

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

- Minor amendments and additions to the Education and Training reform Act 2006
- Minor amendments to the Environment Protection Act 2017 and the Public Health and Wellbeing Act 2008
- Minor amendments to the Local Government Act 1989 have been inserted by virtue of the Local Government Legislation Amendment (Rating and Other Matters) Act 2022.
- Additional provisions in relation to internal administrative processes.

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

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

Amendments have been made to this instrument in line with the *Child Wellbeing and Safety Act 2005* that have come into effect.

Instrument of Delegation by CEO for VicSmart Applications (S14)

The revised Instrument of Delegation by CEO for VicSmart Applications (S14) is based upon the previous Instrument considered by March 2023. The S14 Instrument has been updated to reflect notice requirements within the *Planning and Environment Act 1987*, and also updated to reflect staff changes.

Instrument of Delegation by CEO to staff for the processing of Freedom of Information Requests (S15)

The Instrument has been updated to reflect staffing changes. There are no legislated changes required to this instrument at this time.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

A dynamic and responsive Council

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

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

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

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

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

RISK AND GOVERNANCE IMPLICATIONS

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

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

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

ENVIRONMENTAL SUSTAINABILITY

There are no sustainability implications associated with this report.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.



S5 Instrument of Delegation to Chief Executive Officer

Hepburn Shire Council

Instrument of Delegation

to

The Chief Executive Officer

ATTACHITETING LAURAN

Instrument of Delegation

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

1.	this Instrument of Delegation is authorised by a Resolution of Council passed on 		



SCHEDULE

The power to

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

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

Conditions and Limitations

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

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



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



S6 Instrument of Delegation — Members of Staff

Hepburn Shire Council

Instrument of Delegation

to

Members of Council Staff

XX September 2023



Instrument of Delegation

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

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

Not Delegated	means not delegated below Chief Executive Officer
CEO	means Chief Executive Officer (Including Interim or Acting)
DCAC	means Director Community and Corporate
DIAD	means Director Infrastructure and Delivery
EMD	means Executive Manager Development
EMPT	means Executive Manager People and Transformation
All D	means All Directors and Executive Managers
All M	means All Managers
All C	means Coordinators
All S	means All Supervisors with reports
All	means All Staff
ACC	means Accountant
AFPO	means Assistant Fire Prevention Officer
AMS	means Asset Management Specialist
ASBS	means Assistant Building Surveyor
BAS	means Building Administrator Support
BCSA	means Building and Community Safety Administration
BUI	means Building Inspector
CCE	means Coordinator Customer Experience
CED	means Coordinator Economic Development
CENG	means Coordinator Engineering
CF	means Coordinator Facilities



CFS means Coordinator Financial Services

CFP means Coordinator Finance and Procurement

CGE means Coordinator Governance

CHCS means Coordinator Health and Community Safety

CIC means Coordinator Inclusive Communities

CIMO means Senior Information Management Officer

CMPP means Coordinator Major Projects and Policy

COMOF means Communications Officer

CPLAN means Coordinator Statutory Planning

CPAC means Coordinator People and Culture

CPAR means Coordinator Parks

CRGO means Corporate Reporting and Grants Officer

CRS means Coordinator Recreation Services

CTAI means Coordinator Transformation and Improvement

CSDE means Civil and Survey Design Engineer

CSO means Customer Service Officer

CSTL means Customer Service Team Leader

CSY means Community Safety Officer

CSUS means Coordinator Sustainability

CW means Coordinator Waste

CWHS means Coordinator Work Health and Safety

CWK means Coordinator Works

DSEO means Development Services Enforcement Officer

EHO means Environment Health Officer

EHTO means Environment Health Technical Officer

ENGO means Engineering Officer

GAD means Governance Advisor

HO means Heritage Officer

IFO means Information Officers



MBS means Municipal Building Surveyor

MCAE means Manager Community and Economy

MPC means Manager People and Culture

MEM means Manager Emergency Management

MEMO means Municipal Emergency Management Officer

MFCE means Manager Facilities and Circular Economy

MFPO means Municipal Fire Prevention Officer

MFS means Manager Financial Services

MGR means Manager Governance and Risk

MICT means Manager ICT

MOPS means Manager Operations

MPS means Manager Projects

MRM means Municipal Recovery Manager

MSTRP means Manager Strategic Planning

MPB means Manager Planning and Building

MTL means Maintenance Team Leaders

PAO means Planning Administration Officer

PRS means Procurement Specialist

PSP means Principal Strategic Planner

RO means Revenue Officer

SAP means Statutory Planner

SARDO means Sport and Active Recreation Development Officer

SARO means Sport and Active Recreation Officer

SCSR means Senior Coordinator Storm Recovery

SRO means Senior Rates Officer

SRP means Strategic Planner

SSF means Safety Systems Facilitator

SSP means Senior Strategic Planner

SUO means Subdivision Officer



- 3. declares that:
- 3.1 this Instrument of Delegation is authorised by "a resolution" or "resolutions" of Council passed on XX September 2023 and
- 3.2 the delegation:
 - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 3.2.2 remains in force until varied or revoked;
 - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
 - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 3.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
 - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategy

adopted by Council

- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

Mayor Cr Brian Hood	
	omas

Signed by:

ATTACHMENT 14.4.2

Hepburn

SHIRE COUNCIL

SCHEDULE



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



Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 17(3)	Power to determine the terms and conditions of employment or engagement	All D, MPC	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	All D, MGR	
s 18B(1) & (2)	Duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time	Not applicable	Where Council is a Class A cemetery trust
s 18C	Power to determine the membership of the governance committee	Not applicable	Where Council is a Class A cemetery trust
s 18D	Power to determine procedure of governance committee	Not applicable	Where Council is a Class A cemetery trust
s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities	Not applicable	Where Council is a Class A cemetery trust
s 18D(1)(b)	Power to appoint any additional community advisory committees	Not applicable	Where Council is a Class A cemetery trust
s 18D(2)	Duty to establish a community advisory committee under s 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	Not applicable	Where Council is a Class A cemetery trust
s 18D(3)	Duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the <i>Financial Management Act 1994</i>	Not applicable	Where Council is a Class A cemetery trust



Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 18F(2)	Duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	Not applicable	Where Council is a Class A cemetery trust
s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	Not applicable	Where Council is a Class A cemetery trust
s 18I	Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	Not applicable	Where Council is a Class A cemetery trust
s 18J	Duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in s 18J(2)	Not applicable	Where Council is a Class A cemetery trust
s 18L(1)	Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	Not applicable	Where Council is a Class A cemetery trust
s 18N(1)	Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	Not applicable	Where Council is a Class A cemetery trust
s 18N(3)	Duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval	Not applicable	Where Council is a Class A cemetery trust
s 18N(5)	Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	Not applicable	Where Council is a Class A cemetery trust
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 18N(7)	Duty to ensure that an approved annual plan is available to members of the public on request	Not applicable	Where Council is a Class A cemetery trust
s 18O(1)	Duty to prepare a strategic plan and submit the plan to the Secretary for approval	Not applicable	Where Council is a Class A cemetery trust
s 18O(4)	Duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	Not applicable	Where Council is a Class A cemetery trust
s 18O(5)	Duty to ensure that an approved strategic plan is available to members of the public on request	Not applicable	Where Council is a Class A cemetery trust
s 18Q(1)	Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year	Not applicable	Where Council is a Class A cemetery trust
s 19	Power to carry out or permit the carrying out of works	All D, MGR	
s 20(1)	Duty to set aside areas for the interment of human remains	All D	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	All D	
s 20(3)	Power to set aside areas for those things in paragraphs (a) – (e)	All D	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	All D	



Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	Not delegated	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	Not delegated	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	All D. MGR	
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 applicable	Provided the street was constructed pursuant to the Local Government Act 2020
s 52	Duty to submit a report to the Secretary in relation to any public cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery	All D, MGR	
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	All D, MGR	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	All D, MGR	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	All D, MGR	
s 60(2)	Power to charge fees for providing information	All D, MGR	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	All D	



Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 64B(d)	Power to permit interments at a reopened cemetery	All D	
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	All D	
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	All D	
s 70(2)	Duty to make plans of existing place of interment available to the public	All D	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	All D	
s 71(2)	Power to dispose of any memorial or other structure removed	All D	
s 72(2)	Duty to comply with request received under s 72	All D	
s 73(1)	Power to grant a right of interment	All D, MGR	
s 73(2)	Power to impose conditions on the right of interment	All D, MGR	
s 74(3)	Duty to offer a perpetual right of interment	All D	



Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	All D, MGR	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	All D	
s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	Not delegated	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	All D, MGR	
s 80(2)	Function of recording transfer of right of interment	All D, MGR	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	All D, MGR	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment	All D, MGR	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	All D, MGR	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	All D, MGR	



Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84F(2)(d)	Function of receiving notice of decision to vary or force the surrender of a right of interment under s 84C(2), (3) or (5)	All D, MGR	
s 84H(4)	Power to exercise the rights of a holder of a right of interment	All D, MGR	
s 84I(4)	Power to exercise the rights of a holder of a right of internment	All D, MGR	
s 84I(5)	Duty to pay refund to the previous holder or holders of the right of interment	All D, MGR	
s 84I(6)(a)	Power to remove any memorial on the place of interment	All D, MGR	
s 84I(6)(b)	Power to grant right of interment under s 73	All D, MGR	
s 85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	All D, MGR	The notice must be in writing and contain the requirements listed in s 85(2)
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	All D, MGR	Does not apply where right of internment relates to remains of a deceased veteran.



Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of internment or; Remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location	Not delegated	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of internment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	Not delegated	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of internment to a perpetual right of interment	Not delegated	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	Not delegated	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	Not delegated	
s 86(4)	Power to take action under s 86(4) relating to removing and re-interring cremated human remains	Not delegated	
s 86(5)	Duty to provide notification before taking action under s 86(4)	All D	



Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	All D	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	All D	
s 88	Function to receive applications to carry out a lift and reposition procedure at a place of interment	All D	
s 91(1)	Power to cancel a right of interment in accordance with s 91	All D	
s 91(3)	Duty to publish notice of intention to cancel right of interment	All D	
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	All D	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	All D, MGR	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	All D	
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	All D	



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	All D, MGR	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	All D	
s 100(3)	Power to recover costs of taking action under s 100(2)	All D	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	All D	
s 102(1)	Power to approve or refuse an application under s 101, if satisfied of the matters in (b) and (c)	Not delegated	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	Not delegated	
s 103(1)	Power to require a person to remove a building for ceremonies	Not delegated	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	All D	
s 103(3)	Power to recover costs of taking action under s 103(2)	All D	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	All D, MGR	



Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 106(2)	Power to require the holder of the right of interment to provide for an examination	All D, MGR	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	All D, MGR	
s 106(4)	Power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	All D, MGR	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	All D, MGR	
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	All D, MGR	
s 108	Power to recover costs and expenses	All D, MGR	
s 109(1)(a)	Power to open, examine and repair a place of interment	All D, MGR	Where the holder of right of interment or responsible person cannot be found
s 109(1)(b)	Power to repaid a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	All D, MGR	Where the holder of right of interment or responsible person cannot be found
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	All D, MGR	Where the holder of right of interment or responsible person cannot be found



Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder with consent of the Secretary	All D, MGR	
s 110(1A)	Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary	All D, MGR	
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	All D, MGR	
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	All D, MGR	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	All D, MGR	
s 112	Power to sell and supply memorials	Not delegated	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	All D, MGR	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	All D, MGR	



DELEGATE	CONDITIONS & LIMITATIONS
t All D, MGR	
All D, MGR	
Not applicable	
ied Not applicable	Subject to s 133(2)
All D, MGR	
Not delegated	Subject to the approval of the Secretary
of Not delegated	
All D, MGR	
All D, MGR	
	t All D, MGR All D, MGR Not applicable ied Not applicable All D, MGR Not delegated All D, MGR All D, MGR



Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 151	Function of receiving applications to inter or cremate body parts	All D, MGR	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	All D, MGR	
sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	Not delegated	
sch 1 cl 8(8)	Power to regulate own proceedings	Not delegated	Subject to cl 8
sch 1A cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	Not applicable	Where Council is a Class A cemetery trust
sch 1A cl 8(8)	Power to regulate own proceedings	Not applicable	Where Council is a Class A cemetery trust Subject to cl 8



DOMESTIC A	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	EMD, MSTRP, MPB, CHCS, CEO,	Council may delegate this power to a Council authorised officer		



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



FOOD ACT 1984					
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	CEO, EMD, CHCS, EHO	Where Council is the registration authority		
s 19CB(4)(b)	Power to request copy of records	CEO, EMD, CHCS, EHO	Where Council is the registration authority		
s 19E(1)(d)	Power to request a copy of the food safety program	CEO, EMD, CHCS, EHO, EHTO	Where Council is the registration authority		
s 19EA(3)	Function of receiving copy of revised food safety program	CEO, EMD, CHCS, EHO, EHTO	Where Council is the registration authority		
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CEO, EMD, CHCS, EHO, EHTO	Where Council is the registration authority		
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	CEO, EMD, CHCS, EHO, EHTO	Where Council is the registration authority		
s 19IA(2)	Duty to give written notice to the proprietor of the premises	CEO, EMD, CHCS, EHO, EHTO	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))		
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	CEO, EMD, CHCS, EHO, EHTO	Where Council is the registration authority		



Column 2	Column 3	
	Column C	Column 4
THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Function of receiving notice from the auditor	CEO, EMD, CHCS, EHO, EHTO	Where Council is the registration authority
Power to request food safety audit reports	CEO, EMD, CHCS, EHO, EHTO	Where Council is the registration authority
Power to waive and vary the costs of a food safety audit if there are special circumstances	CEO, EMD, CHCS, EHO	
Power to charge fees for conducting a food safety assessment or inspection	CEO, EMD, CHCS, EHO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39
Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CEO, EMD, CHCS, EHO, EHTO	Where Council is the registration authority
Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CEO, EMD, CHCS, EHO, EHTO	Where Council is the registration authority
Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CEO, EMD, CHCS, EHO, EHTO	Where Council is the registration authority
Power to register or renew the registration of a food premises	CEO, EMD, CHCS, EHO	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see 58A(2))
	Power to request food safety audit reports Power to waive and vary the costs of a food safety audit if there are special circumstances Power to charge fees for conducting a food safety assessment or inspection Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction 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	Power to request food safety audit reports CEO, EMD, CHCS, EHO, EHTO Power to waive and vary the costs of a food safety audit if there are special circumstances Power to charge fees for conducting a food safety assessment or inspection Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises CEO, EMD, CHCS, EHO, EHTO CHCS, EHO, EHO,



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



FOOD ACT 19	FOOD ACT 1984				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	CEO, EMD, CHCS, EHO, EHTO	Where Council is the registration authority		
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	CEO, EMD, CHCS, EHO, EHTO	Where Council is the registration authority		
s 38D(3)	Power to request copies of any audit reports	CEO, EMD, CHCS, EHO, EHTO	Where Council is the registration authority		
s 38E(2)	Power to register the food premises on a conditional basis	CEO, EMD, CHCS, EHO	Where Council is the registration authority; not exceeding the prescribed time limit defined under s 38E(5)		
s 38E(4)	Duty to register the food premises when conditions are satisfied	CEO, EMD, CHCS, EHO	Where Council is the registration authority		
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CEO, EMD, CHCS, EHO	Where Council is the registration authority		
s 38G	Power to require the proprietor of the food premises to comply with any requirement of the Act	CEO, EMD, CHCS, EHO	Where Council is the registration authority		
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	CEO, EMD, CHCS, EHO	Where Council is the registration authority		



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	CEO, EMD, CHCS, EHO	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	CEO, EMD, CHCS, EHO	Where Council is the registration authority
s 39A	Power to register or renew the registration of a food premises despite minor defects	CEO, EMD, CHCS, EHO	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	CEO, EMD, CHCS, EHO	Where Council is the registration authority
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	CEO, EMD, CHCS, EHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CEO, EMD, CHCS, EHO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CEO, EMD, CHCS, EHO	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	CEO, EMD, CHCS, EHO	
s 40F	Power to cancel registration of food premises	CEO, EMD, CHCS, EHO	Where Council is the registration authority



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 43	Duty to maintain records of registration	CEO, EMD, CHCS, EHO	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, or renewing registration of a component of a food business	CEO, EMD, CHCS, EHO	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	CEO, EMD, CHCS, EHO	Where Council is the registration authority
s 45AC	Power to bring proceedings	CEO, EMD, CHCS, EHO	
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CEO, EMD, CHCS, EHO	Where Council is the registration authority



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



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

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



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



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



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



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



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



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



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



PLANNING A	PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
S 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SRP, PSP, SAP			
s 42(2)	Duty to make copy of planning scheme available in accordance with public availability requirements	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SRP, PSP, SAP			
s 46AW	Function of being consulted by the Minister	Not delegated	Where Council is a responsible public entity		
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	Not delegated	Where Council is a responsible public entity		
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	Not delegated	Where Council is a responsible public entity		
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	Not delegated	Where Council is a responsible public entity		



PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	Not delegated	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency	
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	Not delegated		
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	Not delegated		
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	Not delegated		
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	Not delegated		
s 46GP	Function of receiving a notice under s 46GO	Not delegated	Where Council is the collecting agency	
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	Not delegated		
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	Not delegated		



PLANNING A	PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 46GR(2)	Power to consider a late submission	Not delegated			
	Duty to consider a late submission if directed to do so by the Minister				
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	Not delegated			
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	Not delegated			
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	Not delegated			
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	Not delegated			
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	Not delegated			
s 46GU	Duty not to adopt an amendment under s 29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	Not delegated			



PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution	Not delegated	Where Council is the collecting agency	
	Power to specify the manner in which the payment is to be made			
s 46GV(3)(b)	Power to enter into an agreement with the applicant	Not delegated	Where Council is the collecting agency	
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	Not delegated	Where Council is the development agency	
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	Not delegated	Where Council is the collecting agency	
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	Not delegated		
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	Not delegated	Where Council is the collecting agency	
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	Not delegated	Where Council is the collecting agency	



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



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



Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	Not delegated	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4)	
			Where Council is the collecting agency under an approved infrastructure contributions plan	
			This duty does not apply where Council is also the development agency	
s 46GZ(9)	Function of receiving the fee simple in the land	Not delegated	Where Council is the development agency under an approved infrastructure contributions plan	
			This duty does not apply where Council is also the collecting agency	
s 46GZA(1)	Duty to keep proper and separate accounts and records	Not delegated	Where Council is a development agency under an approved infrastructure contributions plan	
3 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	Not delegated	Where Council is a development agency under an approved infrastructure contributions plan	
46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	Not delegated	Where Council is a development agency under an approved infrastructure contributions plan	



Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	Not delegated	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan	
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	Not delegated	Where Council is the development agency under an approved infrastructure contributions plan	
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	Not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	Not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	Not delegated	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency	



PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	Not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan	
			This duty does not apply where Council is also the development agency	
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	Not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	Not delegated	Where Council is the development agency under an approved infrastructure contributions plan	
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)	Not delegated	Where Council is the development agency under an approved infrastructure contributions plan	
s 46GZF(3)	Function of receiving proceeds of sale	Not delegated	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency	
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	Not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan	



PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	Not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	Not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	Not delegated	Where Council is a collecting agency or development agency	
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	Not delegated	Where Council is a collecting agency or development agency	
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	Not delegated		
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SRP, PSP, SAP		
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SRP, PSP, SAP		
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CEO, EMD, MSTRP, MPB, CPLAN, SSP		



PLANNING A	PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SRP, PSP, SAP			
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, EMD, MSTRP, MPB, CPLAN, SSP			
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CEO, EMD, MSTRP, MPB, CPLAN, SSP			
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, EMD, MSTRP, MPB, CPLAN, SSP			
s 46Q(1)	Duty to keep proper accounts of levies paid	CEO, DCAC, EMD, MFS, MSTRP, MPB			
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	CEO, EMDC, EMD, MFS, MSTRP, MPB			
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SRP, PSP, SAP			



PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CEO, All D, MFS, MSTRP, MPB	Only applies when levy is paid to Council as a 'development agency'	
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	CEO, All D, MFS, MSTRP, MPB	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister	
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CEO, EMD, MSTRP, MPB	Must be done in accordance with Part 3	
s 46Q(4)(e)	Duty to expend that amount on other works etc.	CEO, All D, MFS, MSTRP, MPB	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	CEO, All D, MSTRP, MPB		
s 46QD	Duty to prepare report and give a report to the Minister	CEO	Where Council is a collecting agency or development agency	
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the	Not delegated		
	public availability requirements, during the inspection period			
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	CEO, All D, MSTRP, MPB		
s 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements	CEO, All D, MSTRP, MPB		



PLANNING A	PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 46Y	Duty to carry out works in conformity with the approved strategy plan	CEO, All D, MSTRP, MPB			
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, EMD, MSTRP, MPB, CPLAN, SSP			
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, SUO, PAO			
s 49(2)	Duty to make register available for inspection in accordance with public availability requirements	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, SUO, PAO			
s 50(4)	Duty to amend application	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SRP, PSP, SAP			
s 50(5)	Power to refuse to amend application	CEO, EMD, MSTRP, MPB, CPLAN, SSP			
s 50(6)	Duty to make note of amendment to application in register	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, SUO, PAO			



PLANNING A	PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 50A(1)	Power to make amendment to application	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SRP, PSP, SAP			
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SRP, PSP, SAP			
s 50A(4)	Duty to note amendment to application in register	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO			
s 51	Duty to make copy of application available for inspection in accordance with public availability requirements	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, SUO,			
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO			
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO			



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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO		
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO		
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO		
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO		
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO		
s 52(3)	Power to give any further notice of an application where appropriate	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO		



PLANNING A	PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO			
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CEO			
s 54(1)	Power to require the applicant to provide more information	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO			
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO			
s 54(1B)	Duty to specify the lapse date for an application	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO			
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP			



PLANNING A	PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP			
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO			
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP			
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO			
s 57(5)	Duty to make a copy of all objections in accordance with public availability requirements	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO			
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP			



PLANNING A	PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 57A(5)	Power to refuse to amend application	CEO, EMD, MSTRP, MPB, CPLAN, SSP			
s 57A(6)	Duty to note amendments to application in register	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO			
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO			
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO			
s 57C(1)	Duty to give copy of amended application to referral authority	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO			
s 58	Duty to consider every application for a permit	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO			



PLANNING A	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	CEO, EMD, MSTRP, MPB, CPLAN, SSP			
s 60	Duty to consider certain matters	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO			
s 60(1A)	Duty to consider certain matters	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP			
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP			



PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006 or a conservation management plan under the Flora and Fauna Guarantee Act	
			More than 5 objections must be referred to Council	
			Development applications in excess of \$2m must be referred to Council	
			Refusals must be referred to Council unless a Council officer determines that insufficient information has been provided with the application or the application is prohibited under the Hepburn Planning Scheme	
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP		
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP		
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Not delegated		
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP		



Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP	
s 62(2)	Power to include other conditions	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	CEO	



PLANNING A	ND ENVIRONMENT ACT 1987			
Column 1 PROVISION	Column 2 THING DELEGATED	Column 3	Column 4	
		DELEGATE	CONDITIONS & LIMITATIONS	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP		
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	CEO, EMD, MSTRP, MPB		
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	CEO, EMD, MSTRP, MPB		
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP		
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP	This provision applies also to a decision to grant an amendment to a permit – see s 75	
s 64(3)	Duty not to issue a permit until after the specified period	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP	This provision applies also to a decision to grant an amendment to a permit – see s 75	



Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 64(5)	Duty to give each objector a copy of an exempt decision	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP	This provision applies also to a decision to grant an amendment to a permit – see s 75	
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP	This provision applies also to a decision to grant an amendment to a permit – see s 75A	
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP		
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP		
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority	



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



Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 70	Duty to make copy permit available in accordance with public availability requirements	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, SUO, PAO	
s 71(1)	Power to correct certain mistakes	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP	
s 71(2)	Duty to note corrections in register	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO	
s 73	Power to decide to grant amendment subject to conditions	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP	More than 5 objections must be referred to Council Development applications in excess of \$2m must be referred to Council
		5	Refusals must be referred to Council unless a Council officer determines that insufficient information has been provided with the application or the application is prohibited under the Hepburn Planning Scheme



PLANNING A	ND ENVIRONMENT ACT 1987	7	
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 74	Duty to issue amended permit to applicant if no objectors	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP	More than 5 objections must be referred to Council Development applications in excess of \$2m must be referred to Council
			Refusals must be referred to Council unless a Council officer determines that insufficient information has been provided with the application or the application is prohibited under the Hepburn Planning Scheme
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, EMD, MSTRP, MPB, CPLAN, SSP, SAP, PAO	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 24	Duty to ensure that cemetery complies with depth of burial requirements	CEO, All D, MGR	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	CEO, DIAD, MOPS	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	CEO, All D, MGR	
r 28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	Not applicable	
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	Not applicable	
r 29	Power to dispose of any metal substance or non- human substance recovered from a cremator	Not applicable	
r 30(2)	Power to release cremated human remains to certain persons	Not applicable	Subject to any order of a court



Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	Not applicable	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	Not applicable	
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	Not applicable	
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	Not applicable	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	Not applicable	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	Not applicable	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	Not applicable	
r 34	Duty to ensure that a crypt space in a mausoleum is sealed in accordance with paragraphs (a)-(b)	Not applicable	



Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	CEO All D, MGR	
r 40	Power to approve a person to play sport within a public cemetery	CEO, All D	
r 41(1)	Power to approve fishing and bathing within a public cemetery	Not applicable	
r 42(1)	Power to approve hunting within a public cemetery	CEO, All D	
r 43	power to approve camping within a public cemetery	CEO, All D	
r 45(1)	Power to approve the removal of plants within a public cemetery	CEO, DIAD, MOPS, CPAR	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	CEO, All D	
r 47(3)	Power to approve the use of fire in a public cemetery	CEO, All D	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	CEO, All D	



Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	CEO All D, MGR	See note above regarding model rules
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	CEO, All D, MGR,	See note above regarding model rules
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	CEO, All D, MGR,	See note above regarding model rules
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	CEO, All D, MGR,	See note above regarding model rules
sch 2 cl 7(1)	power to give directions regarding the dressing of places of interment and memorials	CEO, All D, MGR,	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	CEO, All D, MGR,	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	CEO, All D, MGR,	See note above regarding model rules
sch 2 cl 11(2)	duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	CEO, All D, MGR,	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	CEO, All D, MGR,	See note above regarding model rules



Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	CEO, All D, MGR	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	CEO, All D, MGR	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	CEO, All D, MGR	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	CEO, All D, MGR	See note above regarding model rules



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



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



RESIDENTIAL	RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
r 7	Power to enter into a written agreement with a caravan park owner	CEO, EMD, CHCS, EHO		
r 10	Function of receiving application for registration	CEO, EMD, CHCS, EHO		
r 11	Function of receiving application for renewal of registration	CEO, EMD, CHCS, EHO		
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CEO, EMD, CHCS, EHO		
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEO, EMD, CHCS, EHO		
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	CEO, EMD, CHCS, EHO		
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEO, EMD, CHCS, EHO		
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	CEO EMD, CHCS, EHO		
r 12(4) & (5)	Duty to issue certificate of registration	CEO, EMD, CHCS, EHO		
r 14(1)	Function of receiving notice of transfer of ownership	CEO, EMD, CHCS, EHO		



RESIDENTIAL	RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
r 14(3)	Power to determine where notice of transfer is displayed	CEO, EMD, CHCS, EHO		
r 15(1)	Duty to transfer registration to new caravan park owner	CEO, EMD, CHCS, EHO		
r 15(2)	Duty to issue a certificate of transfer of registration	CEO, EMD, CHCS, EHO		
r 15(3)	Power to determine where certificate of transfer of registration is displayed	CEO, EMD, CHCS, EHO		
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CEO, EMD, CHCS, EHO		
r 17	Duty to keep register of caravan parks	CEO, EMD, CHCS, EHO		
r 18(4)	Power to determine where the emergency contact person's details are displayed	CEO, EMD, CHCS, EHO		
r 18(6)	Power to determine where certain information is displayed	CEO, EMD, CHCS, EHO		
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	CEO, EMD, CHCS, EHO		
r 22(2)	Duty to consult with relevant emergency services agencies	CEO, EMD, CHCS, EHO		



RESIDENTIAL	RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	CEO, EMD, CHCS, EHO		
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	CEO, EMD, CHCS, EHO		
r 25(3)	Duty to consult with relevant floodplain management authority	CEO, EMD, CHCS, EHO		
r 26	Duty to have regard to any report of the relevant fire authority	CEO, EMD, CHCS, EHO		
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CEO, EMD, CHCS, EHO		
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CEO, EMD, CHCS, EHO		
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CEO, EMD, CHCS, EHO		
r 41(4)	Function of receiving installation certificate	CEO, EMD, CHCS, EHO		
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CEO, EMD, CHCS, EHO		
Sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	CEO, EMD CHCS, EHO		



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



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



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

14.5 INSTRUMENTS OF APPOINTMENT TO AUTHORISED OFFICERS UNDER THE PLANNING AND ENVIRONMENT ACT 1987 & ENVIRONMENT PROTECTION ACT 2017 Go to 03:05:55 in the meeting recording to view this item.

DIRECTOR COMMUNITY AND CORPORATE

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

ATTACHMENTS

- 1. S11B Instrument of Appointment and Authorisation under the Environment Protection Act [14.5.1 1 page]
- 2. S11A Instrument of Appointment and Authorisation under the Planning and Environment Act [14.5.2 1 page]

OFFICER'S RECOMMENDATION

That Council:

- 1. In the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, resolves that:
 - a. The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument.
 - b. The instrument comes into force immediately it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.
- 2. In the exercise of the power conferred by s 242(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, resolves that:
 - a. The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument.
 - b. The instrument comes into force immediately it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.

MOTION

That Council:

- 1. In the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, resolves that:
 - a. The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument.
 - b. The instrument comes into force immediately it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.

- 2. In the exercise of the power conferred by s 242(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, resolves that:
 - a. The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument.
 - b. The instrument comes into force immediately it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.

Moved: Cr Don Henderson **Seconded:** Cr Lesley Hewitt

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley

Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil Abstained: Nil

EXECUTIVE SUMMARY

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

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

This instrument is being updated to reflect staffing changes.

BACKGROUND

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

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

Whilst the appointment and authorisation of authorised officers under other relevant legislation is executed by the Chief Executive Officer under delegation, Maddocks recommend that officers enforcing the *Planning and Environment Act* 1987 and the *Environment Protection Act 2017* be authorised by Council resolution.

Maddocks recommends that Council to execute the appointment and authorisation of authorised under the *Planning and Environment Act 1987* and the *Environment Protection Act 2017* because these Acts place limitations on what powers can be subdelegated, so by delegating direct from Council, the risk of decisions being challenged on the basis that the delegation was not appropriate is mitigated.

The instruments have been prepared following consultation with the internal departments of Council and have been recently updated to reflect staffing changes. Powers are delegated to individuals, not positions.

The Instruments of Appointment to Authorised Officers that do not relate to the *Planning and Environment Act 1989* and the *Environment Protection Act 2017* will be executed by the Chief Executive Officer as per legislation.

KEY ISSUES

Planning and Environment Act 1987

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

Environment Protection Act 2017

There are no legislative changes to the authorisation under the *Environment Protection Act 2017*. The instrument has been updated in line with staff appointments.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan 2021-2025

A dynamic and responsive Council

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

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

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

RISK AND GOVERNANCE IMPLICATIONS

Instruments of authorisations allow the business of Council to continue and operate effectively.

ENVIRONMENTAL SUSTAINABILITY

There are no sustainability implications associated with this report.

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.



S11B Instrument of Appointment and Authorisation (Environment Protection Act 2017)

Hepburn Shire Council Instrument of Appointment and Authorisation

(Environment Protection Act 2017 only)

In this instrument "officer" means -

Ron Torres Lisa Sparkes Leilani Schaller Gina Grewal Michael Shelley John Fleming Mark Jennings

By this instrument of appointment and authorisation, Hepburn Shire Council -

under s 242(2) of the *Environment Protection Act 2017* ('**Act**') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021 - appoints the officers to be authorised officers for the purposes of exercising the powers and functions set out in the Instrument of Direction of the Environment Protection Authority under the Act dated 4 June 2021.

It is declared that this instrument -

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

This instrument is authorised by a resolution of the Hepburn Shire Council on XX September 2023

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

Bradley Thomas Chief Executive Officer Hepburn Shire Council

Date: XX September 2023



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

Hepburn Shire Council

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

In this Instrument 'officer' means -

Ron Torres – Executive Manager Development
Amy Boyd–Manager Planning and Building
John Edwards – Senior Statutory Planner
Nicola McGowan – Coordinator Major Projects and Policy
Chris Hu – Statutory Planner
Lipi Patel – Statutory Planner
Bronwyn Southee – Manager Strategic Planning
Rachel Haynes – Principal Strategic Planning Officer
Allicia Cooper-Wallis - Administration Support Statutory Planning
Natalie Faulkhead - Administration Support Statutory Planning
Peter Ford – Development Services Enforcement Officer

By this instrument of appointment and authorisation Hepburn Shire Council -

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

It is declared that this instrument -

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

This instrument is authorised by a resolution of the Hepburn Shire Council on xx September 2023

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

Bradley Thomas Chief Executive Officer Hepburn Shire Council

Date: XX September 2023

Go to 03:08:10 in the meeting recording to view this item.

DIRECTOR COMMUNITY AND CORPORATE

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

ATTACHMENTS

- 1. Record of Councillor Attendance Mineral Springs Reserves Advisory Committee Meeting 5 June 2023 [14.6.1 3 pages]
- 2. Record of Councillor Attendance Councillor Briefing 6 June 2023 [14.6.2 5 pages]
- 3. Record of Councillor Attendance Pre- Council Meeting Briefing 20 June 2023 [14.6.3 1 page]
- Record of Councillor Attendance Councillor Briefing 27 June 2023 [14.6.4 4 pages]
- 5. Record of Councillor Attendance Councillor Briefing 4 July 2023 [14.6.5 5 pages]
- 6. Record of Councillor Attendance Councillor Briefing 11 July 2023 [14.6.6 4 pages]
- 7. Record of Councillor Attendance Councillor Briefing 25 July 2023 [14.6.7 4 pages]
- 8. Record of Councillor Attendance Councillor Briefing 1 August 2023 [14.6.8 5 pages]
- 9. Record of Councillor Attendance Mineral Springs Reserves Advisory Committee Meeting 7 August 2023 [14.6.9 3 pages]
- Record of Councillor Attendance Councillor Briefing 8 August 2023 [14.6.10 4 pages]
- 11. Record of Councillor Attendance Disability Advisory Committee Meeting 14 August 2023 [14.6.11 2 pages]
- 12. Record of Councillor Attendance Pre- Council Meeting Briefing 15 August 2023 [14.6.12 1 page]
- 13. Record of Councillor Attendance Councillor Briefing 22 August 2023 [14.6.13 3 pages]
- 14. Record of Councillor Attendance Planning Briefing 29 August 2023 [14.6.14 4 pages]

OFFICER'S RECOMMENDATION

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

MOTION

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

Moved: Cr Juliet Simpson Seconded: Cr Jen Bray

Carried

Voted for: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley

Hewitt, Cr Tessa Halliday and Cr Tim Drylie

Voted against: Nil Abstained: Nil

EXECUTIVE SUMMARY

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

BACKGROUND

Council's Governance Rules, chapter 6 section 102.1, require that:

If there is a meeting of Councillors that:

- 1. is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- 2. is attended by at least one member of Council staff; and
- 3. is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:

- a. tabled at the next convenient Council meeting; and
- b. recorded in the minutes of that Council meeting.

To fulfill this requirement and promote transparency, Records of Councillor Attendance are kept where the above definition is met and brought to Council for noting, as attached.

KEY ISSUES

The following Records of Councillor Attendance are reported:

Date	Meeting/Committee Name	Location
5 June 2023	Mineral Springs Reserves Advisory Committee	Council Chamber
6 June 2023	Councillor Briefing	Council Chamber

20 June 2023	Pre-Council Meeting Briefing	Council Chamber	
27 June 2023	Councillor Briefing	Victoria Park, Daylesford	
4 July 2023	Councillor Briefing	Council Chamber	
11 July 2023	Councillor Briefing	Council Chamber	
25 July 2023	Councillor Briefing	Council Chamber	
1 August 2023	Councillor Briefing	Council Chamber	
7 August 2023	Mineral Springs Reserves Advisory Committee	Council Chamber	
8 August 2023	Councillor Briefing	Council Chamber	
14 August 2023	Disability Advisory Committee	The Warehouse – Clunes	
15 August 2023	Pre-Council Meeting Briefing	Council Chamber	
22 August 2023	Councillor Briefing	Council Chamber	
29 August 2023	Councillor Planning Briefing	Daylesford Town Hall	

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

The report fulfills Council's requirements under the Governance Rules.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

RISK AND GOVERNANCE ISSUES

If Records of Councillor Attendance are not included in the Public Agenda at a Council Meeting, Council would be in breach of its Governance Rules as adopted on the 16 August 2022.

ENVIRONMENTAL SUSTAINABILITY

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

GENDER IMPACT ASSESSMENT

There are no gender equity implications associated with this report.



MEETING	Mineral Springs Reserve Advisory Committee Meeting	DATE	Monday, 2023	June	05,
LOCATION	☐ Council Chamber☐ Video Conference☐ Other:	TIME	1.00pm – 3	3.00pm	l
COUNCILLORS PRESENT	Cr Jen Bray Cr Tim Drylie Cr Tessa Ha	· —	n Henderson		
OFFICERS PRESENT	☐ CEO — Bradley Thomas ☐ Director Infrastructure and Delivery — Bruce ☐ Director Organisational Services — ☐ Director Community and Development — Others (Position Title and Name): Paulette Pleasance — EA to Director Infrastructures Sean Ludeke — Coordinator Parks and Open Space	re and Delivery			
MATTERS CONSIDER Agenda attached					
NOTES:					
RECORD COMPLETE	D BY				
Director Org	ey Thomas rastructure and Delivery – Bruce Lucas ganisational Services – Andrew Burgess mmunity and Development – Natalie Walker				
Signed:	Danie				





MINERAL SPRINGS RESERVE ADVISORY COMMITTEE

Monday 5 June 2023 – Council Chambers or Teams – 1.00pm – 3.00pm

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

No	Time	Agenda Item	Presenter
1	1.00pm Welcome and Apologies ACKNOWLEDGEMENT OF TRADITIONAL OWNERS		Cr Jen Bray
		Hepburn Shire Council acknowledges the Dja Dja Wurrung as the Traditional Owners of the lands and waters on which we live and work. On these lands, Djaara have performed age -old ceremonies of celebration, initiation and renewal. We recognise their resilience through dispossession, and it is a testament to their continuing culture and tradition, which is strong and thriving.	
	We also acknowledge the neighbouring Traditional Owners, the Wurundjeri to our Southeast and the Wadawurrung to our South West and pay our respect to all Aboriginal peoples, their culture, and lore. We acknowledge their living culture and the unique role they play in the life of this region.		
2	1.05pm	Adoption of Minutes –17 April 2023	Cr Jen Bray
3	 1.10pm Update on Draft Budget Update on balance of Mineral Springs Reserves Reserve Fund 		Bruce Lucas
4	1.20pm	Update on Bathhouse Lease	Bruce Lucas
5	1.30pm	Priority Projects	All
6	2.15pm	Maintenance Update	Sean Ludeke





	3.00pm	Meeting Close			
Attac	hments Sen	t with Agenda			
•		7 April 2023 Actions Register June 2023			
Next meeting – Monday 7 August 2023 – Council Chambers					



MEETING	Councillor Briefing	DATE	Tuesday, 2023	June	06,			
LOCATION	◯ Council Chamber	TIME	9am – 2:4	5pm				
	◯ Video Conference							
	Other: Click or tap here to enter text.:							
COUNCILLORS	🔀 Cr Jen Bray 🔀 Cr Tim Drylie 🗌 Cr Te	ssa Halliday 🔀 Cr D	on Henderson					
PRESENT	igtimes Cr Lesley Hewitt $igtimes$ Cr Brian Hood $igtimes$	Cr Juliet Simpson						
OFFICERS PRESENT	◯ CEO – Bradley Thomas							
	☑ Director Infrastructure and Delivery – F	Bruce Lucas						
	Others (Position Title and Name):							
	Executive Manager Development – Ransce Salan							
	Manager Governance and Risk – Rebecca Smith							
	Coordinator Economic Development and Visitor Economy – Hugh Fitzpatrick							
	Principal Strategic Planner – Rachel Haynes							
	Director RMCG (external) – Shelley McGuiness							
	Acting Manager Strategic Planning – Damien Kennedy							
	Stakeholder Engagement Specialist, Ausnet (external) – Carlee Grant							
	External Consultant, AusNet – Jeff Rigby							
	External Consultant, AusNet – Tara Horsnell							
	Engagement Specialist – Michelle Whyte							
	Manager Economic Development and Recreation – Kendall Sinclair							
	Sport and Active Recreation Projects Officer – Tom McCarthy							
	Manager Projects – Ben Grounds							
	Project Manager – Lee Kosky							

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□ Agenda	attached -	CM Re	ference.	DOC	/23/	/2932))
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OR

List matters considered:

As per agenda

CONFLICT OF INTEREST DISCLOSURES

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



NOTES:
Cr Simpson arrived at 9:03am Cr Bray arrived at 9:04am Cr Hewett arrived at 9:05am Meeting started seven minutes late at 9:07am
Apologies: Cr Halliday RECORD COMPLETED BY
☐ Director Infrastructure and Delivery – Bruce Lucas ☐ CEO – Bradley Thomas Other: Governance Administration Officer – Brigitte Longmore
Signed:

CONFIDENTIAL AGENDA COUNCILLOR BRIEFING TUESDAY 6 JUNE 2023



Tuesday 6 June 2023 Council Chamber, 76 Vincent Street Daylesford VIC 3460 9:00am – 2:45pm

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

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

BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

INVITED:

Councillors

Councillor Jen Bray, Birch Ward
Councillor Tim Drylie, Creswick Ward
Councillor Tessa Halliday, Cameron Ward
Councillor Don Henderson, Creswick Ward
Councillor Lesley Hewitt, Birch Ward
Councillor Brian Hood, Coliban Ward
Councillor Juliet Simpson, Holcombe Ward

Officers

Bradley Thomas – Chief Executive Officer Bruce Lucas – Director Infrastructure and

Delivery

Ransce Salan – Executive Manager

Development

CHAIR:

Councillor Brian Hood - Mayor

Bradley Thomas – Chief Executive Officer

APOLOGIES:

No	Time	Туре	Agenda Item	Presenter	Page No
1.0	9:00am	Discussion	Councillor "Burning Issues" Discussion and Executive Issues Update	Chief Executive Officer	5
1.1	9:30am	Discussion	External Committees Update	Chief Executive Officer	6
1.2	9:45am	Report	Considerations for Hepburn - Final Reports from investigations at Moira Shire Council, Horsham Rural City Council, Darebin City Council and Wodonga City Council	Manager Governance and Risk	30
	10:15am		Break		
1.3	10:30am	Report	Agricultural land and rural settlement strategy - engagement outcomes	Principal Strategic Planner RMCG Acting Manager Strategic Planning	40
1.4	11:30am	External Presentation	AusNet Monthly Briefing	Stakeholder Engagement Adviser Acting Manager Strategic Planning	79

ATTACHMENT 14.6.2

1.5	12:15pm	Discussion	Community Engagement Continuous Improvement	Engagement Specialist	80
	12:45		Lunch		
1.6	1:15pm	Report	Draft Glenlyon Recreation Reserve Masterplan	Manager Economic Development and Recreation Sport and Active Recreation Projects Officer	112
1.7	2:15pm	Report	Creswick Bowling Green Redevelopment Tender Award	Manager Major Projects Project Manager	135
2	2:45pm		Close of Meeting		146



MEETING	Pre-Council Meeting Briefing	DATE	Tuesday, June 20 2023			
LOCATION		TIME	3:00pm – 4:30pm			
	☐ Video Conference					
	Other: Click or tap here to enter text.:					
COUNCILLORS	🔀 Cr Jen Bray 🔀 Cr Tim Drylie 🔀 Cr Tessa Ha	lliday 🔀 Cr 🛭	Oon Henderson			
PRESENT	☑ Cr Lesley Hewitt ☑ Cr Brian Hood ☑ Cr Juliet Simpson					
OFFICERS PRESENT	◯ CEO – Bradley Thomas					
	☐ Director Infrastructure and Delivery – Bruce	Lucas				
	Others (Position Title and Name):					
	Executive Manager Development – Ransce Salar					
	Manager Governance and Risk – Rebecca Smith					
	Manager Planning and Building – Amy Boyd					
	Manager Projects – Ben Grounds					
	Manager Strategic Panning – Damien Kennedy					

MATTERS CONSIDERED

As per Council Meeting Agenda for 20 June 2023

CONFLICT OF INTEREST DISCLOSURES

Nil.

NOTES:

<Record late arrivals or early departures>

RECORD COMPLETED BY

Manager Governance and Risk – Rebecca Smith

Signed:



MEETING	Councillor Planning Briefing	DATE	Tuesday, 2023	June	27,		
LOCATION	Council Chamber	TIME	10:15am -	- 3:00p	m		
	☐ Video Conference						
	Other: Victoria Park, Daylesford						
COUNCILLORS	Cr Jen Bray Cr Tim Drylie Cr Tes	ssa Halliday 🔀 Cr Do	n Henderson				
PRESENT	☐ Cr Lesley Hewitt ☐ Cr Brian Hood ☐ Cr Juliet Simpson						
OFFICERS PRESENT	CEO – Bradley Thomas						
	Director Infrastructure and Delivery – Bruce Lucas						
	Others (Position Title and Name):						
	Alison Blacket – Strategic Planner						
	Damien Kennedy – Acting Manager Strategic Planning						
	Ransce Salan – Acting Manager Planning a	nd Building					
	Planning Officer – Shannon Hill						
	Amy Boyd – Manager Planning and Buildin	g					
	Julie Lancashire – Planning Officer						
	Take Landacine - I drining officer						

MATTERS CONSIDERED

Agenda attached – CM Reference: DOC/23/3	33172
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OR

List matters considered:

Briefing started at 10:29am

Briefing ended at 2:37pm

CONFLICT OF INTEREST DISCLOSURES

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

<Record late arrivals or early departures>

RECORD COMPLETED BY



☐ Director Infrastructure and Delivery – Bruce Lucas ☐ CEO – Bradley Thomas
Other:
Governance Administration Officer – Brigitte Longmore
Signed:
Trees.

CONFIDENTIAL AGENDA COUNCILLOR BRIEFING TUESDAY 27 JUNE 2023



Tuesday 27 June 2023 Victoria Park, 3021 Ballan-Daylesford Road, Daylesford 3460 10:15am – 3:00pm

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

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

BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

INVITED: Councillors Councillor Jen Bray, Birch Ward

Councillor Tim Drylie, Creswick Ward Councillor Tessa Halliday, Cameron Ward Councillor Don Henderson, Creswick Ward Councillor Lesley Hewitt, Birch Ward Councillor Brian Hood, Coliban Ward

Councillor Juliet Simpson, Holcombe Ward

Officers Bradley Thomas – Chief Executive Officer

Bruce Lucas - Director Infrastructure and

Delivery

Ransce Salan – Executive Manager

Development

CHAIR: Councillor Brian Hood - Mayor

Bradley Thomas – Chief Executive Officer

APOLOGIES:

ATTACHMENT 14.6.4

No	Time	Туре	Agenda Item	Presenter	Page No
1.1	10:15am	External Presentation	Update from Rural Councils Victoria	Chair - Rural Councils Victoria	4
1.2	11:00am	Briefing Only	Djaara cultural values assessment for the townships of Glenlyon, Creswick, Clunes, Daylesford/Hepburn Springs and Trentham	Strategic Planner Acting Manager, Strategic Planning	5
	12:15pm		Lunch		
1.3	12:45pm	Briefing Only	PLN22/0346 - 129 Morgantis Road Eganstown	Manager Planning and Building	9
2	3:00pm		Close of Meeting		125



COUNCILLORS PRESENT	Council Chamber Video Conference Other: Click or tap here to enter text.:	TIME	10:55am –	1·15n	
				4.13p	m
	Other: Click or tan here to enter toyt:				
	Other. Click of tap field to effect text				
	Cr Jen Bray 🛛 Cr Tim Drylie 🔀 Cr Tess	a Halliday 🔀 Cr Do	n Henderson		
PREJEINI	Cr Lesley Hewitt 🛛 Cr Brian Hood 🔲 C	r Juliet Simpson			
OFFICERS PRESENT	CEO – Bradley Thomas				
$\overline{\boxtimes}$	Director Infrastructure and Delivery – Bro	uce Lucas			
Otl	hers (Position Title and Name):				
	ecutive Manager Development – Ransce S	alan			
Co	mmunications Officer – Maria Abate				
Gra	ants and Corporate Reporting Officer – Ke	lly Lewis			
	lstra Regional Engagement Manager, Nort	hern & Western Vic	toria – Marcus	S	
_	rinburne				
	lstra Regional Area Manager – Steve Tinke	er			
	odiversity Officer – Brian Bainbridge				
	ting Manager Community Life – Kate Proc				
	ting Coordinator Healthy Communities & I	•	Palmer		
	uth Engagement Officer – Jonathon Van D	-			
	ternal presenter, Foundation for Young Au		ria		
	anager Governance and Risk – Rebecca Sm				
	ting Manager Economic Development and		Fitzpatrick		
	O Daylesford Macedon Tourism – Steve W	/roe			
	rector Urban Enterprise – Mike Ruzzene				
	nsultant, Urban Enterprise – Georgiana Ba				
Со	nsultant, Urban Enterprise – Paul Matthev	NS			

L	J Agenda	ı attached –	- CM Re	eterence:	DOC/23	3/34772
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OR

List matters considered:

As per agenda.

CONFLICT OF INTEREST DISCLOSURES

Declared by	Item being considered	Time left meeting	Time Returned
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
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Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
NOTES:			
Cr Bray in apology. Cr Simpson was also in apo	ology.		
RECORD COMPLETED BY			
☐ Director Infrastructure☐ CEO − Bradley Thomas	and Delivery – Bruce Lucas		
Other:			
Governance Administratio	n Officer – Brigitte Longmore		
Signed:			
Briefe			

CONFIDENTIAL AGENDA COUNCILLOR BRIEFING TUESDAY 4 JULY 2023



Tuesday 4 July 2023 Council Chamber, 76 Vincent Street Daylesford VIC 3460 10:45am – 4.15pm

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

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

BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

INVITED: Councillors Councillor Jen Bray, Birch Ward

Councillor Tim Drylie, Creswick Ward Councillor Tessa Halliday, Cameron Ward Councillor Don Henderson, Creswick Ward Councillor Lesley Hewitt, Birch Ward Councillor Brian Hood, Coliban Ward Councillor Juliet Simpson, Holcombe Ward

Officers

Bradley Thomas – Chief Executive Officer
Bruce Lucas – Director Infrastructure and

Delivery

Ransce Salan – Executive Manager

Development

CHAIR: Councillor Brian Hood - Mayor

Bradley Thomas – Chief Executive Officer

APOLOGIES:

ATTACHMENT 14.6.5

No	Time	Туре	Agenda Item	ATTACHMEN Presenter	Page
NO	Tille	Туре	Agenua item	Fresenter	No
1.1	10:45am	Discussion	Councillor "Burning Issues" Discussion and Executive Issues Update	Chief Executive Officer	5
1.2	11:15am	Discussion	External Committees Update	Chief Executive Officer	6
1.3	11:30am	Discussion	Community Satisfaction Survey	CEO	26
1.4	12pm	Presentation	Presentation by Telstra Corporation	Regional Engagement Manager - Norther and Western Victoria - Telstra Regional Area Manager	140
	12:45pm		Lunch		
1.5	1:15pm	Report	Biodiversity Grant Applications - Panel Recommendations	Biodiversity officer	141
1.6	1:30pm	Report	Maternal Child Health Contract - Upcoming Tender Process	Acting Manager Community Life Acting Coordinator Healthy Communities & Early Years	148

ATTACHMENT 14.6.5

	I	ı		ATTACHMEN	1 14.0.5
1.7	2pm	Discussion	Young Mayors - Youth Council Program Overview	Youth Engagement Officer Acting Manager Community Life Acting Coordinator of Early Years and Healthy Communities	156
1.8	2:30pm	Report	Appointment of a Chair to the Audit and Risk Committee, Recruitment Plan, and Review of Remuneration	Manager Governance and Risk	170
	3pm		Break		
1.9	3:15pm	Discussion Presentation External Presentation	Destination Management Plan Update	Coordinator Economic Development Hepburn Shire CEO Daylesford Macedon Tourism Director, Urban Enterprise	175
2	4:15pm		Close of Meeting		207



MEETING	Councillor Strategic Briefing	DATE	Tuesday, 2023	July	11,
LOCATION		TIME			
	Other: Click or tap here to enter text	:			
COUNCILLORS	Cr Jen Bray Cr Tim Drylie Cr	Tessa Halliday 🔀 Cr Don	Henderson		
PRESENT	Cr Lesley Hewitt 🔀 Cr Brian Hood	Cr Juliet Simpson			
OFFICERS PRESENT	CEO – Bradley Thomas				
	□ Director Infrastructure and Delivery	– Bruce Lucas			
	Others (Position Title and Name):				
	Coordinator Sport and Active Recreation				
	Sport and Active Recreation Project Offi	•			
	Acting Manager Economic Development	_	itzpatrick		
	External Consultant, InsideEDGE Leisure				
	Coordinator Health and Community Safe	ety – Lisa Sparkes			
	Manager Projects – Ben Grounds				
MATTERS CONSIDER	RED				
Agenda attached	I – CM Reference: DOC/23/36228				
OR					
List matters conside	red:				
As per agenda.					

CONFLICT OF INTEREST DISCLOSURES

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

NOTES:

Cr Juliet Simpson is an apology.

Cr Tim Drylie joined the meeting at 10:26am.



RECORD COMPLETED BY

Governance Advisor – Catherine Nurse

Signed:

Irra

CONFIDENTIAL AGENDA COUNCILLOR BRIEFING TUESDAY 11 JULY 2023



Tuesday 11 July 2023 Council Chamber, 76 Vincent Street Daylesford VIC 3460 10:15am – 2:00pm

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

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

BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

INVITED: Councillors

Councillor Jen Bray, Birch Ward
Councillor Tim Drylie, Creswick Ward
Councillor Tessa Halliday, Cameron Ward
Councillor Don Henderson, Creswick Ward
Councillor Lesley Hewitt, Birch Ward
Councillor Brian Hood, Coliban Ward
Councillor Juliet Simpson, Holcombe Ward

Officers

Bradley Thomas – Chief Executive Officer Bruce Lucas – Director Infrastructure and

Delivery

Ransce Salan – Executive Manager

Development

CHAIR: Councillor Brian Hood - Mayor

Bradley Thomas – Chief Executive Officer

APOLOGIES: Councillor Juliet Simpson, Holcombe Ward

No	Time	Туре	Agenda Item	Presenter	Page No
1.1	10:15am	Report	Clunes Masterplanning Project – Clunes Recreation Reserve	Coordinator Sport and Active Recreation Sport and Active Recreation Project Officer Acting Manager Economic Development and Recreation InsideEDGE Leisure Planning	4
1.2	11:15am	Briefing Only	VAGO Audit Report - Regulating Food Safety - Final Report	Manager Waste, Facilities and Community Safety Coordinator Health and Community Safety	31
	12:00pm		Lunch		
1.3	12:30pm	Report	Daylesford Town Hall and Staff Accommodation Project	Manager, Projects	117
1.4	1:30pm	Discussion	Councillor "Burning Issues" Discussion and Executive Issues Update	Chief Executive Officer	121
2	2:00pm		Close of Meeting		122



MEETING	Councillor Briefing	DATE	Tuesday, 2023	July	25,			
LOCATION		TIME	10:15am -	- 3:20p	m			
	Other: Click or tap here to enter text.:							
COUNCILLORS	🔀 Cr Jen Bray 🔀 Cr Tim Drylie 🔀 Cr Tessa Ha	alliday 🔀 Cr Don	Henderson					
PRESENT	☐ Cr Lesley Hewitt ☐ Cr Brian Hood ☐ Cr Ju	liet Simpson						
OFFICERS PRESENT	◯ CEO – Bradley Thomas							
	☐ Director Infrastructure and Delivery – Bruce Lucas							
	Others (Position Title and Name):							
	Acting Executive Manager – Ransce Salan							
	Senior Statutory Planner – Lipi Patel							
	Manager Waste Facilities & Community Safety -	- Simon Mennie						
	Property Officer – Karen Menne							
	Principal Strategic Planner – Rachel Haynes							
	Manager Strategic Planning – Bronwyn Southee							
	Senior Strategic Planner – Alison Blacket							
	Engagement Specialist – Michelle Whyte							
	Grants and Corporate Reporting Officer – Kelly I	_ewis						
			•	·				

MATTERS CONSIDERED

l	Agenda	attached –	CM Reference:	DOC/	/23/	′39289
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OR

List matters considered:

As per agenda.

CONFLICT OF INTEREST DISCLOSURES

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

NOTES:

Cr Hewitt in apology.

Cr Bray arrived late at 10:34am



The meeting ran 20 mins overtime and ended at 3:20pm

RECORD COMPLETED BY
☐ Director Infrastructure and Delivery – Bruce Lucas ☐ CEO – Bradley Thomas Other:
Governance Administration Officer – Brigitte Longmore
Signed:
Briefe

CONFIDENTIAL AGENDA COUNCILLOR BRIEFING TUESDAY 25 JULY 2023



Tuesday 25 July 2023 Council Chamber, 76 Vincent Street Daylesford VIC 3460 10:15am – 3:00pm

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

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

BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

INVITED: Councillors Councillor Jen Bray, Birch Ward

Councillor Tim Drylie, Creswick Ward Councillor Tessa Halliday, Cameron Ward Councillor Don Henderson, Creswick Ward Councillor Lesley Hewitt, Birch Ward Councillor Brian Hood, Coliban Ward

Councillor Juliet Simpson, Holcombe Ward

Officers Bradley Thomas – Chief Executive Officer

Bruce Lucas - Director Infrastructure and

Delivery

Ransce Salan – Acting Executive Manager

Development

Councillor Brian Hood - Mayor

Bradley Thomas – Chief Executive Officer

APOLOGIES:

CHAIR:

ATTACHMENT 14.6.7

				ATTACHMEN	
No	Time	Туре	Agenda Item	Presenter	Page No
1.1	10:15am	Report	PLN22/0359 - 3 Frazer Street, Daylesford - Use of land for a dwelling.	Senior Statutory Planner	5
1.2	11:15am	Discussion	Discussion - Daylesford Speedway Lease	Manager Waste Facilities & Community Safety Property Officer	40
1.3	11:45am	Briefing Only	Connecting Hepburn: Integrated Transport Strategy project update	Principal Strategic Planning Officer	44
	12:15pm		Break		
1.4	12:45pm	Report	Township Structure plans engagement findings	Michelle Whyte Acting Executive Manager, Planning and Building Engagement Specialist	61
1.5	2:15pm	Report	Corporate Performance Report 2022/2023 - Quarter 4	Chief Executive Officer Grants and Projects Officer	545
1.6	2:30pm	Report	Draft Annual Plan 2023/2024	Chief Executive Officer Grants and Corporate Reporting Officer	596
2	3pm		Close of Meeting		614



MEETING	Councillor Briefing	DATE	Tuesday, August 01 2023					
LOCATION		TIME	9:00am – 1:10pm					
	Other: Click or tap here to enter text.:							
COUNCILLORS	☐ Cr Jen Bray ☐ Cr Tim Drylie ☐ Cr Tessa	n Halliday 🔀 Cr 🛭	Oon Henderson					
PRESENT	🔀 Cr Lesley Hewitt 🔀 Cr Brian Hood 🔀 Cr	Juliet Simpson						
OFFICERS PRESENT	CEO – Bradley Thomas							
	☐ Director Infrastructure and Delivery – Bruce Lucas							
	☐ Director Community and Corporate – Karina Lamb							
	Executive Manager People and Transformation – Brooke Holmes							
	Others (Position Title and Name):							
	Chair, Audit and Risk Committee – Carol Pagr	non						
	Manager Governance and Risk – Rebecca Sm	ith						
	Corporate Reporting and Grants Officer – Kel	ly Lewis						
	Inclusion Officer – Brett Dunlop							
	Coordinator Inclusive Communities – Kate Procter							
	Manager Community and Economy – Kendall Sinclair							
	Coordinator Recreation Services – Kathie Schnur							
	Sport and Active Recreation Project Officer –	Tom McCarthy						

MATTERS CONSIDERED

L] Agenda	attached –	CIVI Re	terence:	DOC/2	3/40/	32
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OR

List matters considered:

As per the agenda.

CONFLICT OF INTEREST DISCLOSURES

Declared by	Item being considered	Time left meeting	Time Returned
Cr Don Henderson	Item 1.6 – Councillor Burning Issues, Cr Henderson is engage in legal action against a resider being discussed		1:00pm
Cr Tim Drylie	Item 1.6 – Councillor Burning Issues, discussion of Tyre Powe in Creswick	1:02pm er	1:05pm
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.



NOTES:
Cr Henderson left the meeting at 12:57pm
Cr Simpson left the meeting at
RECORD COMPLETED BY
 □ Director Infrastructure and Delivery – Bruce Lucas □ Director Community and Corporate – Karina Lamb □ Executive Manager People and Transformation – Brooke Holmes □ CEO – Bradley Thomas Other: Governance Administration Officer – Brigitte Longmore
Signed:
Briefe

CONFIDENTIAL AGENDA COUNCILLOR BRIEFING TUESDAY 1 AUGUST 2023



Tuesday 1 August 2023
Daylesford Town Hall, 76 Vincent Street Daylesford
9:00am – 1:00pm

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

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

BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

INVITED:

Councillor Jen Bray, Birch Ward

Councillor Tim Drylie, Creswick Ward Councillor Tessa Halliday, Cameron Ward Councillor Don Henderson, Creswick Ward Councillor Lesley Hewitt, Birch Ward Councillor Brian Hood, Coliban Ward

Councillor Juliet Simpson, Holcombe Ward

Officers

Councillors

Bradley Thomas – Chief Executive Officer
Bruce Lucas – Director Infrastructure and

Delivery

Karina Lamb – Director Community and

Corporate

Amy Boyd – Acting Executive Manager

Development

Brooke Holmes – Executive Manager People

and Transformation

CHAIR:

Councillor Brian Hood - Mayor

Bradley Thomas – Chief Executive Officer

No	Time	Туре	Agenda Item	Presenter	Page No
1			Officer Reports		0
1.1	9:00am	Report	Recommendations from the Audit and Risk Committee meeting held on 26 June 2023 and Biannual Presentation from the Chair	Chair, Audit and Risk Committee Manager Governance and Risk	5
1.2	9:30am	Discussion	Introduction of new Executive Team Members	Chief Executive Officer	42
1.3	10:00am	Report	Annual Plan 2022/2023 - Quarter 4 Progress Report	Chief Executive Officer Corporate Reporting and Grants Officer	43
	10:30am		Break		
1.4	10:45am	Report	Disability Advisory Committee Membership	Inclusion Officer Coordinator Inclusive Communities	61
1.5	11:15am	Report Discussion External Presentation	Hepburn Shire Indoor Aquatics Provision Feasibility Study and Business Case - Draft Discussion Paper and Consultation Report	Manager Community and Economy Coordinator Recreation Services	65

ATTACHMENT 14.6.8

1.6	12:15pm	Discussion	Councillor "Burning Issues" Discussion and Executive Issues Update	Chief Executive Officer	187
1.7	12:45pm	Discussion	External Committees Update	Chief Executive Officer	188
2	1:00pm		Close of Meeting		202



MEETING	Mineral Springs Reserves Advisory	DATE	Monday, August 07,
LOCATION	Committee Council Chamber	TIME	2023
LOCATION	Video Conference	THATE	
	Other: Click or tap here to enter t	ovt :	
	Cr Jen Bray Cr Tim Drylie		n Henderson
COUNCILLORS PRESENT	Cr Lesley Hewitt Cr Brian Hoo		
OFFICERS PRESENT	CEO – Bradley Thomas		
011102110111202111	Director Infrastructure and Delive	arv.	
	Director Community and Corpora	•	
	Executive Manager People and Tr		mes
	Others (Position Title and Name):	ansion brooke from	
	Simon Fishlock, Acting Coordinator P	arks and Open Space	
	Paulette Pleasance, EA Director Infra	structure and Delivery	
	Elizabeth Atkin, Project Manager		
MATTERS CONSIDER	EED		
□ Agenda attached	- CM Reference: Doc/23/32945		
CONFLICT OF INTER	EST DISCLOSURES		
Declared by	Item being considered	Time left meeting	Time Returned
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
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		text.	enter text.
Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
NOTES:			·
Pruco Lucas (Dopart	ed 1.40pm) to attend Exec Meeting		
bluce Lucas (Depait	ed 1.40pm) to attend Exectiveeting		
RECORD COMPLETE	D BY		
Director Infrastru	ucture and Delivery – Bruce Lucas		
	•		
	nity and Corporate – Karina Lamb		
LACCULIVE IVIALIAE	nity and Corporate – Karina Lamb ter People and Transformation – Brook	ke Holmes	
=	ger People and Transformation – Brook	e Holmes	
CEO – Bradley Th	ger People and Transformation – Brook	e Holmes	

Paulette Pleasance EA Director Infrastructure and Delivery





MINERAL SPRINGS RESERVE ADVISORY COMMITTEE

Monday 7 August 2023 – Council Chambers or Teams – 1.00pm – 3.00pm

Attendees: Bruce Lucas, Cr Jen Bray, Simon Fishlock, Bill Guest, Lisa Rodier, Nathan

Lundmark, Paulette Pleasance,

Apologies: Sean Ludeke

Guests: Annie Warmbrunn (DEECA), David Hale (RMCG), Elizabeth Atkin (HSC)

No	Time	Agenda Item	Presenter
1	1.00pm	Welcome and Apologies ACKNOWLEDGEMENT OF TRADITIONAL OWNERS	Cr Jen Bray
		Hepburn Shire Council acknowledges the Dja Dja Wurrung as the Traditional Owners of the lands and waters on which we live and work. On these lands, Djaara have performed age -old ceremonies of celebration, initiation and renewal. We recognise their resilience through dispossession, and it is a testament to their continuing culture and tradition, which is strong and thriving.	
		We also acknowledge the neighbouring Traditional Owners, the Wurundjeri to our Southeast and the Wadawurrung to our South West and pay our respect to all Aboriginal peoples, their culture, and lore. We acknowledge their living culture and the unique role they play in the life of this region.	
2	1.05pm Adoption of Minutes –5 June 2023		Cr Jen Bray
3	1.06pm	Review of Action Register	Cr Jen Bray
4	1.10pm	Victorian Mineral Spring Master Plan Project Update	David Hale - RMCG
5	1.30pm	New Signage Project for Central, Sutton and Jubilee Lake Springs	Annie Warmbrunn - DEECA





6	1.50pm	Hepburn Bathhouse Lease Update	Bruce Lucas
7	2.00pm	Update on the implementation of the Central Springs Master/Management Plan, including the new bore	Elizabeth Atkin
8	2.10pm	Priority Projects update and lead up to Council's 2024/25 Budget	All
9	2.30m	Caretakers Cottage Update	Paulette Nathan
10	2.45pm	Maintenance Update	Simon Fishlock
11	3.00pm	Meeting Close	

Attachments Sent with Agenda

- Minutes 5 June 2023
- Updated Actions Register June 2023
- 2 x Documents from DEECA regarding signage project

Next meeting – Monday 9 October 2023 – Council Chambers



MEETING	Councillor Briefing	DATE	Tuesday, August 08 2023				
LOCATION	Council Chamber	TIME	10:15am – 2:43pm				
	Video Conference						
	Other: Click or tap here to enter text.:						
COUNCILLORS	Cr Jen Bray 🛛 Cr Tim Drylie 🗌 Cr Tessa	Halliday 🔀 Cr 🛭	Oon Henderson				
PRESENT	🛮 Cr Lesley Hewitt 🖾 Cr Brian Hood 🖾 Cr	Juliet Simpson					
OFFICERS PRESENT	CEO – Bradley Thomas						
	☐ Director Infrastructure and Delivery – Bruce Lucas						
	Director Community and Corporate – Karina Lamb						
	Executive Manager People and Transformation – Brooke Holmes						
	Others (Position Title and Name):						
	Manager Strategic Planning – Bronwyn South	iee					
	Project Manager – Alison Blacket						
	Engagement Specialist – Michelle Whyte						
	Manager Projects – Ben Grounds						
	Project Manager – Alison Breach						
	Work Health and Safety Coordinator – John Keehner						
	Manager People and Culture – Irenee McCreevy						
	Reconciliation Officer – Carolyn Sanders						

MATTERS CONSIDERED

		Agenda	attached -	CM	Reference:	DOC	/23	/42067
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OR

List matters considered:

As per agenda.

CONFLICT OF INTEREST DISCLOSURES

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

NOTES:

Cr Tessa Halliday was an apology.



Cr Jen Bray left the meeting at 10:36am and returned at 10:57am.

Cr Juliet Simpson left the meeting at the lunch break and returned at 2:13pm.

<Record late arrivals or early departures>

RECORD COMPLETED BY

Governance Advisor - Catherine Nurse

Signed:

CONFIDENTIAL AGENDA COUNCILLOR BRIEFING TUESDAY 8 AUGUST 2023



Tuesday 8 August 2023
Daylesford Town Hall, 76 Vincent Street Daylesford
10:15am – 3:30pm

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

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BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

INVITED: Councillors

Councillor Jen Bray, Birch Ward
Councillor Tim Drylie, Creswick Ward
Councillor Tessa Halliday, Cameron Ward
Councillor Don Henderson, Creswick Ward
Councillor Lesley Hewitt, Birch Ward
Councillor Brian Hood, Coliban Ward
Councillor Juliet Simpson, Holcombe Ward

Officers

Bradley Thomas – Chief Executive Officer Bruce Lucas – Director Infrastructure and

Delivery

Karina Lamb – Director Community and

Corporate

Brooke Holmes – Executive Manager People

and Transformation

Amy Boyd – Acting Executive Manager

Development

CHAIR:

Councillor Brian Hood - Mayor

Bradley Thomas – Chief Executive Officer

APOLOGIES:

No	Time	Туре	Agenda Item	Presenter	Page No
1.1	10:15am	Discussion	Council Priorities Update - August 2023	Chief Executive Officer	5
1.2	10:45am	Briefing Only	Structure Planning: Community Engagement Codesign Workshops	Manager Strategic Planning Project Manager Engagement Specialist	13
1.3	12:15pm	Report	Creswick Trails Project Update and Contract Variation	Manager, Projects	27
	1:00pm		Lunch		
1.4	1:30pm	Report	Work Health and Safety Audit Report	Manager People and Culture Work Health and Safety Coordinator	28
1.5	2:00pm	Report	The Voice Referendum	Manager People and Culture Coordinator Inclusive Communities Reconciliation Officer	104
1.6	3pm	Discussion	Local Government Inspectorate Update	CEO	141
2	3:30pm		Close of Meeting		142



MEETING	Disability Advisory Committee	DATE	14 August 2023
LOCATION	Ulumbarra Room	TIME	11.30am-2.15pm
	The Warehouse		
	36 Fraser St, Clunes		
COUNCILLORS	Cr Lesley Hewitt		
PRESENT			
OFFICERS PRESENT	Inclusion Officer, Brett Dunlop		
	Coordinator Inclusive Communities, Kate	Procter	
	Administration Officer, Kristen Coleiro		
	Senior Strategic Planner, Rachel Haynes ((via video)	
	Manager Strategic Planning, Bronwyn So	uthee (via video)	

MATTERS CONSIDERED

☐ Agenda attached – CM Reference: DOC/23/43535

CONFLICT OF INTEREST DISCLOSURES

Declared by	Item being considered	Time left meeting	Time Returned
None	n/a	n/a	n/a

NOTES

- Rachel Haynes and Bronwyn Southee presented for 30 minutes, from 11.45am.
- Cr Hewitt left at 12.30pm to attend a funeral.
- Kate Procter deputised as Chair when Cr Hewitt departed.

RECORD COMPLETED BY

Inclusion Officer, Brett Dunlop

Signed: B Dunlop

AGENDA





Date: 14 August 2023 **Time:** 11.30am-2.30pm

Location: The Warehouse, 36 Fraser Street, Clunes

Chair: Cr L Hewitt

AGENDA ITEMS:

1. ACKNOWLEDGEMENT OF CUSTODIANS OF THE LAND

2. ATTENDEES

Committee Members: Andrew Brown, John Condon, Graham Downey, Kaylene Howell, Darren Manning, David Moten, Peter Waters.

Guests: Di Lehne and Jo Pegg (observers), Rachel Haynes (presenter).

Council Representatives: Cr Lesley Hewitt (Chair), Brett Dunlop

(organiser), Kristen Coleiro (minutes).

3. APOLOGIES

4. MINUTES OF THE PREVIOUS MEETING

5. ACTIONS ARISING FROM PREVIOUS MEETING

- 5.1. UPDATE ON APPOINTMENT OF MEMBERS
- 5.2. REPORT ON INTERNATIONAL DAY FOR PEOPLE WITH DISABILITY

6. OTHER ITEMS OF BUSINESS

- 6.1. **GUEST SPEAKER INTEGRATED TRANSPORT STRATEGY** (at 11.45am)
- 6.2. REPORTS FROM MEMBERS
- 6.3. UPCOMING COMMUNITY CONSULTATIONS

7. NEXT MEETING

Monday 13 November, Victoria Park Pavilion, **DAYLESFORD**, 11.30am–2.30pm



MEETING	Pre-Council Meeting Briefing	DATE	Tuesday, August 15 2023		
LOCATION	Council Chamber	TIME	3:00pm – 4:30pm		
	☐ Video Conference				
	Other: Click or tap here to enter text.:				
COUNCILLORS	☐ Cr Jen Bray ☐ Cr Tim Drylie ☐ Cr Te	ssa Halliday 🔀 Cr D	on Henderson		
PRESENT	∇ colored to the ∇ constant ∇ colored				
OFFICERS PRESENT	◯ CEO – Bradley Thomas				
	☐ Director Infrastructure and Delivery – Bruce Lucas				
	☑ Director Community and Corporate – Karina Lamb				
	Acting Executive Manager Development – Amy Boyd				
	Others (Position Title and Name):				
	Manager Governance & Risk – Rebecca Smith				
	Coordinator Governance – Dannielle Kraak				
	Manager Projects – Ben Grounds				

MATTERS CONSIDERED

As per Council Meeting agenda.

CONFLICT OF INTEREST DISCLOSURES

Nil.

NOTES:

<Record late arrivals or early departures>

RECORD COMPLETED BY

Manager Governance & Risk – Rebecca Smith

Signed:



MEETING	Councillor Briefing	DATE	Tuesday, August 22, 2023		
LOCATION		TIME	10:15am – 12:45pm		
	Other: Click or tap here to enter text.:				
COUNCILLORS	Cr Jen Bray Cr Tim Drylie Cr Tessa	Halliday 🔀 Cr Don	Henderson		
PRESENT	Cr Lesley Hewitt Cr Brian Hood Cr	Juliet Simpson			
OFFICERS PRESENT	CEO – Bradley Thomas				
	☑ Director Infrastructure and Delivery – Bru	ce Lucas			
	Acting Executive Manager Development – Amy Boyd				
	Others (Position Title and Name):				
	Senior Statutory Planner – Lipi Patel				
	Coordinator Major Projects and Policy– Nicola McGowan				
MATTERS CONSIDER	RED				

L] Agenda	attached –	CM	Reference:	DOC/	23/	45182
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OR

List matters considered:

As per agenda.

CONFLICT OF INTEREST DISCLOSURES

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

NOTES:

RECORD COMPLETED BY

Governance Advisor – Catherine Nurse

Signed:

CONFIDENTIAL AGENDA COUNCILLOR BRIEFING TUESDAY 22 AUGUST 2023



Tuesday 22 August 2023
Daylesford Town Hall, 76 Vincent Street Daylesford
10:15am – 12:45pm

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

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BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

INVITED: Councillors

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Councillor Tim Drylie, Creswick Ward
Councillor Tessa Halliday, Cameron Ward
Councillor Don Henderson, Creswick Ward
Councillor Lesley Hewitt, Birch Ward
Councillor Brian Hood, Coliban Ward
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Karina Lamb – Director Community and

Corporate

Brooke Holmes – Executive Manager People

and Transformation

Amy Boyd – Acting Executive Manager

Development

CHAIR:

Councillor Brian Hood - Mayor

Bradley Thomas – Chief Executive Officer

APOLOGIES:

No	Time	Туре	Agenda Item	Presenter	Page No
1.1	10:15am	Report	PLN22/0379 - 7 Camp Street Daylesford	Planner Acting Executive Manager Development	4
1.2	11:15am	Discussion	Planning Matters Update	Acting Executive Manager Development	20
1.3	12:00pm	Discussion	Councillor Leadership Workshop	Chief Executive Officer	21
2	12:45pm		Close of Meeting		22



MEETING	Planning Briefing	DATE	Tuesday, August 29, 2023		
LOCATION	Council Chamber	Council Chamber TIME 9:00am – 4:0			
	☐ Video Conference				
	Other: Daylesford Town Hall				
COUNCILLORS		sa Halliday 🔀 Cr 🏻	on Henderson		
PRESENT	\square Cr Lesley Hewitt $igtimes$ Cr Brian Hood $igtimes$	Cr Juliet Simpson			
OFFICERS PRESENT	◯ CEO – Bradley Thomas				
	☐ Director Infrastructure and Delivery – Bruce Lucas				
	Director Community and Corporate – Karina Lamb				
	Executive Manager People and Transformation – Brooke Holmes				
	Acting Executive Manager Development – Amy Boyd				
	Others (Position Title and Name):				
	Manager Strategic Planning – Bronwyn Southee				
	Principal Strategic Planning Officer – Rachel Haynes				
	Senior Strategic Planner – Alison Blacket				
	Administration Officer Strategic Planning – Andrew Littlejohn				
	Engagement Specialist – Michelle Whyte				
	Biodiversity Officer – Brian Bainbridge	, ,			

MATTERS CONSIDERED

☐ Agenda attached – CM Reference: DOC/23/46986

CONFLICT OF INTEREST DISCLOSURES

Nil.

NOTES:

<Record late arrivals or early departures>

RECORD COMPLETED BY

Manager Governance and Risk – Rebecca Smith



CONFIDENTIAL AGENDA COUNCILLOR BRIEFING TUESDAY 29 AUGUST 2023



Tuesday 29 August 2023
Daylesford Town Hall, 76 Vincent Street Daylesford
9:00am – 4:00pm

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

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BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

INVITED:

Councillors Councillor Jen Bray, Birch Ward

Councillor Tim Drylie, Creswick Ward Councillor Tessa Halliday, Cameron Ward Councillor Don Henderson, Creswick Ward Councillor Lesley Hewitt, Birch Ward Councillor Brian Hood, Coliban Ward

Councillor Juliet Simpson, Holcombe Ward

Officers

Bradley Thomas – Chief Executive Officer Bruce Lucas – Director Infrastructure and

Delivery

Karina Lamb – Director Community and

Corporate

Brooke Holmes – Executive Manager People

and Transformation

Amy Boyd – Acting Executive Manager

Development

CHAIR:

Councillor Brian Hood - Mayor

Bradley Thomas – Chief Executive Officer

APOLOGIES:

<u>Strategic Planning Workshop – Aug 29th</u>

Time: 9:00am to 4:00pm

Venue: Town Hall

Projects to be discussed:

• Rural Hepburn, Integrated Transport Strategy, Structure Planning including two technical reports, Bushfire and Biodiversity Assessments, and Structure Planning co-design.

Purpose:

- Share information with Councillors on each of the strategic planning projects underway.
- Understand Councillor perspectives and gather community intelligence.
- Identify and discuss 'hot spots'.

Timing	Activity	Facilitator/Presenter	Prompting Questions
9:00am – 9:15am Introduction	Introduction:	Amy Boyd	What do you want from today?
9:15am – 9:30am Where we are in the timeline?	Timeline Work done so far We are here! Next steps	Bronwyn Southee	 What parts of what we have done so far have you found most interesting? What going forward are you most concerned about?
9:30am- 10:30am	Pecha Kucha: • Short & sharp presentations (10)	Project Leads for: • Rural Hepburn	A Listening Session only. Here are some things to think about while you are listening:
Project Pulse Check	slides in 10 minutes) focusing on: Key findings	 Bushfire Assessments Integrated Transport Strategy 	 What am I hearing from the community? What is likely to be controversial? How might we share this with our community?

10:30am – 10:45am	 Implications for future planning decision making 'Hot spots' Break for morning tea	 Structure Planning Biodiversity Assessments 	
10:45am – 1:15pm Making sense of our planning work so far	Spend half an hour with each consultant, café style. An opportunity to understand each project's impact on future planning decisions and their impact on engaging with our community.	Strategic Planning team members and consultants from: Practical Ecology Plan2Place Movement & Place Consulting Terramatrix RMCG	 Share with us: What you are hearing from the community. Thoughts on how we tell 'the story' to the community. Concerns and questions you might have. Your perspective on identified 'hot spots'.
1:15pm - 1:45pm	Break for lunch		
1:45pm – 3:30pm Working with our communities	Township Structure Plans Township hot spots Overview of deliberative engagement process	Helen Jennings – Wayfarer Consulting Michelle Whyte – Engagement Specialist	 Share with us: What you are hearing from the community. Other issues you are aware of that have not yet been identified. Your expectations of deliberative process
3:30pm – 4:00pm Our way forward together	Close & Next Steps Closing the loop Next steps	Amy Boyd Bronwyn Southee	Thank you for sharing your knowledge and perspectives with us!

15 CLOSE OF MEETING

The Meeting closed at 8:40pm.