

## ORDINARY MEETING OF COUNCIL

**Notice** is hereby given of the  
Ordinary Meeting of Council to be held at  
the James Young Room, Lerderderg Library,  
215 Main Street, Bacchus Marsh on  
Wednesday 4 September 2013,  
commencing at 7:00 p.m.

### Members:

Cr. Pat Toohey (Mayor)	Woodlands Ward
Cr. Allan Comrie	East Moorabool Ward
Cr. David Edwards	East Moorabool Ward
Cr. John Spain	East Moorabool Ward
Cr. Tonia Dudzik	East Moorabool Ward
Cr. Paul Tatchell	Central Ward
Cr. Tom Sullivan	West Moorabool Ward

### Officers:

Mr. Rob Croxford	Chief Executive Officer
Mr. Shane Marr	General Manager Corporate Services
Mr. Phil Jeffrey	General Manager Infrastructure
Mr. Satwinder Sandhu	General Manager Growth and Development
Mr. Danny Colgan	General Manager Community Services

**Rob Croxford**  
**Chief Executive Officer**

## AGENDA

<b>1.</b>	<b>OPENING OF MEETING AND PRAYER .....</b>	<b>4</b>
<b>2.</b>	<b>PRESENT.....</b>	<b>4</b>
<b>3.</b>	<b>APOLOGIES .....</b>	<b>4</b>
<b>4.</b>	<b>CONFIRMATION OF MINUTES .....</b>	<b>4</b>
4.1	<i>Ordinary Meeting of Council – Wednesday 21 August 2013 .....</i>	<i>4</i>
<b>5.</b>	<b>DISCLOSURE OF CONFLICT OF INTEREST .....</b>	<b>5</b>
<b>6.</b>	<b>MAYOR’S REPORT .....</b>	<b>7</b>
<b>7.</b>	<b>COUNCILLORS’ REPORTS.....</b>	<b>8</b>
<b>8.</b>	<b>PUBLIC QUESTION TIME.....</b>	<b>9</b>
<b>9.</b>	<b>PETITIONS.....</b>	<b>11</b>
<b>10.</b>	<b>PRESENTATIONS / DEPUTATIONS .....</b>	<b>12</b>
<b>11.</b>	<b>OFFICER’S REPORTS.....</b>	<b>13</b>
<b>11.1</b>	<b>CHIEF EXECUTIVE OFFICER.....</b>	<b>13</b>
11.1.1	<i>S86 Rural Advisory Committee – Appointment of Membership and Terms of Reference.....</i>	<i>13</i>
<b>11.2</b>	<b>GROWTH AND DEVELOPMENT .....</b>	<b>17</b>
<b>11.3</b>	<b>COMMUNITY SERVICES.....</b>	<b>18</b>
11.3.1	<i>Police Numbers in Ballan.....</i>	<i>18</i>
11.3.2	<i>Community Grants Program Review and Draft Policy.....</i>	<i>22</i>
<b>11.4</b>	<b>INFRASTRUCTURE SERVICES .....</b>	<b>28</b>
11.4.1	<i>Renaming of Southern End of Cartons Road.....</i>	<i>28</i>
<b>11.5</b>	<b>CORPORATE SERVICES.....</b>	<b>34</b>
11.5.1	<i>Instrument of Delegation from Council to Chief Executive Officer .....</i>	<i>34</i>
11.5.2	<i>Instrument of Delegation from Council to Members of Council Staff (other than the CEO).....</i>	<i>39</i>
11.5.3	<i>Instrument of Appointment and Authorisation of Council Officers under section 174(4) of the Planning and Environment Act 1987.....</i>	<i>45</i>
11.5.4	<i>Adoption “in principle” of the 2012/13 Financial Statements, Standard Statements and Performance Statement for submission to the Victorian Auditor-General for certification .....</i>	<i>48</i>
11.5.5	<i>Annual Community Satisfaction Survey 2013 .....</i>	<i>56</i>
<b>12.</b>	<b>OTHER REPORTS .....</b>	<b>60</b>
12.1	<i>Assembly of Councillors.....</i>	<i>60</i>

12.2 Section 86 - Delegated Committees of Council - Reports ..... 62

12.3 Section 86 - Advisory Committees of Council - Reports..... 63

**13. NOTICES OF MOTION ..... 64**

13.1 *Cr Toohey/Cr Dudzik: N.O.M. No. 233 – Mediation Outcomes between Cr Toohey and Cr Dudzik.* ..... 64

**14. URGENT BUSINESS ..... 65**

**15. CLOSED SESSION OF THE MEETING TO THE PUBLIC ..... 66**

15.1 *Confidential Report*..... 66

**16. MEETING CLOSURE ..... 67**

**1. OPENING OF MEETING AND PRAYER**

**Almighty God be with us as we work for the people of the Shire of Moorabool.**

**Grant us wisdom that we may care for the Shire as true stewards of your creation.**

**May we be aware of the great responsibilities placed upon us.**

**Help us to be just in all our dealings and may our work prosper for the good of all.**

**Amen**

**2. PRESENT**

**3. APOLOGIES**

**4. CONFIRMATION OF MINUTES**

**4.1 Ordinary Meeting of Council – Wednesday 21 August 2013**

**Recommendation:**

**That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 21 August 2013.**

## 5. DISCLOSURE OF CONFLICT OF INTEREST

Under the Local Government Act (1989), the classification of the type of interest giving rise to a conflict is; a direct interest; or an indirect interest (section 77A and 77B). The type of indirect interest specified under Section 78, 78A, 78B, 78C or 78D of the Local Government Act 1989 set out the requirements of a Councillor or member of a Special Committee to disclose any conflicts of interest that the Councillor or member of a Special Committee may have in a matter being or likely to be considered at a meeting of the Council or Committee.

Definitions of the class of the interest are:

- a direct interest
  - (section 77A, 77B)
- an indirect interest (see below)
  - indirect interest by close association (section 78)
  - indirect financial interest (section 78A)
  - indirect interest because of conflicting duty (section 78B)
  - indirect interest because of receipt of gift(s) (section 78C)
  - indirect interest through civil proceedings (section 78D)

### Time for Disclosure of Conflicts of Interest

In addition to the Council protocol relating to disclosure at the beginning of the meeting, section 79 of the Local Government Act 1989 (the Act) requires a Councillor to disclose the details, classification and the nature of the conflict of interest immediately at the beginning of the meeting and/or before consideration or discussion of the Item.

Section 79(6) of the Act states:

While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a special committee must:

- (a) leave the room and notify the Mayor or the Chairperson of the special committee that he or she is doing so; and
- (b) remain outside the room and any gallery or other area in view of hearing of the room.

The Councillor is to be notified by the Mayor or Chairperson of the special committee that he or she may return to the room after consideration of the matter and all votes on the matter.

There are important reasons for requiring this disclosure immediately before the relevant matter is considered.

- Firstly, members of the public might only be in attendance for part of a meeting and should be able to see that all matters are considered in an appropriately transparent manner.
- Secondly, if conflicts of interest are not disclosed immediately before an item there is a risk that a Councillor who arrives late to a meeting may fail to disclose their conflict of interest and be in breach of the Act.

**6. MAYOR'S REPORT**

**To be presented at the meeting by the Mayor.**

**Recommendation:**

**That the Mayor's report be received.**

**7. COUNCILLORS' REPORTS**

**To be presented at the meeting by Councillors.**

**Recommendation:**

**That the Councillors' reports be received.**



## 8. PUBLIC QUESTION TIME

The Council has made provision in the business of the Ordinary Meetings of the Council for the holding of a Public Question Time.

Public Question Time is required to be conducted in accordance with the requirements contained within the **Public Question Time Protocols and Procedural Guidelines**.

The person asking the question is to stand and identify themselves by name and residential address before asking the question.

All questions are to be directed to the Mayor as Chairperson, who shall determine the appropriate person to respond to the question.

**The person asking the question must be present in the gallery when the question is considered and may be asked for clarification by the Mayor.**

At the discretion of the Mayor, a lengthy question may be required to be placed into writing by the person asking the question. The Mayor may accept a question on notice, in the event that research is required to provide a response. In the case of questions taken on notice, both the question and response shall be recorded in the Minutes of the Meeting.

### ***Procedural Guidelines – Public Question Time***

A maximum of two questions may be asked by any one person at any one time.

If a person has submitted 2 questions to a meeting, the second question: may, at the discretion of the Mayor, be deferred until all other persons who have asked a question have had their questions asked and answered; or may not be asked if the time allotted for public question time has expired.

A maximum of three minutes per question will be allocated. An extension of time may be granted at the discretion of the Mayor.

The Mayor will nominate the appropriate person to respond to each question. In the event that the question is directed for response by a Council Officer, it shall be referred through the Chief Executive Officer.

The Mayor may disallow any question, which is considered:

To relate to a matter outside the duties, functions and powers of Council;

To be defamatory, indecent, offensive, abusive, irrelevant, trivial or objectionable in language or substance;

To be confidential in nature or of legal significance;

To deal with a subject matter already answered; To be aimed to embarrass any person;

To relate to personnel matters;

To relate to the personal hardship of any resident or ratepayer;

To relate to industrial matters;

To relate to contractual matters;

To relate to proposed developments;

To relate to legal advice;

To relate to matters affecting the security of Council property; or

To relate to any other matter which Council considers would prejudice the Council or any person.

The Mayor has the discretion to seek clarification of the question if deemed necessary but otherwise the person asking the question is not permitted to enter into debate with or directly question the Mayor or Chief Executive Officer.

The Mayor may direct that a member of the gallery ceases speaking if the above procedure is not followed.

**9. PETITIONS**

**No petitions have been made to Council for consideration as part of this Agenda.**

**10. PRESENTATIONS / DEPUTATIONS**

The Council has made provision in the business of the Ordinary Meetings of the Council for the making of presentations or deputations to Council in relation to matters presented on the agenda for Council consideration.

Presentations or deputations are required to be conducted in accordance with the requirements contained within the **Presentation/Deputations Protocols and Procedural Guidelines**.

Persons wishing to make a presentation or deputation to Council on a matter included in the agenda shall inform Council prior to the meeting by contacting the Chief Executive Officer's office and registering their name and agenda item being spoken to.

At the meeting the Mayor will invite the persons wishing to make a presentation or delegation to address the Council on the agenda item.

The person making the presentation or deputation is to stand and address Council on the item. No debate on the item is permitted between the person making the presentation or delegation and the Council.

A maximum of three minutes per presentation or delegation will be allocated. An extension of time may be granted at the discretion of the Mayor.

Councillors, through the Mayor, may ask the person making the presentation or delegation for clarification of matters presented.

The Mayor may direct that a member of the gallery ceases speaking if the above procedure is not followed.

**List of Persons making Presentations/Deputations other than in relation to a planning item listed on the agenda:**

Item No	Description	Name	Position
-	-	-	-

**List of Persons making Presentations/Deputations to a planning item listed on the agenda:**

Individuals seeking to make a presentation to the Council on a planning item listed on the agenda for consideration at the meeting will be heard by the Council immediately preceding consideration of the Council Officer's report on the planning item.

Item No	Description	Name	Applicant/ Objector
-	-	-	-

## 11. OFFICER'S REPORTS

### 11.1 CHIEF EXECUTIVE OFFICER

#### 11.1.1 S86 Rural Advisory Committee – Appointment of Membership and Terms of Reference

##### Introduction

File No.: 02/01/011  
Chief Executive Officer Rob Croxford

##### Background

The 2013 - 2017 Council Plan states that ~~the~~ representing and leading our community, Council seeks to gain an understanding of community needs. We will listen and recognise the differing expectations and priorities across Moorabool, whether in urban centres, small towns and hamlets, or rural areas~~+~~.

Throughout 2012 /13 several meetings were held by the farming community that resulted in a public meeting in Ballan in July 2013 to discuss issues affecting the rural community including rating levels, land valuation methodology, council services, state and federal government fiscal and monetary policy.

The Council on 3 July 2013 resolved to review its rating strategy including the formation of a rural advisory committee.

It is important to ensure that the Rural Advisory Committee represents a broad geographic area of the Shire and the various sectors of agriculture including cropping, horticulture, viticulture, dairy, livestock and lifestyle/part time farming. The committee would have a Terms of Reference under which to operate and would be adequately resourced to be able to advise Council on rural issues. It is considered that the committee's~~s~~ considerations need to be broader than rating issues alone.

##### Proposal

In order to establish an advisory committee under S86 of the Local Government Act 1989, officers have prepared the attached Terms of Reference for Council's~~s~~ consideration and have publically invited nominations from interested community members.

Council placed advertisements in the Ballarat Courier on Saturday 17 August and the Moorabool News (Council media page) on Tuesday 20 and 27 August with a closing date of 5.00pm on Thursday 29 August 2013.

At the close of nominations, five were received and are listed below for Council's~~s~~ consideration:

Name	Township	Sector
Stephen Conroy	Gordon	Mixed Grazing/Cropping
James Molesworth	Ballark	Mixed Farming Agriculture
Scott Young	Fiskville	Mixed Grazing/Cropping
Kate Sharkey	Balliang East	Broad acre cropping
Chris Sharkey	Balliang East	Broad acre cropping

Any nominations received after the closing date of Thursday 29 August 2013 will be advised to Council at the Ordinary Meeting.

Community Members will be appointed to the Rural Advisory Committee for a term of one year, or part thereof if appointed to the Advisory Committee mid-term.

The Terms of Reference also state that the advisory committee shall appoint its own Chairperson. A Councillor will be appointed by the Council to the Committee in an ex-officio capacity.

The Rural Advisory Committee will report to Council by:

- providing copies of minutes to Council as soon as practicable following ordinary, special or annual committee meetings,
- through submissions on Council strategy, budget and rating policy development, and
- through an annual report from the Chairperson as at 30 June each year.

### Policy Implications

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Representation and Leadership of our Community
<b>Objective</b>	Leadership through best practice community engagement
<b>Strategy</b>	Pursue strategic alliances, stakeholder forums and advisory committees that assist Council in policy development and service planning

The proposal to establish the S86 Rural Advisory Committee is consistent with the 2013-2017 Council Plan.

### **Financial Implications**

Advertising costs and Council officer time in the administration process.

### **Risk & Occupational Health & Safety Issues**

There are no risk and occupational health and safety issues.

### **Communications Strategy**

The Moorabool community have been advised of the formulation of this Advisory Committee through Council's Minutes and through media reports and advertisements in both regional and local newspapers.

### **Victorian Charter of Human Rights and Responsibilities Act 2006**

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

### **Conflict of Interests**

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

*Chief Executive Officer – Rob Croxford*

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

### **Conclusion**

The appointment of community members from a broad geographic area of the Shire and the various sectors of agriculture to an advisory committee appointed under S86 of the Local Government Act 1989, with an adopted Terms of Reference, will provide beneficial advice to Council on issues affecting its rural communities.

### **Recommendation:**

#### **That Council:**

- 1) Appoints the following community representatives to the S86 Rural Advisory Committee**

*(To be appointed)*

- 2) Appoints Councillor *(to be nominated)* to the S86 Rural Advisory Committee in an ex- officio capacity and Councillor *(to be nominated)* as their Proxy.**

- 3) **Adopts the Terms of Reference for the Rural Advisory Committee as attached to this report.**
- 

**Report Authorisation**

**Authorised by:** 

**Name:** Rob Croxford  
**Title:** Chief Executive Officer  
**Date:** Thursday 29 August 2013



# Attachment - Item 11.1.1

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## **Rural Advisory Committee Purpose and Terms of Reference**

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### **1. Introduction**

The 2013 - 2017 Council Plan states that “in representing and leading our community, Council seeks to gain an understanding of community needs. We will listen and recognise the differing expectations and priorities across Moorabool, whether in urban centres, small towns and hamlets, or rural areas”.

Throughout 2012 /13 several meetings were held by the farming community that resulted in a public meeting in Ballan in July 2013 to discuss issues affecting the rural community including rating levels, land valuation methodology, council services, state and federal government fiscal and monetary policy.

The Council on 3 July 2013 resolved to review its rating strategy including the formation of a rural advisory committee.

### **2. Establishment of the Committee**

The Committee is an advisory committee to Council formed under section 86 of the Local Government Act by Council resolution on X September 2013.

*Resolution to be inserted*

### **3. Purpose and Terms of Reference of the Committee**

#### **3.1 No Delegated Powers**

As the Committee is advisory in nature it has no delegated powers or authority. The committee will not have an operating budget. Requests for funding for studies or professional advice will be considered by Council.

The Committee is to operate in line with the terms of reference included in Schedule 1.

#### **3.2 Purpose**

The Rural Advisory Committee to provide advice to the Moorabool Shire Council on:

- advocacy to other levels of government on the impacts of government policy on farming,
- the development of alternative land valuation and rating models that will assist farming enterprises in Victoria,

- to provide an opportunity for increased networking and collaboration within the rural sector,
- promotion of agriculture to the broader community as a key driver of economic growth and rural amenity in the Shire including broad acre cropping, horticulture, viticulture, dairy, livestock and lifestyle/part time farming, and
- the development of key strategic documents of Council.

## **Schedule 1**

### **1. Terms of Reference**

#### **1.1 Status of the Committee**

The role of the group is advisory and does not have a statutory role.

#### **1.2 Conditions & Limitations**

- Community representatives on the Advisory Committee are exempt from the registration of interests under section 81(2A) of the Local Government Act 1989.
- The conduct of the committee will be in accordance with the Councillor Code of Conduct and the meeting procedure local law as amended from time to time.

#### **1.3 Council's relationship with the Rural Advisory Committee**

Council will value and respect the input and advice provided by the Rural Advisory Committee and use it, together with information from other sources, to inform its practices, policies and procedures. Council will not necessarily be bound by decisions of the Rural Advisory Committee and retains the right to prioritise initiatives in accordance with Budget and Council Plan processes.

### **2. Membership**

#### **2.1 Membership**

The Rural Advisory Committee shall comprise of community members from a broad geographic area of the Shire and the various sectors of agriculture including cropping, horticulture, viticulture, dairy, livestock and lifestyle/part time farming.

A Councillor will be appointed by the Council to the Committee in an ex-officio capacity.

Committee members must be at least 18 years of age and reside in the Moorabool Shire.

## **2.2 Role of the Committee**

The Rural Advisory Committee shall appoint its own Chairperson.

The Chairperson will have a casting vote in the event of a tied vote.

A quorum will be determined by the Committee relevant to the number of members.

The Committee may also seek input and advice from other groups and bodies as required to assist in forming advice to Council.

## **2.3 Term of Appointment**

Community Members will be appointed to the Rural Advisory Committee for a term of one year, or part thereof if appointed to the Advisory Committee mid-term.

## **2.4 Selection Criteria**

Council, on behalf of the Rural Advisory Committee, will seek to appoint people who:

- are committed to advancing agriculture in the Shire;
- have experience within cropping, horticulture, viticulture, dairy, livestock sectors and lifestyle/part time farming; and
- represent a broad geographic area of the Shire.

## **2.5 Selection Process**

Annually in September, an advertisement will be placed in a publication circulating in the Shire calling for nominations to the Rural Advisory Committee for a 12 month term.

Applicants will need to express an interest to Council in writing and address the selection criteria referred to in clause 2.4.

The Chief Executive Officer will provide a report to Council following the close of expressions of interest for the appointment of persons to the committee.

The decision of Council on the membership of the committee will be final.

### **3. Administrative Matters**

#### **3.1 Council Support to the Committee -**

Council will provide assistance and support to the Rural Advisory Committee within the resources available to it in order to enable the Committee to be able to effectively undertake its role. In order to assist members of the Rural Advisory Committee, the Council undertakes to provide administrative support, a meeting space and catering as required.

Further, the CEO or his delegate will be requested to attend meetings as required to provide advice on technical, policy and advocacy issues.

#### **3.2 Frequency of meetings**

Meetings will be held monthly or as agreed by the Rural Advisory Committee.

#### **3.3 Reporting to Council**

The Committee will provide advice to Council as follows;

- by providing copies of minutes to Council as soon as practicable following ordinary, special or annual committee meetings,
- through submissions on Council strategy, budget and rating policy development, and
- through an annual report from the Chairperson as at 30 June each year.

## **11.2 GROWTH AND DEVELOPMENT**

*No reports for this meeting.*

## 11.3 COMMUNITY SERVICES

### 11.3.1 Police Numbers in Ballan

#### Introduction

File No.: 12/13/001  
Author: Danny Colgan  
General Manager: Danny Colgan

#### Background

At the Ordinary Meeting of Council held on the 1 May 2013, the Council resolved:

That a report be prepared on the current police numbers in the district which includes an audited report on police numbers being compatible with community numbers in Ballan, to ensure a safe and vibrant community.

A key factor in understanding actual police numbers in Victoria is that they are not determined by Victoria Police but by the government of the day. The allocation of police members to local areas is the responsibility of the Victoria Police.

In March 2011, the former Victorian Minister for Police and Emergency Services, the Hon. Peter Ryan announced 600 more police officers would be allocated across the state by June 30, 2011. The allocation of more police across 46 Police Service Areas by June 30 was to be the first stage of the State Government's commitment to deliver 1,700 more police over four years to November 2014.

According to the Victoria Police Annual Report 2011-2012, Victoria Police allocated 400 new operational general duties, specialist support and supervisor positions across the state during that financial year.

The Victoria Police Annual Report also noted that to facilitate the process of deploying additional police to areas of greatest need, Victoria Police has developed and implemented a Demand Allocation Model. It is understood that the demand-based model considers factors such as population, the crime to population ratio and the level of road accidents to population ratio. The model forms part of Victoria Police's Building Operational Capacity strategy.

The Shire of Moorabool is part of the Moorabool Police Service Area (PSA) in the Western Region, Division WD3 which also incorporates the Shires of Golden Plains and Hepburn.

In preparing the report, contact was made with the Local Area Command for the Moorabool Police Service Area. The Local Area Command welcomed the Council's position on seeking a safe and vibrant community. Local Area Command advised that the Victoria Police is constantly monitoring the growth corridors throughout Victoria including increases in population and building approvals. Victoria Police Executive Command armed with these figures and crime statistics then allocate additional police resources to various PSAs. Victoria Police is aware that Moorabool and Golden Plains Shires are growing at a rate greater than the state averages. Every Police Service Area experiencing growth increases compete for resource allocations provided in the Victorian State Budget.

### **Crime and Safety Statistics Moorabool**

Crime statistics are produced annually by Victoria Police. Comparisons between areas cannot be made using the number of offences, because areas with larger populations are likely to experience higher volumes of crime. The rate of offences per 100,000 population allows comparisons to be made across different geographical areas and across time, because the population size is taken into account in the calculation. Crime rates also show the likelihood of experiencing a crime in a given area. The Statistics are produced at a municipal level and not publically available at a local level.

In Moorabool, there were 619 recorded crimes against the person per 100,000 population in 2011-12 compared to 1250 in the Grampians Region and the Victorian State average of 984.

In Moorabool, there were 3,486 recorded crimes against property per 100,000 population in 2011-12, compared to 4,960 in the Grampians Region and the Victorian State average of 4,797.

Family Violence remains a significant issue and of concern to Victoria Police. Data in a report prepared by Women's Health Grampians and released in July indicated the number of family violence incidents in the Moorabool Shire had consistently increased between 2006-07 and 2011-12. The average number of family violence incidents a year in Moorabool for the six-year period was 176.8 while the ratio of incidents for females was about four to five times greater than for males in Moorabool.

Perceptions of Safety were measured in the 2011 VicHealth Indicators Survey. Respondents were asked to rate how safe they felt when walking alone in their local area during the day and at night.

When walking alone in their local area during the day 98.3 per cent of persons in Moorabool felt safe or very safe, compared to 97.9 per cent in the Grampians Region and the Victorian State average of 97 per cent.

When walking alone at night 79.6 per cent of persons in Moorabool felt safe or very safe, compared to 74.7 per cent in the Grampians Region and the Victorian State average of 70.3 per cent.

Respondents who stated that they were never alone in the particular situation were not asked to give their perception of how safe they might feel in the situation, and are excluded from the calculation of the proportions.



According to the 2011 Census, the population of Ballan is 2,745 and is forecast to grow to 3,679 by 2041, an annual average growth rate of 1.7 per cent.

### **Proposal**

The Ballan community is serviced by a police station constructed in 2000 that has four police officers. Trentham is served by a police station with three members who may also serve the north western edge of the municipality with Gordon having one police officer posted to its station.

Ballan has an operational capacity of a 16 hour service with after-hours availability arrangements across both the response zone and Police Service Area. Service delivery demands are constantly monitored across both the PSA and division in consultation with the Divisional Commander.

As with the comparison of offences, one method of comparing the number of police officers in different localities is to calculate the number of police officers per 100,000 population. The figures below however should be read with caution as the number of police officers in any given locality is also influenced by other factors such as population, the crime to population ratio and the level of road accidents to population ratio. Given these factors the number of police allocated to Moorabool and particular localities is going to be different. Police resources are unlikely to be allocated equally across all localities due to the above factors.

In 2011, there were 220 sworn Police Officers per 100,000 population in Victoria. Based on the 2011 population of Ballan and number of stationed police officers, the comparative figure is 145 sworn Police Officers per 100,000 population. For Bacchus Marsh, the figure is 174 sworn Police Officers per 100,000 population. Based on these figures, it appears that Ballan and Bacchus Marsh have a lower number of sworn police officers compared to the Victorian average.

### **Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Wellbeing
<b>Objective</b>	A Safe Community
<b>Strategy</b>	Support Police and other community safety programs and initiatives

The report on Police numbers in Ballan is consistent with the 2013-2017 Council Plan.

### **Financial Implications**

The report on police numbers in Ballan has been prepared through existing resources and has no financial implications for Council.

## **Victorian Charter of Human Rights and Responsibilities Act 2006**

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

### **Officer's Declaration of Conflict of Interests**

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

#### *General Manager – Danny Colgan*

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

#### *Author – Danny Colgan*

In providing this advice to Council as the Author, I have no interests to disclose in this report.

### **Conclusion**

A key factor in understanding actual police numbers in Victoria is that they are not determined by Victoria Police but rather by the government of the day. The allocation of police members to local areas is the responsibility of the Victoria Police.

The Victoria Police is very aware of the projected growth of the Shire and policing needs and will continue to support our community.

### **Recommendation:**

**That the Council write to the Victorian Minister for Police and Emergency Services and Victoria Police seeking the allocation of additional police resources to the Shire and in particular Ballan and Bacchus Marsh given the current and forecast growth in the population.**

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### **Report Authorisation**

**Authorised by:**

**Name:**

**Title:**

**Date:**



Danny Colgan

General Manager Community Services

Thursday 29 August, 2013

## 11.3.2 Community Grants Program Review and Draft Policy

### Introduction

File No.: 06/03/004  
Author: Kate Diamond-Keith  
General Manager: Danny Colgan

### Background

The Council previously considered this item at the Ordinary Meeting of Council on Wednesday 21 August 2013 where it was resolved to lay the Community Grants Program Policy and Guidelines on the table for further consideration at the next meeting of Council.

The policy protocol relating to the consideration of items which affect beyond the current year is applied for consideration of matters whose impact or influence will extend to directly affect the activities and/or financial planning of Council for a period beyond the term of the Current Council Budget, and whether relating to Council policy pronouncements or specific projects.

In accordance with the protocol, feedback was sought on the draft policy and guidelines from the Moorabool community. Feedback has been received raising concerns about the proposed community grants eligibility criteria that would make Emergency Services, Schools, Churches and Political Parties ineligible to apply for community grants.

In the 2013/2014 budget, the Council has allocated \$140,000 for the Community Grants Program to help support and enhance innovative community activities, projects and events. The program is delivered over two separate funding rounds offering \$70,000 in each, under three categories: Community Strengthening; Community Arts and Culture; and Community Events.

At the Ordinary Meeting of Council on the 19 May 2010, the Council adopted the Community Grants Guidelines. The Guidelines included the following:

“Council will review the performance of the Community Grant Program every 3 years to ensure that the Grant Program is both achieving its objectives and meeting community needs.”

To ensure the program continually evolves to meet the changing needs of the communities of Moorabool, a review of the Community Grants Program has been conducted.

The aims of the Community Grants Program Review were to:

- Update the guidelines to align it with the Council Plan objectives;
- Engage the community, including past applicants, in providing feedback to improve the program;
- Improve the accessibility and understanding of the grant program in the community;
- Review the objectives of the program to ensure the outcomes are meeting current community needs;
- Improve community group understanding of guidelines and application forms;
- Increase number and range of funded projects, including number of first time applicants; and
- Develop a Community Grants Policy.

The review of the Community Grants Program focussed on the following issues: objectives of the program; eligibility and clearer definitions; funding amounts and in kind contributions; and assessment criteria and process.

A Community Grants Policy has also been developed. The Policy includes the following: background information about the grant program; objectives of the grant program; and principles of the program.

In accordance with the resolution of Council on Wednesday 21 August 2013, the Community Grants Policy and Guidelines are now presented to Council for adoption.

### **Proposal**

The Community Grants Policy comprises a statement of the objectives of the Community Grants Program as well as the guiding principles for the implementation of the program. The Grants Policy is contained in **Attachment 11.3.2(a)**.

The revised Community Grants Program Guidelines comprises information about how the program will be implemented in the community. The revised Community Grants Program Guidelines are contained in **Attachment 11.3.2(b)**. The guidelines have been revised based on community engagement outcomes and the recommendations from the review.

### **Guidelines:**

Major changes to the Guidelines are:

- Applicants required to provide matching funding (\$1:\$1) for projects
- The amount of funding for Small Community Strengthening Projects reduced from \$1,500 to \$1,000.
- Community group members who have a conflict of interest for the project must declare this conflict when submitting the application
- A clearer definition of eligible community groups
- A clearer definition of %auspicing+ and the legal responsibilities of auspicing organisations
- A requirement for proof that the project has been endorsed by the committee/group

- Clearer assessment criteria
- Each round applicant groups are given a score out of 100. It is proposed that if a group receives a score below 65 that the project be considered not to merit being funded. Groups that fall into this category will be supported to improve their application and submit it the next round of grants. If this results in surplus funds in a round, then these funds will be re-allocated to the next round of Community Grants.

Feedback has been received raising concerns about the proposed change to the eligibility criteria that would make Emergency Services, Schools, Churches and Political Parties ineligible to apply for community grants.

In considering the feedback, the Council may want to remove the proposed eligibility criteria that make the above groups ineligible and replace it with: funding should be for projects and initiatives that directly support and promote local volunteers and as such applications for funding that are deemed the responsibility of State and Federal Government will not be given priority.

It is also proposed that Council commence the Winter 2013 round of grants on the 9 September 2013 and close on the 4 October 2013, following Council adoption of the revised Community Grants Program Guidelines. The Guidelines specify that the Winter round of Grants will usually open on the 1st August and close on the 31st August, but due to the review process the next program will commence in September this year.

A report will be provided to the Council on the outcomes of each Community Grant round every six months following the completion of the projects from the previous round.

**Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Wellbeing
<b>Objective</b>	Community Self Reliance
<b>Strategy</b>	Provide community development support and partnership projects.

The proposal Community Grants Program Policy and Guidelines is consistent with the 2013-2017 Council Plan.

**Financial Implications**

Council allocates the following funding for the grant programs: \$100,000 annually to the Community Strengthening Grants; \$20,000 annually to Community Arts Grants; and \$20,000 annually to Community Events Grants.

The Community Grants Program requires resources primarily from the Community Development Unit. Communication Officer resources are required to implement enhanced promotional activities for the grant program.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Program review	Program review not implemented	Medium	Review program every three years

### Communications and Consultation Strategy

The following community engagement was undertaken, in accordance with Council's Community Engagement Policy and Framework

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Community Grant recipients	Phone interview	Various	May 2013	10 interviews
Consult	Community members	Survey . Have your say Moorabool	Various	June 2013	48 visits to the site.
Collaborate	Internal Staff	Workshop	Bacchus Marsh	May 2013	9 staff attended
Consult	Community Members	Council website and newspaper advertisement		August 2013	

An advertisement was placed in the Moorabool News during the week of the 26 August inviting community feedback on the draft policy and guidelines that had been laid on the table at the Ordinary Meeting of Council on the 21 August.

The Community Grants Guidelines and Community Grants Policy will be promoted to community groups. The Communication plan will involve: advertisements in newspapers; letters to community groups advising of changes to program; website information; and promotion of the revised grant program by Officers.

### Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

### **Officer's Declaration of Conflict of Interests**

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Danny Colgan*

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

*Author – Kate Diamond-Keith*

In providing this advice to Council as the Author, I have no interests to disclose in this report.

### **Conclusion**

Council's Community Grant Programs provide significant support to community groups in the Shire of Moorabool. Following an extensive review of the program, revised Community Grants Program Guidelines have been developed as well as a Community Grants Policy. The Policy and the revised Guidelines will improve the capacity of the grant program to provide benefits to the community.

Feedback has been received raising concerns about the proposed change to the community grants eligibility criteria that would make Emergency Services, Schools, Churches and Political Parties ineligible to apply for community grants.

In considering the feedback, the Council may want to remove the following criteria in the revised community grants guidelines that states:

- Primary and Secondary Schools; Emergency Services including CFA, SES; Church groups; and Political Parties are ineligible to apply for a Community Grant+

and replace it with:

- Funding should be for projects and initiatives that directly support and promote local volunteers and as such applications for funding that are deemed the responsibility of State and Federal Government will not be given priority+

Having resolved on the 21 August 2013 that the policy lay on the table for further consideration and adoption at the next Ordinary Meeting of Council, the Community Grants Policy and Guidelines are now placed before the Council for adoption.

### **Recommendation:**

#### **That Council:**

1. **in accordance with Moorabool Shire Council Policy Protocol, Consideration of Items which affect beyond the Current Year, now adopts the Community Grants Policy and Guidelines.**

2. commences the Winter 2013 Community Grants Program round on the 9 September 2013.

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**Report Authorisation**

**Authorised by:**



**Name:**

Danny Colgan

**Title:**

General Manager Community Services

**Date:**

Thursday 29 August, 2013



# Attachment - Item 11.3.2(a)

<b>Policy No.:</b>		<b>Community Grants Policy</b>
<b>Review Date:</b>		
<b>Revision No.:</b>		
<b>Policy Manual Version No.:</b>		
<b>Adopted by:</b>		<i>Date</i>

## 1. Introduction and Purpose

The purpose of this draft policy is provide a policy statement about the Council's role in supporting the community through the Community Grants Program.

The Moorabool Shire Council is committed to the Community Grants Program and the community outcomes achieved through this program. The Community Grants program provides opportunities for community groups and organisations throughout the Shire to improve their facilities and equipment; provide new and enhanced programs and events; build their capacity and skills; and provide important community connections for residents.

## 2. Objectives

The objectives of the Community Grants Program are to:

- support the development of local projects, programs and initiatives;
- improve community facilities;
- increase resources and opportunities for local groups who have limited avenues of support but wish to undertake activities that engage the wider community;
- encourage and support community groups to build capacity and sustainability by undertaking planning activities and developing new skills;
- support community groups to leverage Community Grants funds by applying to external funding programs such as state and federal government;
- support projects that provide opportunities for the community
- generate and foster collaborative relationships between community groups, Council, state and federal government and other organisations; and
- promote projects that are inclusive, accessible for the broader community and will involve participants across a range of demographic groups.

## 3. Principles and Guidelines

To ensure that the projects funded under the Community Grants Program meet the objectives of the program, a Community Grants Program Guideline and application process has been developed. This assessment process is competitive and based on merit. The Guidelines and Application Form provide the operational requirements for implementing the grant program each round. This will ensure that all community groups in the Moorabool Shire will have equitable access and support to submit an application to the Community Grants Program.

## Principles:

- The Moorabool Shire Council recognises the value and contribution of community groups in the Shire to building resilient and cohesive communities that support opportunities for local residents.
- The Community Grants Program provides an ongoing avenue for Councillors and Council officers to build relationships with community groups and talk about their needs
- Council will utilise the Community Grant Program to promote its vision and mission and meet the objectives of the Council Plan. Applications that address the key result areas of the Council Plan will be strongly considered.
- The process of grant allocation and monitor will be fair, transparent and inclusive
- The grant program will be used to fund projects that meet community needs and build community capacity and connectedness

## 4. Related Legislation/policies/Guidelines

- Community Grants Program Guidelines

## 5. Council Plan Reference – Key Performance Area

**Key result Area:** Community Wellbeing  
**Objective:** Community Self Reliance  
**Strategy:** Provide community development support and partnership projects

## 6. Review

Council will review the performance of the Community Grant Program every three years to ensure that the Grant Program is both achieving its objectives and meeting community needs.

Community Development officers will present a report to the Council on the outcomes of each Community Grant round every six months following the completion of the projects from the previous round.

## 7. References

<b>Dept</b>	Department
<b>MSC</b>	Moorabool Shire Council

## Appendix: Funding Schedule

### Community Grants Funding amount for 2013/14

The Moorabool Shire Council Community Grants Program will provide \$140,000 in 2013/14 to community groups and organisations to help support community activities, projects and events.

Community Grants are offered twice each year under two separate funding rounds (“Summer” & “Winter”). A total of \$70,000 is available in each grant round across three grant program categories:

- Community Strengthening Grants (\$50,000)
- Arts and Culture Grants (\$10,000)
- Community Events Grants (\$10,000)

Community groups and organisations can apply for up to \$5,000 and need to demonstrate a contribution toward the cost of their project on a ratio of \$1 for \$1 (Council \$1: Group \$1). This contribution can be demonstrated either by cash or in-kind support. Small Community Strengthening Projects under \$1000 are not required to provide a contribution.

# Attachment - Item 11.3.2(b)

PROGRAM GUIDELINES  
Summer/Winter - Year

# Community Grants Program

*Working Together For Our Community*



## Background

The Moorabool Shire Council Community Grants Program provides \$140,000 annually to community groups and organisations to help support community activities, projects and events.

Community Grants are offered twice each year under two separate funding rounds (“Summer” & “Winter”).

A total of \$70,000 is available at each grant round across three grant program categories:

- Community Strengthening Grants (\$50,000)
- Arts and Culture Grants (\$10,000)
- Community Events Grants (\$10,000)

Community groups and organisations can apply for up to \$5,000 and need to demonstrate a contribution toward the cost of their project on a ratio of \$1 for \$1 (Council \$1:Group \$1). This contribution can be demonstrated either by cash or in-kind support. *Small Community Strengthening* Projects under \$1, 000 are not required to provide a contribution.

The Community Grants Program assessment process is competitive and based on merit. To be considered, applications must meet the eligibility criteria (page 5) outlined in the guidelines. Applicants are also encouraged to read the assessment criteria (page 6) carefully before submitting their application.

## Critical Dates for Summer and Winter Programs

<b>1 February/1 August</b>	<b>Applications Open</b> Application forms made available on the website
<b>28 February/31 August</b>	<b>Applications Close</b> Applications close 5pm. No late applications will be accepted
<b>March/September</b>	<b>Acknowledgement of application</b> Letter of acknowledgement sent to applicants
<b>March/April &amp; September/October</b>	<b>Council Assessment</b>
<b>May/November</b>	<b>Notification to Groups</b>
<b>May/November</b>	<b>Community Grants Presentation Evening</b>
<b>December/June</b>	<b>Project Completion Deadline</b>

## Program Categories

- **Community Strengthening Grants (applications up to \$5000)**
- **Community Arts and Culture Grants (applications up to \$3000)**
- **Community Events Grants (applications up to \$3000)**

### 1. Community Strengthening

Community Strengthening Grants support community projects, programs and initiatives with a specific focus on connecting communities and building community capacity. This includes projects that improve community facilities, encourage community participation and volunteerism, as well as those that build leadership skills and community well-being.

Community Strengthening Grants include:

#### **Community Programs, Activities or Initiatives**

Community programs, activities or initiatives that develop community capacity and/or leadership (up to \$5, 000).

#### **Capital Improvements**

Capital works projects delivering improvements to community facilities (up to \$5, 000).

#### **Small Projects**

Grant applications for projects (up to \$1000). Applicants are not required to provide a funding contribution.

### 2. Community Arts

Community Arts Grants support local artists and arts organisations to use a creative approach in the development of community projects and initiatives. Individuals and groups are encouraged to deliver projects that link artists with the local community, assist in the growth of quality local arts opportunities, resource arts practitioners and organisations to develop new skills and support local network development and promotion. Projects might include displays, programs/workshops, music, visual and literary arts, performances, one-off art based events or cultural activities.

Individuals are eligible to apply for a Community Arts Grant, provided they have an ABN and that the project is not-for-profit and open to all residents of Moorabool Shire.

*(Funding up to \$3000)*

### 3. Community Events

Community Events Grants support the development of new and existing community events that promote vibrant and cohesive communities by bringing people together for common goals, celebration and expression. Community based organisations are encouraged to develop and deliver events that showcase local talent, provide public entertainment, foster community participation, connectedness and diversity.

*(Funding up to \$3000)*

Please note: Community Events Grants are non-recurrent, seed funding designed to encourage and promote the development of sustainable local events. Organisations who have successfully received a grant for the same event over two consecutive years are ineligible to apply for a Community Event Grant for two years. If the community event organisation then re-applies after the two years, they must demonstrate that the funding sought is for a new activity/initiative for this event.



### **IMPORTANT INFORMATION – MUST READ**

**Community groups and organisations are strongly encouraged to discuss their project with Community Development Officers prior to submitting their application.**

**Community groups/committees are eligible to submit one application per grant category. Applications must be for separate projects.**

**Auspice organisations are exempt from the inability to apply to a subsequent round after successfully receiving a grant.**

**Applications and supporting information received after the deadline will not be considered.**

**Community group members that have an interest for the project that may provide a conflict must disclose this in writing in the application. For example if a group member has provided a quote for paid services in the project, this is deemed a conflict of interest.**

## **Program Objectives**

The key objectives of the Community Grants Program are to:

- support the development of local projects, programs and initiatives;
- improve community facilities;
- increase resources and opportunities for local groups who have limited avenues of support but wish to undertake activities that engage the wider community;
- encourage and support community groups to build capacity and sustainability by undertaking planning activities and developing new skills;
- support community groups to leverage Community Grants funds by applying to external funding programs such as state and federal government;
- support projects that provide opportunities for the community;
- generate and foster collaborative relationships between community groups, Council, state and federal government and other organisations.
- promote projects that are inclusive, accessible for the broader community and will involve participants across a range of demographic groups.

## Eligibility Criteria and Check List:

Community groups are eligible for funding if they can meet the following criteria:

Please note: eligible group means community groups that are volunteer groups, organisations and committees, based in the Moorabool Shire, have a majority of Moorabool residents as members and provide opportunities for Moorabool community members to participate in their local community.

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The project takes place within Moorabool Shire and is for the benefit of its residents

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Is your group an incorporated 'not-for-profit' organisation with an Australian Business Number, or auspiced\* by one? OR, an individual applying for a Community Arts Grant with an ABN?

\*See note below for definition of auspice group

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Is your group open for membership to all residents as participants or supporters?

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The group can demonstrate the support of the committee responsible for management of the proposed facility/service (letter of support, minutes, funding / in-kind contribution)

\*See note below for definition of in kind contribution

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The project does not require an ongoing commitment of funds from Council

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The project is not considered to be routine/cyclical maintenance works

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The community organisation did not receive funding in the last round (excludes auspice organisations)

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The community event organisation has not received a grant for the same event over the previous two consecutive years

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The community event organisation re-applying after two years (following two consecutive years of successful applications) can demonstrate that the funding sought is for a new activity/initiative

---

The project is scheduled to commence after notification of funding success

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The group or organisation can provide a funding contribution towards the project (not required for Small Community Strengthening Projects under \$1000) on a \$1 for \$1 ratio (Council \$1:Group \$1), by way of cash or in-kind support

---

The application and supporting documentation has been submitted by the closing date

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The applicant is NOT one of the following groups:

- Primary and Secondary Schools
  - Emergency Services including CFA, SES
  - Church groups
  - Political Parties
- 

These groups are ineligible to apply for a Community Grant

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## Definitions:

### *Auspice:*

*Where an applicant group is not incorporated, this group may approach another group to 'auspice' the application. This means that the auspice group will apply on another group's behalf. The auspice group will assume all legal and financial responsibility for the project delivery and will submit the acquittal report at the end of the project. Applicant groups and their auspice organisation must be able to demonstrate a clear relationship between the two groups and an agreement detailing how the project will be managed and implemented*

### *In Kind:*

*In-kind is a contribution to the project other than cash. In-kind contributions may include donations of voluntary labour or donated goods/services. Where in-kind contributions have been included in the budget, applicant groups must submit a voluntary labour and in kind support details form as an attachment to your application.*

*Applications must describe each in-kind contribution and how you arrived at the value of this contribution. If provision of services such as trades or donated good is included then the applicant must provide a signed letter or donated quote from the donator indicating that value at a reasonable commercial rate. Volunteer labour contributions should be calculated at \$25 per hour.*

## Assessment Criteria

There are six (6) assessment criteria. Applicants are strongly encouraged to contact a Community Development Officer to discuss their response to the assessment criteria. Each criteria will contribute to the overall percentage score (100%).

### **Please describe your project and why you want to do this project? (10%)**

- Provide a brief description of the projects
- Explain why you want to do this project and why it is important to your community?

### **What will this project achieve? (20%)**

- What will be the immediate and future benefits of the project?
- Who in the community will benefit (older people, young people, people with a disability, families, culturally and linguistically diverse communities)?
- Project sustainability: how will the project/group continue after the funding ceases?

### **Why is this project needed in your community? (20%)**

- Is the project aligned to the strategic objectives of Council as outlined in the Council Plan 2013-2017?
- What issue/problem/opportunity will the project address?
- Number of active members/potential members/groups/clubs.
- What facilities/services/programs/equipment will be utilised during the project?
- Will the project address documented health and safety issues?
- Evidence of why the project is needed (plans, letters, minutes, member comments).

### **Who will be involved in the project? (15%)**

- Who are the project partners (community groups, organisations, government)?
- What will their participation be?
- Who will be involved from your community?
- How has your community and group been involved in planning this project?

### **How will you carry out your project? (including risk management) (15%)**

- Identify the key tasks to complete your project: (confirm quotes, appoint contractors, working bees, commissioning, promotion, acquit project, official opening).
- Who will be managing the project and how will they report to the committee responsible?
- How will you finish your project within the timeframes?
- How will you identify and address risks in your project?

### **Please provide a project budget and explain how you arrived at the costs? (20%)**

- Detail the proposed Project Expenditure (the costs: promotion, advertising, catering, materials and labour).
- Detail the proposed Project Income (group contribution, fundraising, grants, donations, membership fees).
- Detail the in-kind contribution (volunteer time @ \$25 per hour, phones, venue, printing, materials donated).
- Provide quotes to support proposed expenditure.

## **Assessment Process**

### **Successful applications will be determined using the following process:**

1. Notification that application has been received.
2. Assessment of applications by Council officers. Please note applications that receive a score of 65 or below will be deemed ineligible to receive a grant in this round. These groups will be supported to improve their application and re-submit it to the next round of Community Grants.
3. Ranking of project proposals by Council officers.
4. Report presented to Council of assessment outcomes and recommendations.
5. Council resolution to adopt recommendations.
6. Notification to community groups.

## **Procedure for Payment of Grants**

Grant applicants notified via letter regarding the outcome of the grant round.

Successful applicants receive the Terms and Conditions and a project kit (by mail) which includes:

- An acquittal report, to be submitted to MSC on completion of the project
- Project implementation 'flow chart'
- In Kind log form

Successful applicants receive an invitation to the Community Grants Presentation Evening. A representative from each group is expected to attend and will be presented with a certificate of recognition from the Mayor (or delegate).

Grant paid to applicant on receipt by Council of the following:

- Signed Terms and Conditions (available for viewing on request)
- Invoice or Tax Invoice for grant amount
- Current Public Liability Certificate (Certificate of Currency)

*Applicant groups are encouraged to use local suppliers, services and materials where appropriate. The Moorabool Shire encourages the support of local businesses and services for expenditure of grant monies provided.*

## **GST Legislative Requirements**

To enable payment of the grant, all successful applicants must have an ABN (Australian Business Number), or be auspiced by a group that has an ABN.

Successful applicants do not have to be registered for GST. However, where an applicant is registered for GST, the grant will be grossed up 10% to cover the GST that the applicant must pay to the ATO on receipt of the grant. Where an applicant is not registered for GST, the grant will not be grossed up. (Registrations are substantiated through the ATO's ABN Register)

## **Grant Monies Acquittal**

Community groups and organisations successful in obtaining a Community Grant are required to acquit for the grant monies at the end of the project. This involves specifying the actual costs incurred against the projected costs (at application) and outlining the community group's achievements. Acquittal is a vital component of the Community Grant Program.

If an applicant organisation fails to submit an approved acquittal, that organisation will be ineligible to apply for one subsequent round of the Community Grants Program.

## **Community Grants Program Review**

Council will review the performance of the Community Grant Program every three years to ensure that the Grant Program is both achieving its objectives and meeting community needs. The next review of the Community Grants Program will be in 2015/16.

## **11.4 INFRASTRUCTURE SERVICES**

### **11.4.1 Renaming of Southern End of Cartons Road**

#### **Introduction**

File No.: 22/07/001  
Author: Hamoodi Tarshouby  
General Manager: Phil Jeffrey

#### **Background**

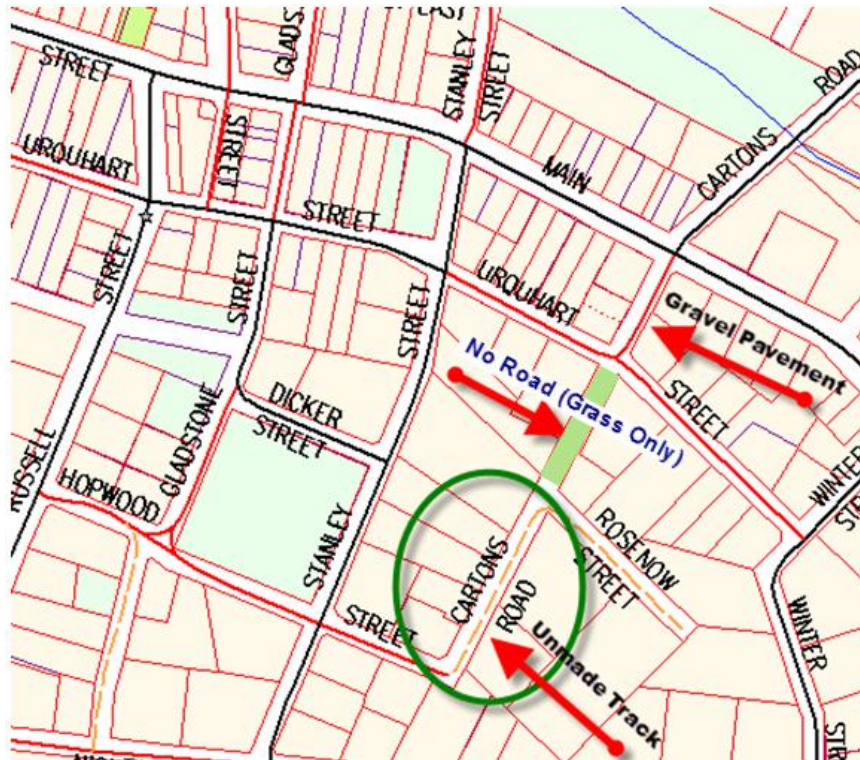
Council received a request from a resident who had purchased land at the southern end of Cartons Road Gordon, for a street address.

The renumbering request created an issue due to the fact that no allowance had been made in the past for the extra street numbers now made possible by subdivision. The resident initially proposed that the section of Cartons Road between Hopwood and Rosenow Streets be renamed Cartons Road South. The option of renaming the street addressed the problem, however, north+south names are no longer allowed to be allocated under the rules.

The case for renaming of the southern end of Cartons Road arises from the fact that there is no continuous path of travel along Cartons Road from north to south. The constructed portion of Cartons Road ends at Urquhart Street. Between Urquhart Street and Rosenow Road is a natural grassed surface. There is no current plan to construct a road in this location, and likely future subdivision proposals will seek to avoid the necessity of paying for this road construction.

Government guidelines and Australian Standards on street naming provide that situations which create major uncertainty for the emergency services must be corrected. The break in Cartons Road results in such a situation.

Street naming rules no longer permit solutions such as Cartons Road South, nor do they allow similar names such as Cartons Place in the same locality.



On 11 June Council wrote to the two affected property owners proposing two options and seeking feedback.

1. Rename the southern end of Cartons Road to Rosenow Street;
2. Rename the road the road with one of the following three names from the Anzac Commemorative Naming Project for Moorabool.
  - **Johansen Street**
  - **Barrett Street.**
  - **King Street**

One of the two affected property owners advised verbally he had no strong preference. No response was received from the other.

At the Ordinary Meeting of Council on Wednesday 7 August 2013, the matter was considered and the following was resolved:

*Resolution:*

*Crs. Comrie/Dudzik*

*That item 11.4.1 Renaming of Southern End of Cartons Road, Gordon, be deferred and officers provide further advice on alternative names that reflect local names from the Gordon area from the available list.*

**CARRIED.**

## **Proposal**

In line with the Council resolution, a list of names has been collated with an affinity to the Gordon area.

Table 1 lists known names of soldiers who died in WWI and whose place of birth on their enlistment papers was Gordon. A further 49 names are available of Gordon born servicemen who served in WWI and survived the war. This data comes from the book Gordon Cemetery Records and History 1878-2010q by J Donegan and M Davenport.

**Table 1: Australian Army Personnel, Born in Gordon, Who Died in WWI**

Surname	First Name	Father	Mother	Place of Birth	Born	Died	Place of Death	Existing Roads with Name	Distance of Road from Gordon	Name Suitable for Gordon
GROSE	Jos Donald	Wm Ambrose	Mary Anne Allan	Gordon	1891	1915	Gallipoli			OK
HARROP	Chas Herbt	Chas	Hetta Herring	Gordon	1894	1916	France			OK
LAWLESS	Richard	Martin	Julia Brennan	Gordon	1882	1919	France			OK
NORTHEY	Saml Harold	Jno Hy	Mahalah J'nita Hodges	Gordon	1894	1917	Belgium			OK
ODWYER	Thos	Mathew	May Wade	Gordon?	1887?	1919	Vic			OK
STEPHENS	George Edwd	Thomas	Georgina Margt Edwards	Gordon	1882	1917	France			OK
CUNNINGHAM	John Andrew	William	Sarah Venville	Gordon	1887	1918	Palestine	Darley	30km	Note 1
BOURKE	Daniel Patk	John	Jane Taffe	Gordon	1886	1917	Belgium	Darley	30km	Note 1
MCAHON aka Carey	Horace Jos	Fran Jos	Margt Maher	Gordon	1894	1915	Gallipoli	Darley	30km	Note 1
O'BRIEN	Wm Patrick	Cornelius	Annie Williams	Gordon	1894	1918	France	Greendale	20km	Note 1
MILLS	Gordon	John (foster-parent)	Julia Gleeson (foster-parent)	Gordon?	1896	1917	Belgium	Gordon		NO
MILLS	Patrick Jos	John	Julia Gleeson	Gordon	1889	1916	France	Gordon		NO
GLEESON	John Bernard	John	Ellen Kennedy	Gordon	1887	1915	Gallipoli	Gordon		NO
MCHUGH	Patrick	Patrick	Elizabeth Lee	Gordon	1883	1915	Vic	Gordon		NO

Note 1: The State street naming guidelines prefer not to repeat names in rural areas within a 30KM radius.

Jos Donald Grose was the only soldier from Gordon who died in Gallipoli and whose name fully meets the State Naming Guidelines.

In the absence of strong preference by the two affected residents, it is proposed that the southern end of Cartons Road be given the name of Grose Road, and to renumber the two existing properties accordingly.

Joseph Donald Grose, after whom the road is proposed to be named, was born at Gordon, VIC, in 1891. Lance Corporal Grose, 8th Battalion (Infantry), died in action on 1 May 1915 on the Gallipoli Peninsula, Turkey, at the age of 24.

**Policy Implications**

The 2013. 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Enhanced Infrastructure and Natural and Built Environment
<b>Objective</b>	Ensure current and future infrastructure meets the needs of the community
<b>Strategy</b>	Provision of effective and safe transport networks.

The proposal is consistent with the 2013-2017 Council Plan.



## Financial Implications

There are no financial implications associated with the recommendation within this report.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Emergency services vehicle gets lost trying to find address	The current split in Cartons Road could lead to an emergency services vehicle wasting critical time trying to get to an address.	Medium	Implement the proposed street renaming.

## Communications and Consultation Strategy

Advertise intention to rename the southern end of Cartons Road in the Moorabool Leader newspaper and/or other relevant publications.

Notify the following authorities of the name change.

Spatial Information Infrastructure	Southern Rural Water
Australia Post Bacchus Marsh delivery centre	RACV . Bacchus Marsh
Address Post Victoria	RACV . Ballarat
Victoria Police	Telstra
Ambulance Victoria	Elgas Ltd
Ambulance Station . Bacchus Marsh	TRU Energy
Country Fire Authority . Mount Waverley	SP Ausnet
Bacchus Marsh Fire Brigade	Origin Energy
Country Fire Authority Region 15	Melways Publishing
Victoria SES . Bacchus Marsh	Pocket Books
Victoria SES . Ballarat	Universal Publishers
Western Water	Ballarat Taxi Company
Central Highlands Water	Australian Electoral Commission
	Australian Bureau of Statistics

## Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

### Officer's Declaration of Conflict of Interests

*General Manager – Phil Jeffrey*

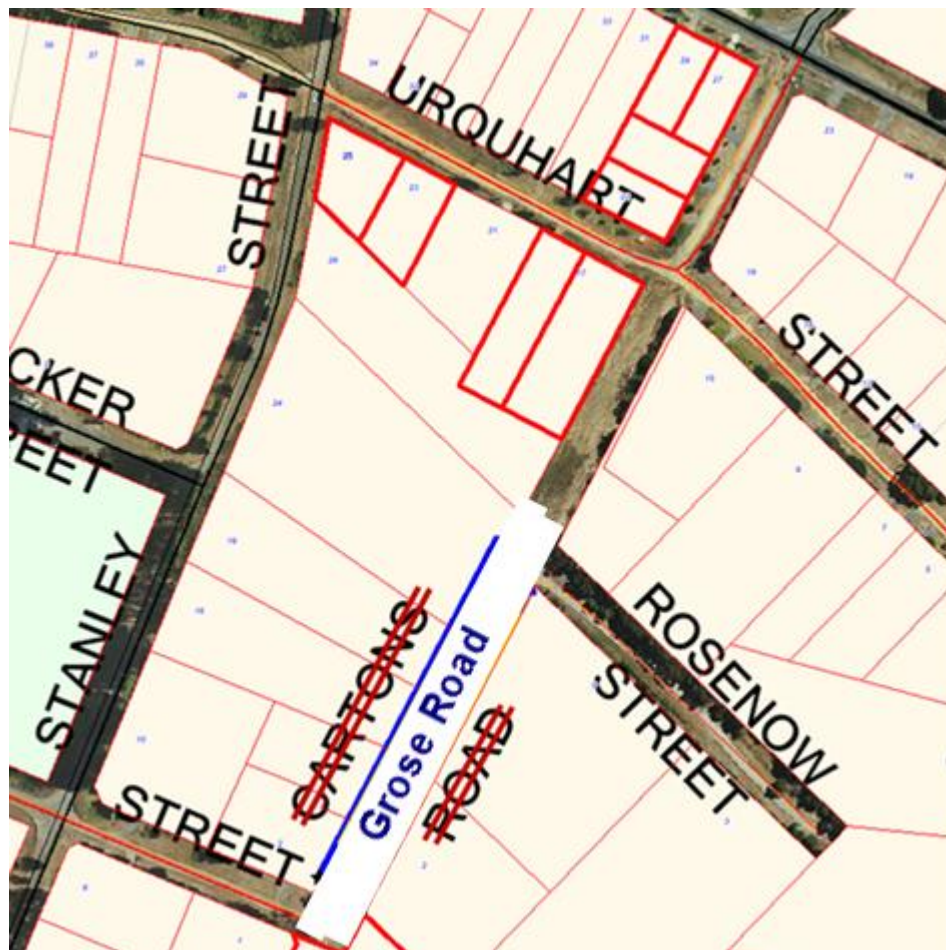
In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

*Author – Hamoodi Tarshoubi*

In providing this advice to Council as the Author, I have no interests to disclose in this report.

### Conclusion

The proposal is that the southern end of Cartons Road be renamed Grose Road, as shown on the map below.



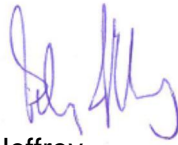
**Recommendation:**

**That Council:**

1. Approves the renaming of the southern end of Cartons Road, Gordon, to Grose Road in order to provide for current and future residences.
  2. Implements the name change, following notification to relevant authorities and affected land owners.
- 

**Report Authorisation**

**Authorised by:**



**Name:** Phil Jeffrey  
**Title:** General Manager Infrastructure  
**Date:** Thursday 22 August 2013

## 11.5 CORPORATE SERVICES

### 11.5.1 Instrument of Delegation from Council to Chief Executive Officer

#### Introduction

File No.: 02/06/002  
Author: Michelle Morrow  
General Manager: Shane Marr

#### Background

The Instruments of Delegation are part of the Governance framework at Moorabool Shire. Under the Governance framework, the Council sets the policy and the Officers are then delegated the power to implement the policy. This allows for efficient Council operations and frees up time for further policy development by both Councillors and Officers.

In accordance with section 98(1) of the Local Government Act 1989 a Council may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act other than .

- (a) this power of delegation; and
- (b) the power to declare a rate or charge; and
- (c) the power to borrow money; and
- (d) the power to approve any expenditure not contained in a budget approved by Council; and
- (e) any power, duty or function of the Council under section 223; and
- (f) any prescribed power.

This Instrument of Delegation is the delegation that Council gives to its Chief Executive Officer by resolution of Council. The previous Instrument of Delegation given to the Chief Executive Officer was adopted by Council on 22 July 2009.

Section 98(6) of the Local Government Act 1989 requires that a Council must review within the period of 12 months after a general election all delegations which are in force and have been made by the Council

#### Proposal

Through the Delegations and Authorisations Service provided to Council by Maddocks Lawyers an update to the Instrument of Delegation from Council to the Chief Executive Officer has been received and incorporated into this Instrument. The reference noting the declarations of impartiality by valuers has been removed from the conditions and limitations due to section 13DH(3) of the Valuation of Land Act 1960 no longer being in force and, as such, councils are no longer required to note such declarations in their minutes of council meetings.

It is now proposed under section 98(1) of the Local Government Act 1989 for Council to grant by a new Instrument of Delegation to its Chief Executive Officer the following:-

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.

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

4. if the issue, action, act or thing is an issue, action, act or thing which involves,
  - 4.1 awarding a contract exceeding the value of \$500,000.00;
  - 4.2 making a local law under Part 5 of the Act;
  - 4.3 approval of the Council Plan under section 125 of the Act;
  - 4.4 adoption of the Strategic Resource Plan under section 126 of the Act;
  - 4.5 preparation or adoption of the Budget or a Revised budget under Part 6 of the Act;
  - 4.6 adoption of the Auditor's Report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
  - 4.7 determining pursuant to section 37 of the Act that an extraordinary vacancy on Council not be filled;
  - 4.8 exempting a member of a special committee who is not a Councillor from submitting a return under section 81 of the Act;
  - 4.9 appointment of Councillor or community delegates or representatives to external organisations; or
  - 4.10 the return of the general valuation and any supplementary valuations.
5. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
6. 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
  - 6.1 policy; or
  - 6.2 strategy

adopted by Council; or

7. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
8. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff;
9. full details of any contract awarded exceeding \$100,000 is to be reported to Council within 14 days of the contract being awarded through the current Councillor Information Bulletin.

It is now proposed to place before Council the Instrument of Delegation which forms an attachment to this report for the approval and adoption by Council.

### Policy Implications

The 2013 . 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Representation and Leadership of our Community
<b>Objective</b>	Good governance through open and transparent processes and strong accountability to the community
<b>Strategy</b>	Ensure policies and good governance are in accordance with legislative requirements and best practice..

The proposal to grant by Instrument of Delegation from Council to its Chief Executive Officer is consistent with the 2013-2017 Council Plan.

### Financial Implications

There are no financial implications.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Public Liability	Professional indemnity	High	Insurance cover for staff

### Communications Strategy

The Instrument of Delegation has been the subject of Council management staff involvement and review.

## **Victorian Charter of Human Rights and Responsibilities Act 2006**

In developing this report to Council the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

### **Officer's Declaration of Conflict of Interests**

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

#### *General Manager – Shane Marr*

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

#### *Author – Michelle Morrow*

In providing this advice to Council as the Author, I have no interests to disclose in this report.

### **Conclusion**

This report brings to Council an Instrument of Delegation to the Council Chief Executive Officer granting delegated powers for and on behalf of Council under section 98(1) of the Local Government Act 1989 as set out in the Instrument of Delegation.

It is recommended that Council approve and adopt the Instrument of Delegation to the Chief Executive Officer.

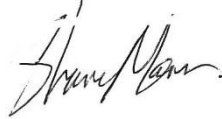
### **Recommendation:**

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

- 1. There be delegated to the person holding the position, 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.**
- 2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.**
- 3. On the coming into force of the Instrument all previous delegations to the Chief Executive Officer are revoked.**

4. **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.**
  5. **It is noted that the Instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.**
- 

**Report Authorisation**



**Authorised by:**

**Name:** Shane Marr  
**Title:** General Manager Corporate Services  
**Date:** Thursday 22 August 2013



# Attachment - Item 11.5.1

**Moorabool Shire Council**

**Instrument of Delegation**

**to**

**The Chief Executive Officer**

## Instrument of Delegation

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

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on Wednesday 4 September, 2013;
2. the delegation
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 is subject to any conditions and limitations set out in the Schedule;
  - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.4 remains in force until Council resolves to vary or revoke it.
3. The member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

THE COMMON SEAL of the MOORABOOL  
SHIRE COUNCIL was affixed by the authority of the  
Council in the presence of .

..... Mayor/Councillor

..... Chief Executive Officer

..... Date

## SCHEDULE

The power to

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

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

### Conditions and Limitations

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

4. if the issue, action, act or thing is an issue, action, act or thing which involves
  - 4.1 awarding a contract exceeding the value of \$500,000;
  - 4.2 making a local law under Part 5 of the Act;
  - 4.3 approval of the Council Plan under s.125 of the Act;
  - 4.4 adoption of the Strategic Resource Plan under s.126 of the Act;
  - 4.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
  - 4.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
  - 4.7 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
  - 4.8 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
  - 4.9 appointment of councillor or community delegates or representatives to external organisations; or
  - 4.10 the return of the general valuation and any supplementary valuations;
5. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

6. 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
  - 6.1 policy; or
  - 6.2 strategyadopted by Council; or
7. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
8. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.
9. Full details of any contract awarded exceeding \$100,000.00 is to be reported to Council within 14 days of the contract being awarded through the Councillor Information Bulletin.

## **11.5.2 Instrument of Delegation from Council to Members of Council Staff (other than the CEO)**

### **Introduction**

File No.: 02/06/002  
Author: Michelle Morrow  
General Manager: Shane Marr

### **Background**

Instruments of Delegation are part of the Governance framework of Moorabool Shire. Under the Governance framework, the Council sets the policy and the officers are then delegated the power to implement the policy. This allows for efficient Council operations and frees up time for further policy development by both Councillors and officers.

In accordance with section 98(1) of the Local Government Act 1989, a Council may by Instrument of Delegation delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act other than .

- (g) this power of delegation; and
- (h) the power to declare a rate or charge; and
- (i) the power to borrow money; and
- (j) the power to approve any expenditure not contained in a budget approved by Council; and
- (k) any power, duty or function of the Council under section 223; and
- (l) any prescribed power.

The Instrument of Delegation is apart from the delegated power that Council has given to its Chief Executive Officer by resolution of Council and the Instrument of Delegation that the Chief Executive Officer has given to members of the Council staff under section 98(2) and (3) of the Local Government Act 1989.

Through the Delegations and Authorisations Service provided to Council by Maddocks Lawyers two updates have been received as at December 2012 followed by a first update for 2013 in May which affects Councilsqpowers, functions and duties. In addition, there have been a number of title changes as a result of the organisational restructure in June 2013..

On Wednesday 21 August 2013, Council reviewed each update at an Assembly of Council prior to the Instrument of Delegation to Members of Council staff being presented to Council.

## Proposal

It is now proposed under section 98(1) of the Local Government Act 1989 for Council to grant by instrument of delegation to members of its staff any power, duty or function of the Council under the following Acts and Regulations of Parliament:

- Cemeteries and Crematoria Act 2003;
- Cemeteries and Crematoria Regulations 2005;
- Domestic Animals Act 1994;
- Environment Protection Act 1970;
- Food Act 1984;
- Heritage Act 1995;
- Planning and Environment Act 1987;
- Planning and Environment Regulations 2005;
- Planning and Environment (Fees) Regulations 2013;
- Rail Safety Act 2006;
- Residential Tenancies Act 1997;
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010;
- Road Management Act 2004;
- Road Management (General) Regulations 2005; and
- Road Management (Works and Infrastructure) Regulations 2005.

During the course of the preparation of this Instrument of Delegation from Council to Members of Council Staff all relevant Council departmental managers were involved in reviewing the relevant Acts of Parliament obligations associated with their daily tasks and submitted for inclusion into the Instrument of Delegation document.

## Consideration

It is proposed that the Instrument of Delegation be granted to the positions of members of Council staff rather than to the individual staff members. This means that the delegation will still apply to the incumbent of the position should there be a change in personnel. It is imperative that Council staff have the correct Instrument of Delegation for dealing with matters under the various Acts and Regulations of Parliament.

### Cemeteries and Crematoria Act 2003 and Regulations 2005;

The provisions of this Act apply to councils appointed as a cemetery trust under section 5 of this Act and also apply to councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53).

### Domestic Animals Act 1994

This legislation makes provision for the power and duties to declare a dog to be a menacing dog and the current provisions are deemed adequate.

### Environment Protection Act 1970

This section of the legislation is regarding Septic Tank permits. The current provision is that Council must ratify any decision to refuse a permit before it takes effect and this is still considered to be adequate.

### Food Act 1984

This section delegates powers regarding Food Safety and Registration of Food Premises. The current instrument of delegation is adequate.

### Planning and Environment Act 1987 and Planning and Environment Regulations 2013

The Planning and Environment Amendment (General) Act 2013 amends the Planning and Environment Act 1987 to implement Government election commitments and to introduce process improvements and red tape reductions to Victoria's planning system.

The key planning reforms in the General Act are to:

- abolish Development Assessment Committees
- provide for a Planning Application Committee to work with councils to deliver better local planning decisions
- provide for two types of referral authority that will be set out in planning schemes
- improve the exchange of information between responsible authorities, referral authorities and applicants
- provide for reporting to the Minister by planning authorities, responsible authorities and referral authorities to improve the transparency of the planning system
- improve the processes for amending planning schemes and assessing planning permit applications by reducing delays and speeding up information exchange
- streamline the decision-making process at the Victorian Civil and Administrative Tribunal
- improve the operation of planning agreements by expanding the options for amending and ending agreements
- make miscellaneous changes to improve the operation of the Planning and Environment Act 1987.

The General Act also amends the Subdivision Act 1988 in relation to public open space and includes consequential minor changes to the Subdivision Act 1988 and Local Government Act 1989.

The General Act will be implemented in two stages:

Stage 1 . Amendments that can be implemented without the need for further action or consultation.

Stage 2 . Amendments that need further actions before they can become operational. This stage will be implemented by 28 October 2013.

### Rail Safety Act 2006

Where Council is the relevant road manager this section relates to the duty to identify and assess risks to safety in accordance with sections within the Act, to seek to enter into a safety interface agreements with rail infrastructure manager and comply with directions from rail safety director. The current provisions are adequate.



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 1999:

This section relates to the registration and maintenance and standards of caravan parks and the current provisions are adequate.

Road Management Act 2004

The delegations under the Road Management Act 2004 include provisions relating to the declaration and naming of a road, the discontinuance of a road, management of a road including carrying out of inspections, placing of advertising signs on roads, the appointment of Authorised Officers, access to roads and the carrying out of works on a road. These delegations are considered adequate.

Road Management (General) Regulations 2005

This section delegates powers relating to the Road Management Plan and the protection of roads and property and is considered adequate.

Road Management (Works and Infrastructure) Regulations 2005.

The only authority delegated here is that the coordinating road authority may give exemption from requirement to give notice of completion of works.

It is also to be noted that certain powers of delegation have not been granted under the following Acts and Regulations.

- Cemeteries and Crematoria Regulations 2005
- Heritage Act 1995,
- Planning and Environment Act 1987,
- Residential Tenancies Act 1997
- Road Management Act 2004 and
- Road Management (Works and Infrastructure) Regulations 2005.

In each of these cases, Council resolves accordingly as and when required. Where powers of delegation have not been delegated, the Instrument under column 3 will reflect as such.

It is now proposed to place before Council the Instrument of Delegation for the approval and adoption by Council under Seal.

**Policy Implications**

The 2013 . 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Representation and Leadership of our Community
<b>Objective</b>	Good governance through open and transparent processes and strong accountability to the community
<b>Strategy</b>	Ensure policies and good governance are in accordance with legislative requirements and best practice..

The proposal to grant by Instrument of Delegation from Council to members of Council staff is consistent with the 2013-2017 Council Plan.

### Financial Implications

The only financial implications to Council are officer's administrative time in preparing this report and the Instrument of Delegation for adoption by Council.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Public Liability	Professional indemnity	High	Insurance cover for staff

### Communications Strategy

The Instrument of Delegation has been the subject of Council management staff involvement and workshops.

### Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

### Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

#### *General Manager – Shane Marr*

In providing this advice to Council as the Author, I have no interests to disclose in this report.

#### *Author – Michelle Morrow*

In providing this advice to Council as the Author, I have no interests to disclose in this report.

### Conclusion

This report brings to Council an Instrument of Delegation from Council to Members of Council Staff as nominated within the Instrument of Delegation granting delegated powers for and on behalf of Council under various Acts and Regulations of Parliament as set out in the Instrument of Delegation.

The Instrument of Delegation will assist in the provision of excellent customer service in all areas dealing with the community through procedures and policies that are transparent and accountable.

In accordance with section 98(6) of the Local Government Act 1989, and updates received through the Delegations and Authorisations Service, Council will review this Instrument of Delegation within 12 months.

**Recommendation:**

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

1. **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.**
2. **The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.**
3. **On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
4. **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.**

---

**Report Authorisation**

**Authorised by:**



**Name:** Shane Marr  
**Title:** General Manager Corporate Services  
**Date:** Thursday 22 August 2013

# Attachment - Item 11.5.2

**Moorabool Shire Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**

## Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached Schedule, the Council:

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

CCHS	means	Coordinator Community Health and Safety
CEO	means	Chief Executive Officer
CEP	means	Coordinator Environmental Planning
CSO	means	Community Safety Officer
CSP	means	Coordinator Statutory Planning
CSTP	means	Coordinator Strategic Planning
EHO	means	Environmental Health Officer
GMCS	means	General Manager Corporate Services
GMGD	means	General Manager Growth and Development
GMI	means	General Manager Infrastructure
MA	means	Manager Assets
MES	means	Manager Engineering Services
MF	means	Manager Finance
MO	means	Manager Operations
MSPCS	means	Manager Statutory and Community Safety
MSSD	means	Manager Strategic & Sustainable Development
SCSO	means	Senior Community Safety Officer
SEHO	means	Senior Environmental Health Officer
SP	means	Statutory Planner
SSP	means	Senior Statutory Planner
SSTP	means	Senior Strategic Planner

declares that:

- 2.1 this Instrument of Delegation is authorised by a Resolution of Council passed on Wednesday 4 September 2013;
- 2.2 the delegation:
  - 2.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2.2 remains in force until varied or revoked;
  - 2.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
  - 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

- 2.3 the delegate must not determine the issue, take the action or do the act or thing:
- 2.3.1 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
  - 2.3.2 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; or
  - 2.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
  - 2.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

THE COMMON SEAL OF THE )  
 MOORABOOL SHIRE COUNCIL )  
 was affixed by authority of the Council )  
 in the presence of: )

.....  
 Mayor/Councillor

.....  
 Chief Executive Officer

Date: .....

# SCHEDULE



## INDEX

<b>CEMETERIES AND CREMATORIA ACT 2003 .....</b>	<b>1</b>
<b>DOMESTIC ANIMALS ACT 1994.....</b>	<b>15</b>
<b>ENVIRONMENT PROTECTION ACT 1970.....</b>	<b>16</b>
<b>FOOD ACT 1984.....</b>	<b>17</b>
<b>HERITAGE ACT 1995.....</b>	<b>24</b>
<b>PLANNING AND ENVIRONMENT ACT 1987.....</b>	<b>25</b>
<b>RAIL SAFETY ACT 2006.....</b>	<b>53</b>
<b>RESIDENTIAL TENANCIES ACT 1997 .....</b>	<b>55</b>
<b>ROAD MANAGEMENT ACT 2004 .....</b>	<b>57</b>
<b>CEMETERIES AND CREMATORIA REGULATIONS 2005 .....</b>	<b>67</b>
<b>PLANNING AND ENVIRONMENT REGULATIONS 2005.....</b>	<b>70</b>
<b>PLANNING AND ENVIRONMENT INTERIM (FEES) REGULATIONS 2013 .....</b>	<b>71</b>
<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010 .....</b>	<b>72</b>
<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2005 .....</b>	<b>75</b>
<b>ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2005.....</b>	<b>76</b>

**CEMETERIES AND CREMATORIA ACT 2003**  
 The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.8(1)(a)(ii)	power to manage one or more public cemeteries	GMCS	where appointed to manage cemetery by Governor in Council
s.12(1)	function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	GMCS	where council is a Class B cemetery trust
s.12(2)	duty to have regard to the matters set out in paragraphs (a)-(c) in exercising its functions	GMCS	where council is a Class B cemetery trust
s.12A(1)	function to do the activities set out in paragraphs (a) – (n)	GMCS	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	GMCS	where council is a Class A cemetery trust
s.13	duty to do anything necessary or convenient to enable it to carry out its functions	GMCS	
s.14	power to manage multiple public cemeteries as if they are one cemetery	GMCS	
s.15(1) and (2)	power to delegate powers or functions other than those listed	GMCS	
s.15(4)	duty to keep records of delegations	GMCS	
s.17(1)	power to employ any persons necessary	GMCS	
s.17(2)	power to engage any professional, technical or other assistance considered necessary	GMCS	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s. 17(3)	power to determine the terms and conditions of employment or engagement	GMCS	subject to the any guidelines or directions of the Secretary
s.18(3)	duty to comply with a direction from the Secretary	GMCS	
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	GMCS	where council is a Class A cemetery trust
s.18C	power to determine the membership of the governance committee	GMCS	where council is a Class A cemetery trust
s.18D	power to determine procedure of governance committee	GMCS	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	GMCS	where council is a Class A cemetery trust
s.18D(1)(b)	power to appoint any additional community advisory committees	GMCS	where council is a Class A cemetery trust
s.18D(2)	duty to establish a community advisory committee under section 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	GMCS	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>	GMCS	where council is a Class A cemetery trust
s.18F(2)	duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	GMCS	where council is a Class A cemetery trust

**CEMETERIES AND CREMATORIA ACT 2003**  
 The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.18H(1)	duty to hold an annual meeting before 30 December in each calendar year, in accordance with section	GMCS	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	GMCS	where council is a Class A cemetery trust
s.18J	duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in section 18J(2))	GMCS	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	GMCS	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)	GMCS	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	GMCS	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	GMCS	where council is a Class A cemetery trust
s.18N(7)	duty to ensure that an approved annual plan is available to members of the public on request	GMCS	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	GMCS	where council is a Class A cemetery trust

**CEMETERIES AND CREMATORIA ACT 2003**  
 The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.18O(4)	duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	GMCS	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	GMCS	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.	GMCS	where council is a Class A cemetery trust
s.19	power to carry out or permit the carrying out of works	GMCS	
s.20(1)	duty to set aside areas for the interment of human remains	GMCS	
s.20(2)	power to set aside areas for the purposes of managing a public cemetery	GMCS	
s.20(3)	power to set aside areas for those things in paragraphs (a) – (e)	GMCS	
s.21(1)	power to establish and operate a crematorium in a public cemetery	GMCS	<ul style="list-style-type: none"> <li>▪ council must not establish or operate a crematorium set aside for particular religious or community groups.</li> </ul>
s.22	power to establish mausolea facilities	GMCS	<ul style="list-style-type: none"> <li>▪ subject to the prior written approval of the Secretary</li> </ul>
s.24(2)	power to apply to the Secretary for approval to alter the existing distribution of land	GMCS	

**CEMETERIES AND CREMATORIA ACT 2003**

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.26(1)	power to make rules for or with respect to the general care, protection and management of a public cemetery	GMCS	
s.36	power to grant licences to enter and use part of the land or building in a public cemetery in accordance with this section	GMCS	<ul style="list-style-type: none"> <li>▪ subject to the approval of the Minister</li> </ul>
s.37	power to grant leases over land in a public cemetery in accordance with this section	GMCS	<ul style="list-style-type: none"> <li>▪ subject to the Minister approving the purpose</li> </ul>
s.39(1)	power to fix fees and charges or a scale of fees and charges for its services in accordance with this section	GMCS	subject to the approval of the Secretary under section 40 unless exempt under section 40A
s.39(3)	power to fix different fees and charges for different cases or classes of cases	GMCS	
s.40	duty to notify Secretary of fees and charges fixed under section 39	GMCS	
s.45	power to invest money	GMCS	<p>subject to any direction of the Minister</p> <p>This provision does not apply if the management of the public cemetery is a municipal council, not a cemetery trust. In this case, the borrowing &amp; investment powers are governed by the Local Government Act 1989.</p>

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46	power to borrow money to enable it to perform its functions and exercise its powers	GMCS	subject to the approval and conditions of the Treasurer  This provision does not apply if the management of the public cemetery is a municipal council, not a cemetery trust. In this case, the borrowing & investment powers are governed by the Local Government Act 1989.
s.47	power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	GMCS	provided the street was constructed pursuant to the Local Government Act 1989
s.57(1)	duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	GMCS	applies only to municipal councils, not cemetery trusts  report must contain the particulars listed in s.57(2)
s.59	duty to keep records for each public cemetery	GMCS	
s.60(1)	duty to make information in records available to the public for historical or research purposes	GMCS	
s.60(2)	power to charge fees for providing information	GMCS	
s.64(4)	duty to comply with a direction from the Secretary under section 64(3)	GMCS	
s.64B(d)	power to permit interments at a reopened cemetery	GMCS	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.66(1)	power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	GMCS	the application must include the requirements listed in s.66(2)(a)–(d)
s.69	duty to take reasonable steps to notify of conversion to historic cemetery park	GMCS	
s.70(1)	duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	GMCS	
s.70(2)	duty to make plans of existing place of interment available to the public	GMCS	
s.71(1)	power to remove any memorials or other structures in an area to which an approval to convert applies	GMCS	
s.71(2)	power to dispose of any memorial or other structure removed	GMCS	
s.72(2)	duty to comply with request received under section 72	GMCS	
s.73(1)	power to grant a right of interment	GMCS	
s.73(2)	power to impose conditions on the right of interment	GMCS	
s.75	power to grant the rights of interment set out in subsections (a) and (b)	GMCS	
s.76(3)	duty to allocate a piece of interment if an unallocated right is granted	GMCS	



**CEMETERIES AND CREMATORIA ACT 2003**

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	GMCS	
s.80(1)	function of receiving notification and payment of transfer of right of interment	GMCS	
s.80(2)	function of recording transfer of right of interment	GMCS	
s.82(2)	duty to pay refund on the surrender of an unexercised right of interment	GMCS	
s.83(2)	duty to pay refund on the surrender of an unexercised right of interment (sole holder)	GMCS	
s.83(3)	power to remove any memorial and grant another right of interment for a surrendered right of interment	GMCS	
s.84(1)	function of receiving notice of surrendering an entitlement to a right of interment	GMCS	
s.85(1)	duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	GMCS	the notice must be in writing and contain the requirements listed in s.85(2)
s.86	power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	GMCS	
s.87(3)	duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	GMCS	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.88	function to receive applications to carry out a lift and re-position procedure at a place of interment	GMCS	
s.89(1)	power to approve or refuse an application for a lift and re-position procedure in accordance with subsection (2) & (3)	GMCS	can only be delegated to members of a committee established under section 86 of the <i>Local Government Act 1989</i>
s.90	power to authorise a person without an exhumation licence to carry out a lift and re-position procedure as set out in section 90(1)(a)-(d)	GMCS	can only be delegated to members of a committee established under section 86 of the <i>Local Government Act 1989</i>
s.91(1)	power to cancel a right of interment in accordance with this section	GMCS	
s.91(3)	duty to publish notice of intention to cancel right of interment	GMCS	
s.92	power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	GMCS	
s.98(1)	function of receiving application to establish or alter a memorial or a place of interment	GMCS	
s.99	power to approve or refuse an application made under section 98, or to cancel an approval	GMCS	
s.99(4)	duty to make a decision on an application under section 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	GMCS	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.100(1)	power to require a person to remove memorials or places of interment	GMCS	
s.100(2)	power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with section 100(1)	GMCS	
s.100(3)	power to recover costs of taking action under section 100(2)	GMCS	
s.101	function of receiving applications to establish or alter a building for ceremonies in the cemetery	GMCS	
s.102(1)	power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	GMCS	
s.102(2) & (3)	power to set terms and conditions in respect of, or to cancel, an approval granted under section 102(1)	GMCS	
s.103(1)	power to require a person to remove a building for ceremonies	GMCS	
s.103(2)	power to remove and dispose of a building for ceremonies or remedy the failure to comply with section 103(1)	GMCS	
s.103(3)	power to recover costs of taking action under section 103(2)	GMCS	
s.106(1)	power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	GMCS	

**CEMETERIES AND CREMATORIA ACT 2003**

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.106(2)	power to require the holder of the right of interment to provide for an examination	GMCS	
s.106(3)	power to open and examine the place of interment if section 106(2) not complied with	GMCS	
s.106(4)	power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under section 106(1) is not complied with	GMCS	
s.107(1)	power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	GMCS	
s.107(2)	power to repair or take down, remove and dispose any building for ceremonies if notice under section 107(1) is not complied with	GMCS	
s.108	power to recover costs and expenses	GMCS	
s.109(1)(a)	power to open, examine and repair a place of interment	GMCS	where the holder of right of interment or responsible person cannot be found
s.109(1)(b)	power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	GMCS	where the holder of right of interment or responsible person cannot be found
s.109(2)	power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	GMCS	where the holder of right of interment or responsible person cannot be found

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

**CEMETERIES AND CREMATORIA ACT 2003**  
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.145	duty to comply with an order made by the Magistrates' Court or a coroner	GMCS	
s.146	power to dispose of bodily remains by a method other than interment or cremation	GMCS	subject to the approval of the Secretary
s.147	power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	GMCS	
s.149	duty to cease using method of disposal if approval revoked by the Secretary	GMCS	
s.150 & 152(1)	power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	GMCS	
s.151	function of receiving applications to inter or cremate body parts	GMCS	
s.152(2)	power to impose terms and conditions on authorisation granted under section 150.	GMCS	
Schedule 1 clause 8(3)	power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	GMCS	where council is a Class B cemetery trust
Schedule 1 clause 8(8)	power to regulate own proceedings	GMCS	where council is a Class B cemetery trust subject to clause 8

**CEMETERIES AND CREMATORIA ACT 2003**

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 1A clause 8(3)	power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	GMCS	where council is a Class A cemetery trust
Schedule 1A clause 8(8)	power to regulate own proceedings	GMCS	where council is a Class A cemetery trust subject to clause 8

**DOMESTIC ANIMALS ACT 1994**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s.41A(1)	power to declare a dog to be a menacing dog	GMGD, MSPCS, CCHS, SCSO, CSO	Council may delegate this power to an authorised officer



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

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	CCHS, SEHO, EHO	If section 19(1) applies
s.19(2)(b)	power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	CCHS, SEHO, EHO	If section 19(1) applies
s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CCHS, SEHO, EHO	If section 19(1) applies
s.19(4)(b)	duty to notify the Department of the making of the order	CCHS, SEHO, EHO	If section 19(1) applies
s.19(4)(c)	duty to notify the registration authority of the making of the order and any appeal and the outcome of the appeal	CCHS, SEHO, EHO	If section 19(1) applies and if council is not the registration authority
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	CCHS, SEHO, EHO	If section 19(1) applies
s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	CCHS, SEHO, EHO	If section 19(1) applies
s.19AA(2)	power to direct, by written order, that a person must take any of the actions described in (a)-(c).	CCHS, SEHO, EHO	where council is the registration authority
s.19AA(4)(c)	power to direct, in an order made under s.19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	CCHS, SEHO, EHO	Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	CCHS, SEHO, EHO	where council is the registration authority
s.19A(4)(b)	function of receiving notice from authorised officer	CCHS, SEHO, EHO	where council is the registration authority
s.19BA(3)	duty to give notice of the variation or revocation of the order to the general public in the same manner as the original notice	CCHS, SEHO, EHO	must be done by the same person as gave the original notice
s.19CB(4)(b)	power to request copy of records	CCHS, SEHO, EHO	where council is the registration authority
s.19E(1)(d)	power to request a copy of the food safety program	CCHS, SEHO, EHO	where council is the registration authority
s.19EA(3)	function of receiving a copy of any significant revision made to the food safety program	CCHS, SEHO, EHO	where council is the registration authority
s.19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CCHS, SEHO, EHO	where council is the registration authority
s.19H(5)(a) & (5)(b)	duty to take into account (a) the food safety performance of the food business; and (b) any guidelines issued by the Secretary in determining the frequency and intervals of the assessments and audits	CCHS, SEHO, EHO	where council is the registration authority
s.19I	duty to conduct a food safety assessment as required under section 19H	CCHS, SEHO, EHO	Subject to section 19J where council is the registration authority
s.19IA(2)	duty to give written notice to proprietor if food safety requirements or section 19DC(2) have not been complied with unless subsection (3) applies.	CCHS, SEHO, EHO	where council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	CCHS, SEHO, EHO	where council is the registration authority
s.19N	function of receiving information from a food safety auditor	CCHS, SEHO, EHO	where council is the registration authority
s.19NA(1)	power to request food safety audit reports	CCHS, SEHO, EHO	where council is the registration authority
s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	CCHS, SEHO, EHO	
s.19U(4)	duty to ensure that information relating to costs of a food safety audit are available for inspection by the public	CCHS, SEHO, EHO	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	CCHS, SEHO, EHO	except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.
s.19UA(4)	duty to consider proprietor's history of compliance in deciding whether to charge the fee	CCHS, SEHO, EHO	
s.19UA(5)	duty to ensure that the method of determining a fee under subsection (3)(a) and the considerations that apply under subsection (4) are available for inspection by the public	CCHS, SEHO, EHO	
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CCHS, SEHO, EHO	where council is the registration authority
s.19W(3)(a)	power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CCHS, SEHO, EHO	where council is the registration authority
s.19W(3)(b)	power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CCHS, SEHO, EHO	where council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
---	power to register, renew or transfer registration	CCHS, SEHO, EHO	where council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))
s.35A(2)	function of receiving notice of operation from the proprietor of a food premises	CCHS, SEHO, EHO	where council is the registration authority
s.37	function of receiving application, information and documents required under section 36 from the proprietor of a food business	CCHS, SEHO, EHO	
s.38(3)	duty to consult with the Secretary about the proposed exemption under section 38(2)	CCHS, SEHO, EHO	
s.38AA(2)	function of being notified of operation	CCHS, SEHO, EHO	where council is the registration authority
s.38AA(4)	duty to determine whether the food premises are exempt from the requirement of registration	CCHS, SEHO, EHO	where council is the registration authority
s.38AA(5)	power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	CCHS, SEHO, EHO	where council is the registration authority
s.38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	CCHS, SEHO, EHO	where council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	CCHS, SEHO, EHO	where council is the registration authority
s.38A(5) & (6)	function of receiving a food safety audit certificate from a proprietor	CCHS, SEHO, EHO	where council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	CCHS, SEHO, EHO	where council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	CCHS, SEHO, EHO	where council is the registration authority
s.38B(1)(c)	duty to inspect premises	CCHS, SEHO, EHO	where council is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	CCHS, SEHO, EHO	where council is the registration authority
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	CCHS, SEHO, EHO	where council is the registration authority
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	CCHS, SEHO, EHO	where council is the registration authority
s.38D(3)	power to request copies of any audit reports	CCHS, SEHO, EHO	where council is the registration authority
s.38E(1)(c)	function of assessing the requirement for a food safety program	CCHS, SEHO, EHO	where council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	CCHS, SEHO, EHO	where council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).
s.38E(3)(a)	function of receiving certificates	CCHS, SEHO, EHO	where council is the registration authority
s.38E(4)	duty to register the food premises when conditions are satisfied	CCHS, SEHO, EHO	where council is the registration authority
s.38F(3)(a)	duty to note the change to the classification of the food premises on the certificate of registration	CCHS, SEHO, EHO	where council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	CCHS, SEHO, EHO	where council is the registration authority
s.39(2)	duty to inspect within 12 months before renewal of registration	CCHS, SEHO, EHO	where council is the registration authority
s.39(3)	duty to inspect within 3 months before renewal of registration if circumstances in section 39(3)(a)-(d) apply	CCHS, SEHO, EHO	where council is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	CCHS, SEHO, EHO	where council is the registration authority only if satisfied of matters in subsections (2)(a)-(c)
s.39A(6)	duty to comply with direction of Secretary.	CCHS, SEHO, EHO	
s.40(1)	duty to issue a certificate of registration in the prescribed form	CCHS, SEHO, EHO	where council is the registration authority
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	CCHS, SEHO, EHO	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	CCHS, SEHO, EHO	where council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	CCHS, SEHO, EHO	where council is the registration authority
s.40D(2)	duty to specify how long a suspension is to last under s.40D(1)	CCHS, SEHO, EHO	where council is the registration authority
s.40E(4)	duty to comply with direction of Secretary	CCHS, SEHO, EHO	
s.43(1) and (2)	duty to maintain records of the prescribed particulars and orders in force under Part III	CCHS, SEHO, EHO	where council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.43(3)	duty to make available information held in records, free of charge, on request	CCHS, SEHO, EHO	where council is the registration authority
s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	CCHS, SEHO, EHO	where council is the registration authority
s.43F(7)	power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	CCHS, SEHO, EHO	where council is the registration authority
s.43I	function of receiving a statement of trade of a proprietor of a food business	CCHS, SEHO, EHO	
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CCHS, SEHO, EHO	where council is the registration authority



<b>HERITAGE ACT 1995</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.84(2)	power to sub-delegate Executive Director's functions	Not delegated	must obtain Executive Director's written consent first.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.4B	power to prepare an amendment to the Victoria Planning Provisions	GMGD, MSPCS, MSSD	if authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	GMGD, MSPCS, MSSD	
s.4H	duty to make amendment to Victoria Planning Provisions available	GMGD, MSPCS, MSSD, CSTP	
s.4I	duty to keep Victoria Planning Provisions and other documents available	GMGD, MSPCS, MSSD, SSTP, CSTP	
s.8A(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	GMGD, MSPCS, MSSD, SSTP, CSTP	
s. 8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	GMGD, MSPCS, MSSD, SSTP, CSTP	
s.8A(5)	function of receiving notice of the Minister's decision	GMGD, MSPCS, MSSD, SSTP, CSTP	Note: this section is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
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	GMGD, MSPCS, MSSD	Note: this section is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	GMGD, MSPCS, MSSD	Note: this section is not yet in force and will commence on 28 October 2013, if not proclaimed earlier

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.11(3)(b)	duty to submit amendment to planning scheme to Minister for approval if the Minister withdraws authorisation		Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
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	GMGD, MSPCS, MSSD	
s 12A(1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under section 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> )	GMGD, MSPCS, MSSD	
s.12B(1)	duty to review planning scheme	GMGD, MSPCS, MSSD	
s.12B(2)	duty to review planning scheme at direction of Minister	GMGD, MSPCS, MSSD	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	GMGD, MSPCS, MSSD	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	GMGD, MSPCS, MSSD	
s.17(1)	duty of giving copy amendment to the planning scheme	GMGD, MSPCS, MSSD, SSTP, CSTP	
s.17(2)	duty of giving copy s.173 agreement	GMGD, MSPCS, MSSD	
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	GMGD, MSPCS, MSSD	Note: this section is not yet in force and will commence on 28 October 2013, if not proclaimed earlier

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.18	duty to make amendment etc. available	GMGD, MSPCS, MSSD, SSTP, CSTP	
s.19	power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under section 19 to a planning scheme	GMGD, MSPCS, MSSD	
s.20(1)	power to apply to Minister for exemption from the requirements of section 19	GMGD, MSPCS, MSSD	
s.21(2)	duty to make submissions available	GMGD, MSPCS, MSSD, SSTP, CSTP	
s.21A(4)	duty to publish notice in accordance with section	GMGD, MSPCS, MSSD	
s.22	duty to consider all submissions	GMGD, MSPCS, MSSD	
s.23(2)	power to refer submissions to a panel	GMGD, MSPCS, MSSD	
s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in section 96D)	GMGD, MSPCS, MSSD, SSTP, CSTP	
s.26(1)	power to make report available for inspection	GMGD, MSPCS, MSSD, SSTP, CSTP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.26(2)	duty to keep report of panel available for inspection	GMGD, MSPCS, MSSD, SSTP, CSTP	
s.27(2)	power to apply for exemption if panel's report not received	GMGD, MSPCS, MSSD	
s.28	duty to notify the Minister if abandoning an amendment	Not Delegated	Note: the power to make a decision to abandon an amendment cannot be delegated
s.30(4)(a)	duty to say if amendment has lapsed	GMGD, MSPCS, MSSD	
s.30(4)(b)	duty to provide information in writing upon request	GMGD, MSPCS, MSSD, SSTP	
<del>s.31</del>	<del>duty to submit adopted amendment to Minister and, if applicable, details under section 19(1B)</del>		Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.32(2)	duty to give more notice if required	GMGD, MSPCS, MSSD, SSTP, CSTP	
s.33(1)	duty to give more notice of changes to an amendment	GMGD, MSPCS, MSSD, SSTP, CSTP	
<del>s.35A(2)</del>	<del>duty to no approve an amendment under section 35B unless the amendment has been certified by the Secretary</del>		Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
<del>s.35B(1)</del>	<del>power to approve amendment in form certified under section 35A</del>		Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
<del>s.35B(2)</del>	<del>duty to give to Minister notice of approval, copy of approved amendment and other documents</del>		Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.36(2)	duty to give notice of approval of amendment	GMGD, MSPCS, MSSD, SSTP, CSTP	
s.38(5)	duty to give notice of revocation of an amendment	GMGD, MSPCS, MSSD	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	GMGD, MSPCS, MSSD, SSTP, CSTP	
s.40(1)	function of lodging copy of approved amendment	GMGD, MSPCS, MSSD, SSTP, CSTP	
<del>s.40(1A)</del>	<del>Duty to lodge prescribed documents and copy of approved amendment with the relevant authorities</del>		Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.41	duty to make approved amendment available	GMGD, MSPCS, MSSD, SSTP, CSTP	
s.42	duty to make copy of planning scheme available	GMGD, MSPCS, MSSD, SSTP, CSTP, CSP	
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	GMGD, MSPCS	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	GMGD, MSPCS, MSSD	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	GMGD, MSPCS, MSSD	
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	GMGD, MSPCS, MSSD	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	GMGD, MSPCS, MSSD	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	GMGD, MSPCS, MSSD	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	GMGD, MSPCS, MSSD	
s.46Q(1)	duty to keep proper accounts of levies paid	GMGD, MSPCS, MSSD, MF	
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	GMGD, MSPCS, MSSD	
s.46Q(2)	duty to apply levy only for a purpose relating to the provision of the works, services and facilities in respect of which the levy was paid etc.	GMGD, MSPCS, MSSD	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	GMGD, MSPCS, MSSD	only applies when levy is paid to Council as a 'development agency'

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46Q(4)(c)	duty to pay amount to current owners of land in the area	GMGD, MSPCS, MSSD	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	GMGD, MSPCS, MSSD	must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that amount on other works etc.	GMGD, MSPCS, MSSD	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	GMGD, MSPCS, MSSD	
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	GMGD, MSPCS, MSSD	
s.46Y	duty to carry out works in conformity with the approved strategy plan	GMGD, MSPCS, MSSD	
s.47	power to decide that an application for a planning permit does not comply with that Act	GMGD, MSPCS, MSSD, CSP, SSP	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	GMGD, MSPCS, CSP, SSP	
s.49(2)	duty to make register available for inspection	GMGD, MSPCS, CSP, SSP	
s.50(4)	duty to amend application	GMGD, MSPCS, CSP	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.50(5)	power to refuse to amend application	GMGD, MSPCS, CSP	
s.50(6)	duty to make note of amendment to application in register	GMGD, MSPCS, CSP, SSP	
s.50A(1)	power to make amendment to application	GMGD, MSPCS, SSP, CSP	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	GMGD, MSPCS, SSP, CSP	
s.50A(4)	duty to note amendment to application in register	GMGD, MSPCS, CSP, SSP	
s.51	duty to make copy of application available for inspection	GMGD, MSPCS, SSP, CSP	
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	GMGD, MSPCS, SSP, CSP, SP	
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	GMGD, MSPCS, SSP, CSP, SP	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	GMGD, MSPCS, SSP, CSP, SP	
s.52(1)(ca)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	GMGD, MSPCS, SSP, CSP, SP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	GMGD, MSPCS, SSP, CSP, SP	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	GMGD, MSPCS, SSP, CSP, SP	
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	GMGD, MSPCS, SSP, CSP, SP	
s.52(1A)	power to refuse an application	GMGD, MSPCS, CSP	Application needs to be determined at an Ordinary Meeting of Council.
s.52(3)	power to give any further notice of an application where appropriate	GMGD, MSPCS, SSP, CSP, SP	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	GMGD, MSPCS, SSP, CSP, SP	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	GMGD, MSPCS, SSP, CSP, SP	
s.54(1)	power to require the applicant to provide more information	GMGD, MSPCS, SSP, CSP, SP	
s.54(1A)	duty to give notice in writing of information required under section 54(1)	GMGD, MSPCS, SSP, CSP, SP	
s.54(1B)	duty to specify the lapse date for an application	GMGD, MSPCS, SSP, CSP, SP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	GMGD, MSPCS, SSP, CSP, SP	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	GMGD, MSPCS, SSP, CSP, SP	
s.55(1)	duty to give copy application, <a href="#">together with the prescribed information</a> , to every referral authority specified in the planning scheme	GMGD, MSPCS, SSP, CSP	Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	GMGD, MSPCS	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	GMGD, MSPCS, SSP, CSP	
s.57(5)	duty to make available for inspection copy of all objections	GMGD, MSPCS, CSP	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	GMGD, MSPCS, CSP	
s.57A(5)	power to refuse to amend application	GMGD, MSPCS, CSP	
s.57A(6)	duty to note amendments to application in register	GMGD, MSPCS, SSP, CSP	
s.57B(1)	duty to determine whether and to whom notice should be given	GMGD, MSPCS, SSP, CSP, SP	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	GMGD, MSPCS, SSP, CSP, SP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.57C(1)	duty to give copy of amended application to referral authority	GMGD, MSPCS, SSP, CSP, SP	
s.58	duty to consider every application for a permit	GMGD, MSPCS, SSP, CSP, SP	Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.58A	power to request advice from the Planning Application Committee	GMGD, MSPCS, SSP, CSP	Note: this section is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.60	duty to consider certain matters	GMGD, MSPCS, SSP, CSP	
s60(1A)	power to consider certain matters before deciding on application	GMGD, MSPCS, SSP, CSP	
s.61(1)(a)	power to decide to grant a permit	GMGD, MSPCS, SSP, CSP	<p>Council to resolve if:</p> <ul style="list-style-type: none"> <li>• Any unresolved objections are received;</li> <li>• The application includes a waiver of the car parking requirement within the Bacchus Marsh central activity area;</li> <li>• The application is for a Wind Energy Facility</li> <li>• Any other application at the discretion of Councillors; and</li> </ul> <p>the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i></p>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(1)(b)	power to decide to grant a permit with conditions	GMGD, MSPCS, CSP	<p>Council to resolve if:</p> <ul style="list-style-type: none"> <li>Any unresolved objections are received;</li> <li>The application includes a waiver of the car parking requirement within the Bacchus Marsh central activity area;</li> <li>The application is for a Wind Energy Facility</li> <li>Any other application at the discretion of Councillors; and</li> </ul> <p>the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i></p>
s.61(1)(c)	power to refuse the permit	GMGD, MSPCS, CSP	<p>Delegation only applies to Refusal to Grant a Permit where the application is for the removal or variation of a Restrictive Covenant and a benefiting landowner has objected to the granting of a permit.</p> <p>All other refusals under this section are not delegated.</p>
s.61(2)	duty to decide to refuse to grant a permit if <a href="#">a relevant</a> referral authority objects to grant of permit	GMGD, MSPCS, CSP	
<a href="#">s.61(2A)</a>	<a href="#">power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit</a>	GMGD, MSPCS, CSP, SSP	<b>Note: this section is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</b>
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	GMGD, MSPCS	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	GMGD, MSPCS, CSP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	GMGD, MSPCS, CSP	
s.62(1)	duty to include certain conditions in deciding to grant a permit	GMGD, MSPCS, CSP, SSP	
s.62(2)	power to include other conditions	GMGD, MSPCS, CSP, SSP	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	GMGD, MSPCS, CSP, SSP	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	GMGD, MSPCS, CSP, SSP	
s.62(5)(b)	power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	GMGD, MSPCS, CSP, SSP	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	GMGD, MSPCS, CSP, SSP	
s.62(6)(a)	duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with section 62(5) or section 46N	GMGD, MSPCS, CSP, SSP	
s.62(6)(b)	duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in section 62(1)(a)	GMGD, MSPCS, CSP, SSP	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	GMGD, MSPCS, CSP, SSP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	GMGD, MSPCS, CSP, SSP	
s.64(3)	duty not to issue a permit until after the specified period	GMGD, MSPCS, CSP, SSP	
s.64(5)	duty to give each objector a copy of an exempt decision	GMGD, MSPCS, CSP	
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	GMGD, MSPCS, CSP, SSP	<p>this provision applies also to a decision to grant an amendment to a permit - see section 75A (not yet in force)</p> <p>Note: this section is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</p>
s.65(1)	duty to give notice of refusal to grant permit to applicant and <a href="#">person who objected under section 57</a>	GMGD, MSPCS, CSP, SSP	Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to <a href="#">relevant determining</a> referral authorities	GMGD, MSPCS, CSP, SSP	Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	GMGD, MSPCS, CSP, SSP	<p>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</p> <p>Note: this section is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</p>

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.66(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	GMGD, MSPCS, CSP, SSP	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  Note: this section is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.66(6)	duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65	GMGD, MSPCS, CSP, SSP	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  Note: this section is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.69(1)	function of receiving application for extension of time of permit	GMGD, MSPCS, CSP, SSP	
s.69(1A)	function of receiving application for extension of time to complete development	GMGD, MSPCS, CSP, SSP	Note: this section is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.69(2)	power to extend time	GMGD, MSPCS, CSP, SSP	
s.70	duty to make copy permit available for inspection	GMGD, MSPCS, CSP	
s.71(1)	power to correct certain mistakes	GMGD, MSPCS, CSP, SSP	
s.71(2)	duty to note corrections in register	GMGD, MSPCS, CSP	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.73	power to decide to grant amendment subject to conditions	GMGD, MSPCS, CSP, SSP	
s.74	duty to issue amended permit to applicant if no objectors	GMGD, MSPCS, CSP, SSP	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	GMGD, MSPCS, CSP, SSP	
s.76A(1)	duty to give <u>relevant determining</u> referral authorities copy of amended permit and copy of notice	GMGD, MSPCS, CSP, SSP	Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	GMGD, MSPCS, CSP, SSP	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 Note: this section is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	GMGD, MSPCS, CSP, SSP	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 Note: this section is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under section 64 or 76	GMGD, MSPCS, CSP, SSP	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 Note: this section is not yet in force and will commence on 28 October 2013, if not proclaimed earlier

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.76D	duty to comply with direction of Minister to issue amended permit	GMGD, MSPCS, CSP, SSP	
s.83	function of being respondent to an appeal	GMGD, MSPCS, CSP, SSP, MSSD	
s.83B	duty to give or publish notice of application for review	GMGD, MSPCS, CSP, SSP, SP	
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	GMGD, MSPCS	
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	GMGD, MSPCS, CSP	
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	GMGD, MSPCS, CSP, SSP	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	GMGD, MSPCS, CSP, SSP	
s.86	duty to issue a permit at order of Tribunal within 3 working days	GMGD, MSPCS, CSP, SSP	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	GMGD, MSPCS, CSP, SSP	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	GMGD, MSPCS, CSP, SSP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.91(2)	duty to comply with the directions of VCAT	GMGD, MSPCS, CSP, SSP, MSSD	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	GMGD, MSPCS, CSP, SSP	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	GMGD, MSPCS, CSP, SSP	
s.93(2)	duty to give notice of VCAT order to stop development	GMGD, MSPCS, CSP	
s.95(3)	function of referring certain applications to the Minister	GMGD, MSPCS, CSP, SSP	
s.95(4)	duty to comply with an order or direction	GMGD, MSPCS, CSP, SSP	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	GMGD, MSPCS, CSP, SSP	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	GMGD, MSPCS, CSP, SSP	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	GMGD, MSPCS, MSSD, CSP, SSP, CSTP	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	GMGD, MSPCS, MSSD, CSP, SSP, CSTP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.96F	duty to consider the panel's report under section 96E	GMGD, MSPCS, MSSD, CSP, SSP, CSTP	
s.96G(1)	power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under section 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> )	GMGD, MSPCS, MSSD	
s.96H(3)	power to give notice in compliance with Minister's direction	GMGD, MSPCS, MSSD	
s.96J	power to issue permit as directed by the Minister	GMGD, MSPCS, MSSD, CSP, SSP	
s.96K	duty to comply with direction of the Minister to give notice of refusal	GMGD, MSPCS, MSSD, CSP, SSP, CSTP	
s.97C	power to request Minister to decide the application	GMGD, MSPCS	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	GMGD, MSPCS, CSP, SSP	
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	GMGD, MSPCS, CSP, SSP	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	GMGD, MSPCS, CSP, SSP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97L	duty to include Ministerial decisions in a register kept under section 49	GMGD, MSPCS, CSP, SSP	
<del>s.97MCA(2)</del>	<del>function of consulting with advisory committee regarding the areas for which the Development Assessment Committee is to be established.</del>		Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
<del>s.97MG</del>	<del>Duty to provide documents and information to development assessment committee</del>		Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
<del>s.97MH</del>	<del>Duty to provide assistance to the development assessment committee</del>		Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
<del>s.97MJ(2)</del>	<del>Duty to ensure that the register of applications specifies whether the development assessment committee has made the decision</del>		Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
<del>s.97MK</del>	<del>Function of nominating member of the development assessment committee</del>		Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
<del>s.97ML(4)</del>	<del>Power to nominate alternate members of the development assessment committee</del>		Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.97MH	duty to provide information or assistance to the Planning Application Committee	GMGD, MSPCS, CSP, SSP	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	GMGD, MSPCS	Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	GMGD, MSPCS, CSP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	GMGD, MSPCS, CSP, SSP	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	GMGD, MSPCS, CSP, SSP, MSSD, CEP	
s.97Q(4)	duty to comply with directions of VCAT	GMGD, MSPCS, CSP, SSP	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	GMGD, MSPCS, CSP, SSP	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	GMGD, MSPCS	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	GMGD, MSPCS	
s.101	function of receiving claim for expenses in conjunction with claim	GMGD, MSPCS	
s.103	power to reject a claim for compensation in certain circumstances	GMGD, MSPCS	
s.107(1)	function of receiving claim for compensation	GMGD, MSPCS	
s.107(3)	power to agree to extend time for making claim	GMGD, MSPCS	
s.114(1)	power to apply to the VCAT for an enforcement order	GMGD, MSPCS, CSP, MSSD, CEP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.117(1)(a)	function of making a submission to the VCAT where objections are received	GMGD, MSPCS, CSP, SSP, SP, MSSD, CEP	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	GMGD, MSPCS, CSP, MSSD, CEP	
s.123(1)	power to carry out work required by enforcement order and recover costs	GMGD, MSPCS, CSP	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	GMGD, MSPCS	except Crown Land
<del>s.125</del>	<del>power to apply for an injunction restraining a person from contravening an enforcement order or interim enforcement order</del>		
s.129	function of recovering penalties	GMGD, MSPCS, CSP, MF	
s.130(5)	power to allow person served with an infringement notice further time	GMGD, MSPCS, CSP	
s.149A(1)	power to refer a matter to the VCAT for determination	GMGD, MSPCS, CSP	
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	GMGD, MSPCS, CSP, MSSD	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B) power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	CEO, GMGD, MSPCS, MSSD	where council is the relevant planning authority
s.171(2)(f)	power to carry out studies and commission reports	GMGD, MSPCS, MSSD	
s.171(2)(g)	power to grant and reserve easements	GMGD, MSPCS, CSP	
s.173	power to enter into agreement covering matters set out in section 174	CEO	
---	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	GMGD, MSPCS, MSSD	
---	power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	GMGD, MSPCS, CSP, MSSD	
s.177(2)	power to end a section 173 agreement with approval of the Minister or the consent of all those bound by any covenant in the agreement	GMGD, MSPCS, MSSD	
s.178	power to amend a s.173 agreement	Not Delegated	
s.178A(1)	function of receiving application to amend or end an agreement	GMGD, MSPCS, CSP, SSP	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	GMGD, MSPCS, CSP	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	GMGD, MSPCS, CSP	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.178A(5)	power to propose to amend or end an agreement	GMGD, MSPCS, CSP	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	GMGD, MSPCS, CSP, SSP	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	GMGD, MSPCS, CSP, SSP	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
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	GMGD, MSPCS, CSP, SSP, SP	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.178C(4)	function of determining how to give notice under s.178C(2)	GMGD, MSPCS, CSP, SSP, SP	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.178E(1)	duty not to make decision until after 14 days after notice has been given	GMGD, MSPCS, CSP, SSP	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	CEO	If no objections are made under s.178D Must consider matters in s.178B  Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO	If no objections are made under s.178D Must consider matters in s.178B  Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.178E(2)(c)	power to refuse to amend or end the agreement	CEO	If no objections are made under s.178D Must consider matters in s.178B  Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	CEO	After considering objections, submissions and matters in s.148B  Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO	After considering objections, submissions and matters in s.148B  Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	CEO	After considering objections, submissions and matters in s.148B  Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.178E(3)(d)	power to refuse to amend or end the agreement	CEO	After considering objections, submissions and matters in s.148B  Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	GMGD, MSPCS, CSP, SSP	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	GMGD, MSPCS, CSP, SSP	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
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	GMGD, MSPCS, CSP, SSP	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178G	duty to sign amended agreement and give copy to each other party to the agreement	CEO	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
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	GMGD, MSPCS, CSP, SSP	
s.178I(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	GMGD, MSPCS, CSP, SSP	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
<del>s.179(1)</del>	<del>duty to lodge agreement with Minister</del>		Note: this provision has not yet been repealed, however this will take effect on 28 October 2013, if not proclaimed earlier
s.179(2)	duty to make available for inspection copy agreement	GMGD, MSPCS, CSP, SSP, MSSD	
s.181	<u>duty</u> to apply to the Registrar of Titles <u>to record</u> the agreement and to deliver a memorial to Registrar-General	GMGD, MSPCS, CSP, SSP, MSSD, SP	Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	GMGD, MSPCS, CSP, SSP, MSSD, SP	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	GMGD, MSPCS, CSP, SSP, MSSD, SP	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.182	power to enforce an agreement	GMGD, MSPCS, CSP, SSP, MSSD	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	GMGD, MSPCS, CSP, SSP, MSSD	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
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	GMGD, MSPCS, CSP, SSP	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
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	GMGD, MSPCS, CSP, SSP	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
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	GMGD, MSPCS, CSP, SSP	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.184G(2)	duty to comply with a direction of the Tribunal	GMGD, MSPCS, CSP, SSP	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.184G(3)	duty to give notice as directed by the Tribunal	GMGD, MSPCS, CSP, SSP	Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier
s.198(1)	function to receive application for planning certificate	Not Delegated	Minister for Planning is the responsible person for the issuing of planning Certificates for the Moorabool Planning Scheme
s.199(1)	duty to give planning certificate to applicant	Not Delegated	Minister for Planning is the responsible person for the issuing of planning Certificates for the Moorabool Planning Scheme
s.201(1)	function of receiving application for declaration of underlying zoning	GMGD, MSPCS, CSP, SSTP, MSSD, CSTP, SSP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.201(3)	duty to make declaration	GMGD, MSPCS, CSP, SSTP, MSSD, CSTP, SSP	
-	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	GMGD, MSPCS, MSSD	
	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	GMGD, MSPCS, CSP, MSSD, CSTP, SSTP	
	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	GMGD, MSPCS, CSP, MSSD, CSTP	
-	power to give written authorisation in accordance with a provision of a planning scheme	GMGD, MSPCS, CSP, MSSD, CSTP	
s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	GMGD, MSPCS, CSP, MSSD, CSTP	
s.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	GMGD, MSPCS, CSP, MSSD, CSTP	

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

<b>RAIL SAFETY ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	GMI, MES	where council is the relevant road <a href="#">authority</a>
s.34F(1)(b)	duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)	GMI, MES	where council is the relevant road <a href="#">authority</a>
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	GMI, MES	where council is the relevant road <a href="#">authority</a>
s.34H	power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c)	GMI, MES	where council is the relevant road <a href="#">authority</a>
s.34I	function of entering into safety interface agreements	GMI	where council is the relevant road <a href="#">authority</a>
s.34J(2)	function of receiving notice from Safety Director	GMI, MES	where council is the relevant road <a href="#">authority</a>
s.34J(7)	duty to comply with a direction of the Safety Director given under section 34J(5)	GMI, MES	where council is the relevant road <a href="#">authority</a>
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	GMI, MES	where council is the relevant road <a href="#">authority</a>

<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.142D	function of receiving notice regarding an unregistered rooming house	CCHS, SEHO, EHO	
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	CCHS, SEHO, EHO	[note: this provision is not yet in operation and will commence 1/7/2014 if not proclaimed earlier]
s.142G(2)	power to enter certain information in the Rooming House Register	CCHS, SEHO, EHO	[note: this provision is not yet in operation and will commence 1/7/2014 if not proclaimed earlier]
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	CCHS, SEHO, EHO	[note: this provision is not yet in operation and will commence 1/7/2014 if not proclaimed earlier]
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	Not delegated	where council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	Not delegated	where council is the landlord
s.262(3)	power to publish its criteria for eligibility for the provision of housing by council	Not delegated	
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CCHS, SEHO, EHO	
s.522(1)	power to give a compliance notice to a person	Not delegated	
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	Not delegated	
s.525(4)	duty to issue identity card to authorised officers	Not delegated	



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

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	GMI	obtain consent in circumstances specified in section 11(2)
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	Not delegated	
s.11(9)(b)	duty to advise Registrar	GMI	
s.11(10)	duty to inform Secretary to Department of Sustainability and Environment of declaration etc.	GMI	clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department of Sustainability and Environment or nominated person	GMI	where council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	Not delegated	were council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	GMI	power of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(5)	duty to consider written submissions received within 28 days of notice	GMI	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(6)	function of hearing a person in support of their written submission	Not delegated	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	GMI	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(10)	duty to notify of decision made	GMI	duty of coordinating road authority where it is the discontinuing body does not apply where an exemption is specified by the regulations or given by the Minister
s.13(1)	power to fix a boundary road by publishing notice in Government Gazette	GMI	power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate
s.14(4)	function of receiving notice from VicRoads	CEO, GMI	
s.14(7)	power to appeal against decision of VicRoads	CEO, GMI	
s.15(1)	power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	CEO, GMI	
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	GMI	
s.15(2)	duty to include details of arrangement in public roads register	GMI, MA	
s.16(7)	power to enter into an arrangement under section 15	GMI, MES, MO	
s.16(8)	duty to enter details of determination in public roads register	GMI, MA	
s.17(2)	duty to register public road in public roads register	GMI, MA	where council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.17(3)	power to decide that a road is reasonably required for general public use	GMI	where council is the coordinating road authority
s.17(3)	duty to register a road reasonably required for general public use in public roads register	GMI, MA	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	Not delegated	where council is the coordinating road authority
s.17(4)	duty to remove road no longer reasonably required for general public use from public roads register	GMI, MA	where council is the coordinating road authority
s.18(1)	power to designate ancillary area	GMI	where council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)
s.18(3)	duty to record designation in public roads register	GMI, MA	where council is the coordinating road authority
s.19(1)	duty to keep register of public roads in respect of which it is the coordinating road authority	GMI, MA	
s.19(4)	duty to specify details of discontinuance in public roads register	GMI, MA	
s.19(5)	duty to ensure public roads register is available for public inspection	GMI, MA	
s.21	function of replying to request for information or advice	GMI, MA	obtain consent in circumstances specified in section 11(2)
s.22(2)	function of commenting on proposed direction	CEO, GMI	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	GMI	
s.22(5)	duty to give effect to a direction under this section.	GMI, MES, MO, MA	
s.40(1)	duty to inspect, maintain and repair a public road.	GMI, MO	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	GMI, MO	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	GMI, MES, MO	
s.42(1)	power to declare a public road as a controlled access road	GMI, MA, MO	power of coordinating road authority and Schedule 2 also applies
s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	GMI, MA, MO	power of coordinating road authority and Schedule 2 also applies
s.42A(3)	duty to consult with VicRoads before road is specified	GMI, MES, MO, MA	where council is the coordinating road authority if road is a municipal road or part thereof
s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	GMI	where council is the coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road
s.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	GMI, MES, MO, MA	where council is the responsible road authority, infrastructure manager or works manager

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.48M(3)	function of consulting with the Secretary for purposes of developing guidelines under section 48M	GMI, MES, MO, MA	
s.48N	duty to notify the Secretary of the location of the bus stopping point and the action taken by council	GMI, MES, MO, MA	
s.49	power to develop and publish a road management plan	GMI, MO	
s.51	power to determine standards by incorporating the standards in a road management plan	GMI, MO	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMI, MO	
s.54(2)	duty to give notice of proposal to make a road management plan	GMI, MO	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	GMI, MO	
s.54(6)	power to amend road management plan	GMI, MO	
s.54(7)	duty to incorporate the amendments into the road management plan	GMI, MO	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	GMI, MO	
s.63(1)	power to consent to conduct of works on road	GMI, MES, MO	where council is the coordinating road authority
s.63(2)(e)	power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	GMI, MES, MO	where council is the infrastructure manager

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.64(1)	duty to comply with clause 13 of Schedule 7	GMI, MES, MO	where council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	GMI, MES, MA	where council is the coordinating road authority
s.67(2)	function of receiving the name & address of the person responsible for distributing the sign or bill	GMI, MSPCS	where council is the coordinating road authority
s.67(3)	power to request information	GMI, CCS, SCSO	where council is the coordinating road authority
s.68(2)	power to request information	GMI, CCS, SCSO	where council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	GMI	
s.72	duty to issue an identity card to each authorised officer	GMI	
s.85	function of receiving report from authorised officer	GMI	
s.86	duty to keep register re section 85 matters	GMI	
s.87(1)	function of receiving complaints	GMI	
s.87(2)	duty to investigate complaint and provide report	GMI, MES, MO, MA	
s.112(2)	power to recover damages in court	GMI	
s.116	power to cause or carry out inspection	GMI, MES, MO, MA	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.119(2)	function of consulting with VicRoads	GMI, MES, MO, MA	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	GMI, MES, MO	
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	GMI, MES, MO	
s.121(1)	power to enter into an agreement in respect of works	GMI, MES, MO	
s.122(1)	power to charge and recover fees	GMI	
s.123(1)	power to charge for any service	GMI	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	Not delegated	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	Not delegated	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	Not delegated	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	GMI	
Schedule 2 Clause 5	duty to publish notice of declaration	GMI	



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7, Clause 7(1)	duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	GMI, MES, MO, MA	where council is the infrastructure manager or works manager
Schedule 7, Clause 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	GMI, MES, MO, MA	where council is the infrastructure manager or works manager
Schedule 7, Clause 9(1)	duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	GMI, MES, MO, MA	where council is the infrastructure manager or works manager responsible for non-road infrastructure
Schedule 7, Clause 9(2)	duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	GMI, MES, MO, MA	where council is the infrastructure manager or works manager
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	GMI, MES, MO, MA	where council is the infrastructure manager or works manager
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	GMI, MES, MO, MA	where council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	GMI, MES, MO, MA	where council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	GMI, MES, MO, MA	where council is the coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	GMI, MES, MO, MA	where council is the coordinating road authority
Schedule 7, Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	GMI, MES, MO, MA	where council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	GMI, MES, MO, MA	where council is the coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	GMI, MES, MO, MA	where council is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	GMI, MES, MO, MA	where council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	GMI, MES, MO, MA	where council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	GMI, MES, MO, MA	where council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	GMI, MES, MO, MA	where council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	GMI, MES, MO, MA	where council is the coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	GMI, MES, MO, MA	where council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7 Clause 18(1)	power to enter into an agreement	GMI, MES, MO, MA	where council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	GMI, MES, MO, MA	where council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	GMI, MES, MO, MA	where council is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	GMI, MES, MO, MA	where council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	GMI, MES, MA	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	GMI, MES, MA	where council is the responsible road authority
Schedule 7A Clause 3(1)(e)	duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	GMI, MES, MA	where council is the responsible road authority
Schedule 7A Clause (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4	GMI, MES, MA	duty of council as responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs)

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

<b>CEMETERIES AND CREMATORIA REGULATIONS 2005</b>			
[These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)]			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.22	duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	Not delegated	
r.26	duty to provide statement that alternative vendors or supplier of monuments exist	Not delegated	
r.36	power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	Not delegated	
r.38(2)	power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	GMCS	
Schedule 6, clause 4	power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of Schedule 6	GMCS	
Schedule 6, clause 5(1)	duty to display the hours during which pedestrian access is available to the cemetery	GMCS	
Schedule 6, clause 5(2)	duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	GMCS	
Schedule 6, clause 6(1)	power to give directions regarding the manner in which a funeral is to be conducted	Not delegated	
Schedule 6, clause 7(1)	power to give directions regarding the dressing of places of interment and memorials	Not delegated	
Schedule 6, clause 11(1)	power to remove objects from a memorial or place of interment	Not delegated	

<b>CEMETERIES AND CREMATORIA REGULATIONS 2005</b>			
[These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)]			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 6, clause 11(2)	duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	Not delegated	
Schedule 6, clause 12	power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	Not delegated	
Schedule 6, clause 14	power to approve an animal to enter into or remain in a cemetery	GMCS	

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

**PLANNING AND ENVIRONMENT INTERIM (FEES) REGULATIONS 2013****Note: these Regulations expire on 20 October 2013**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r.16	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme		<b>Note: these Regulations expire on 20 October 2013</b>
r.17	power to waive or rebate a fee relating to an amendment of a planning scheme		<b>Note: these Regulations expire on 20 October 2013</b>
r.18	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.16 or 17		<b>Note: these Regulations expire on 20 October 2013</b>



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

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
<del>r.22(6)</del>	<del>duty to notify caravan park owners of emergency service agencies</del>		
<del>r.22(7)</del>	<del>duty to consult with relevant emergency services agency</del>		
r.22A(1)	duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	CCHS, SEHO, EHO	
r.22A(2)	duty to consult with relevant emergency services agencies	CCHS, SEHO, EHO	
<del>r.23 (2)</del>	<del>power to determine places in which caravan park owner must display a copy of emergency procedures</del>	CCHS, SEHO, EHO	
<del>r.24 (4)</del>	<del>power to determine places in which caravan park owner must display copy of public emergency warnings</del>	CCHS, SEHO, EHO	
r.25(3)	duty to consult with relevant floodplain management authority	CCHS, SEHO, EHO	
r.26	duty to have regard to any report of the relevant fire authority	CCHS, SEHO, EHO	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CCHS, SEHO, EHO	
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CCHS, SEHO, EHO	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CCHS, SEHO, EHO	
r.40(4)	function of receiving installation certificate	CCHS, SEHO, EHO	

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

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CCHS, SEHO, EHO	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	CCHS, SEHO, EHO	

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

**ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2005**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.10	power to exempt a person from requirement under clause 13(1) of Schedule 7 to the Act to give notice as to the completion of those works	GMI, MA	where council is the coordinating road authority and where consent given under section 63(1) of the Act
r.18(2)	power to waive whole or part of fee in certain circumstances	Not delegated	where council is the coordinating road authority

### **11.5.3 Instrument of Appointment and Authorisation of Council Officers under section 174(4) of the Planning and Environment Act 1987**

#### **Introduction**

File No.: 02/06/002  
Author: Michelle Morrow  
General Manager: Shane Marr

#### **Background**

Under section 147(4) of the Planning and Environment Act 1987, Council must appoint relevant officers to be authorised officers for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act.

Section 232 of the Local Government Act 1989 authorises the relevant officers generally to institute proceedings for offences against the Acts and regulations described within the proposed instrument of appointment and authorisation.

#### **Proposal**

In order to comply with the Planning and Environment Act 1987 and the Local Government Act 1989, an Instrument of Appointment and Authorisation is now presented to Council requesting that the officers named in that Instrument be hereby appointed for the purposes of section 147(4) of the Planning and Environment Act 1987 and the regulations made under that Act and section 232 of the Local Government Act 1989 for the purpose generally to institute proceedings for offences against the Acts and regulations described in the instrument.

Changes to this Instrument reflect a recent amendment to the title of Neighbourhood Safety Officers to Community Safety Officers and the introduction of a new Environmental Health (Maternity position).

The officers named in the Instrument of Appointment and Authorisation are as follows:

" Robert Fillisch  
" Natalie Maree Robertson  
" Victoria Mack  
" Roger Cooper  
" Debbie Anne Frappa  
" John Harold Edwards  
" Tom Tonkin  
" Sarah Monique Annells  
" Allan Leslie May  
" Rose Longley  
" Andrew Tomlins  
" Glenn Burns  
" Lisa Handley  
" Jacqueline Reid  
" Gavin Rodney Alford

- " Lisa Gervasoni
- " Justin Horne

### **Policy Implications**

The 2013 . 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Representation and Leadership of our Community
<b>Objective</b>	Good governance through open and transparent processes and strong accountability to the community
<b>Strategy</b>	Ensure policies and good governance are in accordance with legislative requirements and best practice.

The preparation of this Instrument of Appointment and Authorisation of Council Officers under section 174(4) of the Planning and Environment Act 1987 is consistent with the 2013-2017 Council Plan.

### **Financial Implications**

No financial implications to Council.

### **Risk & Occupational Health & Safety Issues**

No Risk and Occupational Health and Safety issues apply to Council unless the relevant Council officers do not receive the appropriate instrument of appointment and authorisation from Council.

### **Communications Strategy**

Advice has been sought from the two relevant Council Business Units, namely Statutory Planning and Environmental Health, for their input into this report.

### **Victorian Charter of Human Rights and Responsibilities Act 2006**

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

### **Officer's Declaration of Conflict of Interests**

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Shane Marr*

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

*Author – Michelle Morrow*

In providing this advice to Council as the Author, I have no interests to disclose in this report.

### **Conclusion**

Council is obliged to comply with section 147(4) of the Planning and Environment Act 1987 therefore the Instrument of Appointment and Authorisation is required to be approved under the Seal of Council.

### **Recommendation**

**That Council, approves under the common seal of Council, the Instrument of Appointment and Authorisation of Council officers under section 174(4) of the Planning and Environment Act 1987 as of Wednesday 4 September 2013.**

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### **Report Authorisation**

**Authorised by:**



**Name:** Shane Marr  
**Title:** General Manager Corporate Services  
**Date:** Thursday 22 August 2013



# Attachment - Item 11.5.3



## **Moorabool Shire Council**

### **Instrument of Appointment and Authorisation**

***(Planning and Environment Act 1987 only)***

September 2013

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

In this instrument the member of Council staff holding, acting in or performing the duties of the office or position hereunder are appropriate officers appointed or authorised in respect of the relevant legislation:

- [CCHS) means Coordinator Community Health and Safety
- [CEP] means Coordinator Environmental Planning
- [CSO] means Community Safety Officer
- [CSP] means Coordinator Statutory Planning
- [CSTP] means Coordinator Strategic Planning
- [EHO] means Environmental Health Officer
- [EHTO] means Environmental Health Technical Officer
- [EPO] means Environment Planning Officer
- [MSPCS] means Manager Statutory Planning & Community Safety
- [MSSD] means Manager Strategic and Sustainable Development
- [SCSO] means Senior Community Safety Officer
- [SEHO] means Senior Environmental Health Officer
- [SPEO] means Statutory Planning Enforcement Officer
- [SP] means Statutory Planner
- [SSP] means Senior Statutory Planner

In this instrument **officer** means .

- Robert Fillisch
- Natalie Maree Robertson
- Victoria Mack
- Roger Cooper
- Debbie Anne Frappa
- John Harold Edwards
- Tom Tonkin
- Sarah Monique Annells
- Allan Leslie May
- Rose Longley
- Andrew Tomlins
- Glenn Burns
- Lisa Handley
- Jacqueline Reid
- Gavin Rodney Alford
- Lisa Gervasoni
- Justin Horne

**By this instrument of appointment and authorisation Moorabool Shire Council -**

1. under section 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  
[CCHS, CEP, CSP, CSTP,  
EHO, EHTO, EPO, MSPCS, MSSD,  
CSO, SPEO, SCSO, SEHO, SP, SSP]
  
2. under section 232 of the *Local Government Act 1989* authorises the officers generally 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; and
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Moorabool Shire Council on Wednesday 4 September, 2013.

The **COMMON SEAL** of the  
**MOORABOOL SHIRE COUNCIL**  
was affixed this 4th day of September 2013,  
in the presence of .

õ õ õ õ õ õ õ õ õ õ õ õ õ õ õ Mayor

õ õ õ õ õ õ õ õ õ õ õ õ õ õ õ Chief Executive Officer

#### **11.5.4 Adoption “in principle” of the 2012/13 Financial Statements, Standard Statements and Performance Statement for submission to the Victorian Auditor-General for certification**

##### **Introduction**

File No.: 02/02/002  
Author: Steven Ivelja  
General Manager: Shane Marr

##### **Background**

The following report presents the 2012/13 Financial Statements, Standard Statements and Performance Statement for adoption ~~in~~ principle+ by Council for submission to the Auditor-General for certification.

The Local Government Act 1989 requires that Council complete the following at the end of each financial year with respect to producing an Annual Report and Performance Statement:

##### **S. 131 Annual Report**

- (1) A Council must, in respect of each financial year, prepare an annual report containing -
  - (b) audited standard statements for the financial year;
  - (c) audited financial statements for the financial year;
  - (d) a copy of the performance statement prepared under section 132; and
  - (e) a copy of the report on the performance statement prepared under section 133.
- (2) The standard statements in the annual report and the financial statements must -
  - (a) be prepared in the manner and form prescribed by the regulations;
  - (b) be submitted in their finalised form to the auditor for auditing as soon as possible after the end of the financial year; and
  - (c) be certified in the manner prescribed.
- (3) The Council must not submit the standard statements or the financial statements to its auditor or the Minister unless it has passed a resolution giving its approval ~~in~~ principle+ to the standard statements and the financial statements.
- (4) The Council must authorise two Councillors to certify the standard statements and the financial statements in their final form after any changes recommended, or agreed to, by the auditor have been made.

**S. 132 Performance Statement**

- (1) As soon as is reasonably practicable after the end of each financial year, a Council must prepare a performance statement.
- (2) The performance statement must include -
  - (a) the Key Strategic Activities and performance targets and measures specified in the budget under section 127 for that financial year; and
  - (b) the actual results achieved for that financial year having regard to those performance targets and measures.
- (3) The statement must .
  - (a) be in the form; and
  - (b) contain the details - required by the regulations.
- (4) The Council must submit the statement to its auditor as soon as possible after the statement has been prepared.
- (5) The Council must not submit the statement to its auditor or the Minister unless the Council has passed a resolution giving its approval ~~to~~ the principle to the statement.
- (6) The Council must authorise two Councillors to approve the statement in its final form after any changes recommended, or agreed to, by the auditor have been made.

**S. 133 Audit report on the performance statement**

The auditor must -

- (a) prepare a report on the performance statement prepared by a Council under section 132 in the form and containing the details required by the Minister, and
- (b) submit a copy of that report to the Minister and the Council as soon as is reasonably practicable after the report has been prepared.

## Proposal

The 2012/13 Financial Statements, 2012/13 Standard Statements and 2012/13 Performance Statement have been prepared in accordance with the requirements of the Local Government Act, various Australian Accounting Standards and regulations.

In accordance with Council's Governance protocols, the reports will be presented to Council's Audit Committee for review and recommendation to Council for adoption ~~on~~ principle+ and authorisation of two Councillors, being the Councillor members of the Audit Committee, to sign the audited statements.

In summary, the statements indicate the following results for 2012/13:

1. Financial Statements: reflect the comparative performance to the previous financial year.
  - Comprehensive Income Statement . The result reflects a total comprehensive result of \$209.580 million. Included within this result are the following significant items:
    - \$211.382 million in net asset revaluation increments as a result of the revaluation of major infrastructure asset classes namely Roads and Bridges.
    - \$3.713 million reduction in Operating grants relating to reduced levels of Natural Disaster Relief funding received for asset restoration works to repair damage incurred during the flood events. Also contributing to the reduction in Operating grants are timing issues related to the early receipt of VGC funding in 2011/12 resulting in higher revenue levels in 2011/12.
    - Materials and services \$2.071 million increase which relates to the completion of flood recovery projects for which grants were received in the prior year. Also contributing to the increase are expenditures undertaken as part of the Capital Works program which have been deemed as Operating in nature, and as such have been expensed in accordance with accounting standards.
    - \$0.261 million reduction in depreciation expense as a result of the asset revaluation. Contributing to the favourable reduction is the result of condition assessments which have indicated that Council assets are in a better condition to that which was previously assessed resulting in lower depreciation charges.
    - Net gain (loss) on disposal of property, infrastructure, plant and equipment and investment properties compares unfavourably to 2011/12 mainly due a large amount of infrastructure assets written off as a result flood recovery works and or assets disposed of as a result of reconstruction.

- Balance Sheet . The movement in net assets reflects the total surplus of \$209.582 million. Included within this result are the following significant items:
    - An increase in Property, Infrastructure, Plant and Equipment mainly due to revaluation increments in Roads and Bridges \$211.026 million.
    - \$2.395 million reduction in defined benefits liability related to the early payout of Moorabool's share of the 2011/12 defined benefits shortfall. The liability was paid out in full in 2012/13 using Council cash reserves. It is anticipated that the early payout will be eventually covered by a loan which will be taken out in the 2013/14 year.
  - Cash Flow Statement . The movement in cash held at the end of the year reflects a decrease in cash of \$2.568 million. Included within this result are the following significant items:
    - Net cash flows from operations decreased by \$5.486 million from last year to \$11.224 million. This mainly reflects the payout of the defined benefits liability in 2012/13 in addition to reduced levels of flood recovery grants and timing issues related to VGC payments.
    - Net cash used in investing activities has decreased by \$3.150 million to \$11.403 million. This mainly reflects the decrease in capital expenditure as compared to 2011/12.
    - Net cash used in finance activities was \$2.389 million. In 2011/12 the net cash provided for finance activities was \$1.497 million reflecting loans taken up in 2011/12. As at balance date, the defined benefits shortfall payout of \$2.395 million was not taken up as a loan and was settled in cash. Due to the comparatively high level of cash holdings at balance date, the loan will be taken up at a later stage in 2013/14 when required.
2. Standard Statements . reflect comparative performance to the 2012/13 Annual Budget adopted by Council.
- Total operating revenue of \$37.950 million was \$0.986 million (2.67%) above budget reflecting increased:
    - Other revenue of \$0.442 million which was mainly driven by a \$104K in receipts related to the new recycling contract, \$140K in additional cost recoveries as part of the debt collection contract (offset by an equivalent increase in debt collection costs) in addition to a number of other minor or miscellaneous payments and reimbursements received.
    - Interest received of \$0.259 million, Operating grants \$0.149M.



- Total operating expenses of \$43.650 million was \$3.373 million (8.38%) above budget reflecting increased:
    - Contract Payments, Materials and Services of \$4.050 million, due to a large amount of Capital Works being expensed as they relate to Non-Council Assets and significant expenses not deemed to be capital in nature (2.668 million). There was also expenditure of \$1.29 million relating to the completion of One Off Projects and Flood Recovery projects for which funding was received in prior financial years.
  - Depreciation expense was \$1.207 million lower than budget due to the impact of the revaluation of infrastructure assets in 2012/13. The condition assessments have indicated that Council infrastructure assets are in generally better condition that previously indicated thus resulting in a reduction in depreciation charges.
  - The net gain (loss) on disposal of property was unfavourable to Budget due to a significant amount of infrastructure assets disposed of as a result of the flood recovery works in addition to assets disposals resulting from renewal and reconstruction works.
  - Cash position was \$11.272 million, \$7.126 million better than budget. This has occurred mainly due to receiving grants in advance in relation to asset restoration works and half of the 2013/14 grants commission allocation in June 2013. Additionally, \$5.408 million in net expenditure has been identified as requiring to be carried forward into the 2013/14 year as a result of 12/13 projects not being completed as at the 30<sup>th</sup> June.
  - Capital works - \$12.599 million program was completed during the year. Most projects were completed during the year. However, there were several projects that were incomplete and will be carried forward into 2013/14. In total, \$3.899 million in net Capital carry over expenditure has been identified as requiring carry forward into 2013/14.
3. The 2012/13 Performance Statement was prepared in accordance with the requirements of the Local Government Act 1989. In setting the targets an optimistic approach was taken with the organisation wanting to improve in all areas.
- Nine of the criteria were based on the Community Satisfaction Survey and the results of the survey showed that in four of the areas the measure was met. Areas that need improvement according to the survey include Council's performance in lobbying on behalf of the community, Council performance in community consultation and engagement, satisfaction with elderly support services and satisfaction with family support services.

- There were seven measures of the financial performance of Council included and of these, Council was successful in achieving four of the targets.
- A summary per Key Result Area (KRA) is:

<b>KRA</b>	<b>Number of Measures</b>	<b>Number of Measures met</b>
1	2	0
2	6	2
3	6	6
4	6	2
<b>Total</b>	<b>19</b>	<b>10</b>

### **Policy Implications**

The 2013. 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Representation and Leadership of Our Community
<b>Objective</b>	Sound long term financial management
<b>Strategy</b>	Develop and maintain a long term financial planning, management and reporting system, which ensures resources to deliver services and manage Council's assets.

The financial statements, performance statement and standard statements are consistent with the 2013-2017 Council Plan.

### **Financial Implications**

The financial statements detail Council's financial performance and position for 2012/13. They demonstrate that over time Council has steadily improved its cash position, but indicates that there are still numerous financial challenges that lay ahead which will require responsible fiscal stewardship.

### **Communications Strategy**

The Annual Financial, Standard and Performance Statements are reported to Council to adopt the principle for submission to the Auditor-General for certification. Audited Statements are then incorporated into Council's Annual Report, which is completed by Council by 30 September each year.

## **Victorian Charter of Human Rights and Responsibilities Act 2006**

In developing this report to Council the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

### **Officer's Declaration of Conflict of Interests**

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

#### *General Manager – Shane Marr*

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

#### *Author – Steven Ivelja*

In providing this advice to Council as the Author, I have no interests to disclose in this report.

### **Conclusion**

The attached Financial, Standard and Performance Statements for 2012/13 have been prepared in accordance with the requirements of the Local Government Act. Council's Audit Committee have reviewed the statements and recommended that Council adopt the statements ~~in principle~~. The Statements will then be submitted to the Auditor-General for certification. Council is also required to authorise two Councillors to sign the statements on behalf of Council, as required under the Local Government Act.

It is practice for the Councillor members of the Audit Committee to sign the certified statements on behalf of Council.

### **Recommendation:**

#### **That Council:**

- 1. In accordance with S. 131 of the Local Government Act (1989):**
  - (a) adopt in principle and submit the 2012/13 Standard Statements and Financial Statements to the Auditor-General for certification; and**
  - (b) authorise the Council's Audit Committee Representatives, Cr. Dudzik and Cr. Spain, to certify the 2012/13 Standard Statements and Financial Statements in their final form, after any changes recommended, or agreed to by the Auditor, have been made.**

- 2. In accordance with S. 132 of the Local Government Act (1989):**
- (a) submit the 2012/13 Performance Statement to the Auditor-General for certification; and**
  - (b) authorise the Council's Audit Committee Representatives, Cr. Dudzik and Cr. Spain, to certify the 2012/13 Performance Statement in its final form, after any changes recommended, or agreed to by the Auditor, have been made.**

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**Report Authorisation**

**Authorised by:**



**Name:** Shane Marr  
**Title:** General Manager Corporate Services  
**Date:** Thursday 23 August 2013

## 11.5.5 Annual Community Satisfaction Survey 2013

### Introduction

File No.: 18/02/001  
Author: Shane Marr  
Chief Executive: Rob Croxford

### Background

Council has received the final Research Report for the 2013 Community Satisfaction Survey commissioned by the Victorian State Government and coordinated by the Department of Planning and Community Development on behalf of the 71 out of 79 Victorian councils who participated.

The Community Satisfaction Survey is optional and participating councils have a range of choices as to the content of the questionnaire and the sample size to be surveyed, depending on their individual strategic, financial and other considerations.

The main objectives of the survey are to assess the performance of Moorabool Shire Council, classified as a Large Rural Shire Council, across a range of measures and to seek insight into ways to provide improved or more effective service delivery.

Approximately 400 Moorabool residents completed survey interviews via telephone between 1 February and 24 March this year.

As a result of extensive consultation with councils in 2012 there were significant changes to the methodology and content of the survey which included:

- The survey is now conducted as a representative random probability survey of residents aged 18 years or over in local Councils, whereas previously it was conducted as a head of household survey;
- Results are now weighted post survey to the known population distribution of Moorabool Shire Council according to the most recently available ABS population estimates. Previously results were not weighted; and
- The service responsibility area performance measures have changed significantly and the rating scale used to assess performance has also changed.

As a result of these factors, the results of the 2012 Community Satisfaction Survey should be considered as a benchmark. Comparisons against results from 2011 and prior should not be considered due to these methodological and sampling changes.

### **Summary of Results for 2013**

Moorabool Shire Council results in the 2013 Community Satisfaction Survey show an improvement in two key measures compared to the 2012 results. The Overall Performance Score of 58 this year eclipses the 2012 result of 57 and the score for Overall Council Direction of 51 was two points up on the 2012 score of 49.

Council Customer Service repeated its 2012 score of 68 in the 2013 survey, by far the Shire's highest index score for both years over all the categories measured.

The survey also indicated that the community's view of Council's advocacy (52) and community consultation (51) decreased in the 2013 survey compared to their scores of 54 for both categories in the 2012 survey. With the exception of community consultation which was four index points lower, the 2013 results were on a par against other comparative local government associations across the state in these same main survey categories (large rural shires)

### **Key areas for improvement**

Four areas for improvement have been identified:

- Community consultation
- Advocacy
- Appearance of public areas
- Recreational facilities

Council will work with the community to plan and deliver services and facilities that are appropriate and affordable, reflecting the size, location and diversity of our communities.

Council will work with other levels of government and non-government organisations to increase their investment in services and facilities across the municipality.

### **Proposal**

This report is to inform Council and the community on the result of the 2013 Community Satisfaction Survey. A report summary is attached as an appendix.

A full copy of the Survey is available for public perusal at each of Council's offices located at 15 Stead Street, Ballan, 182 Halletts Way, Darley and at the Lerderberg Library, 215 Main Street, Bacchus Marsh and place it on Council's website.

### **Policy Implications**

The 2013-2017 Council Plan provides as follows;

<b>Key Result Area</b>	Representation and Leadership of our Community
------------------------	--

**Objective** Leadership through best practice community engagement

**Strategy** To make well informed decisions based on input from the community and other key stakeholders through effective community engagement

The proposal to inform Council and the community of the Community Satisfaction Survey results is consistent with the 2013-2017 Council Plan.

### **Financial Implications**

There are no direct financial implications however outcomes of the survey will continue to influence budgetary decision making and project prioritisation.

### **Communications Strategy**

An advertisement will be placed on Council's media page in the Moorabool News advising that the Customer Satisfaction Survey is available for the general public at all Council offices and on Council's website.

### **Victorian Charter of Human Rights and Responsibilities Act 2006**

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

### **Officer's Declaration of Conflict of Interests**

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

#### *Chief Executive Officer – Rob Croxford*

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

#### *Author – Shane Marr*

In providing this advice to Council as the Author, I have no interests to disclose in this report.

### **Conclusion**

The results of the Annual Community Satisfaction Survey 2013 have shown an increase in Council overall performance and direction when compared with the 2012 results.

With the introduction of the new method of surveying it is hopeful that over time this Community Satisfaction Survey looking forward may become a useful tool to track community attitudes towards Council.

These surveys will gain relevance over the longer term as the year to year variances are tracked to determine any definitive trend. For now, the 2013 survey provides a snapshot into the community's view of our performance and indicates the relative importance the community places on a range of our daily activities which will be useful for organisation planning.

**Recommendation:**

**That Council:**

1. receives the Annual Community Satisfaction Survey 2013.
2. makes a copy of the Survey available for public perusal at each of Council's offices located at 15 Stead Street, Ballan, 182 Halletts Way, Darley and at the Lerderderg Library, 215 Main Street, Bacchus Marsh and place it on Council's website.

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**Report Authorisation**

**Authorised by:**

**Name:**

Shane Marr

**Title:**

General Manager Corporate Services

**Date:**

Wednesday 28 August 2013





# Attachment - Item 11.5.5

# COMMUNITY SATISFACTION SURVEY MOORABOOL SHIRE COUNCIL 2013

- RESEARCH REPORT -

**Coordinated by the  
Department of Planning and Community Development  
on behalf of Victorian councils**

# Contents

- Background & Objectives
- Survey Methodology & Sampling
- Margins of Error
- Analysis & Reporting
- Glossary of Terms
- Key Findings & Recommendations
- Detailed Results

APPENDIX A: Detailed Survey Tabulations

APPENDIX B: Details of Significant Difference Calculation

# Background & Objectives

- Welcome to the report of results and recommendations for the 2013 Community Satisfaction Survey for Moorabool Shire Council.
- Each year the Department of Community Planning and Development (DCPD) coordinates and auspices this Community Satisfaction Survey throughout Victorian Local Government areas. This coordinated approach allows for far more cost effective surveying than would be possible if Councils commissioned surveys individually.
- Participation in the Community Satisfaction Survey is optional and participating Councils have a range of choices as to the content of the questionnaire and the sample size to be surveyed, depending on their individual strategic, financial and other considerations.
- The main objectives of the survey are to assess the performance of Moorabool Shire Council across a range of measures and to seek insight into ways to provide improved or more effective service delivery. The survey also provides Councils with a means to fulfil some of their statutory reporting requirements as well as acting as a feedback mechanism to the DCPD.

# Background & Objectives (Cont'd)

- Please note that as a result of feedback from extensive consultations with Councils, in 2012 there were necessary and significant changes to the methodology and content of the survey, including:
  - The survey is now conducted as a representative random probability survey of residents aged 18 years or over in local Councils, whereas previously it was conducted as a 'head of household' survey.
  - As part of the change to a representative resident survey, results are now weighted post survey to the known population distribution of Moorabool Shire Council according to the most recently available Australian Bureau of Statistics population estimates, whereas the results were previously not weighted.
  - The service responsibility area performance measures have changed significantly and the rating scale used to assess performance has also changed.
- As such, the results of the 2012 Community Satisfaction Survey should be considered as a benchmark. Please note that comparisons should not be made with Community Satisfaction Survey results from 2011 and prior due the methodological and sampling changes.
- **Comparisons between 2013 and 2012 results have been made throughout this report as appropriate.**

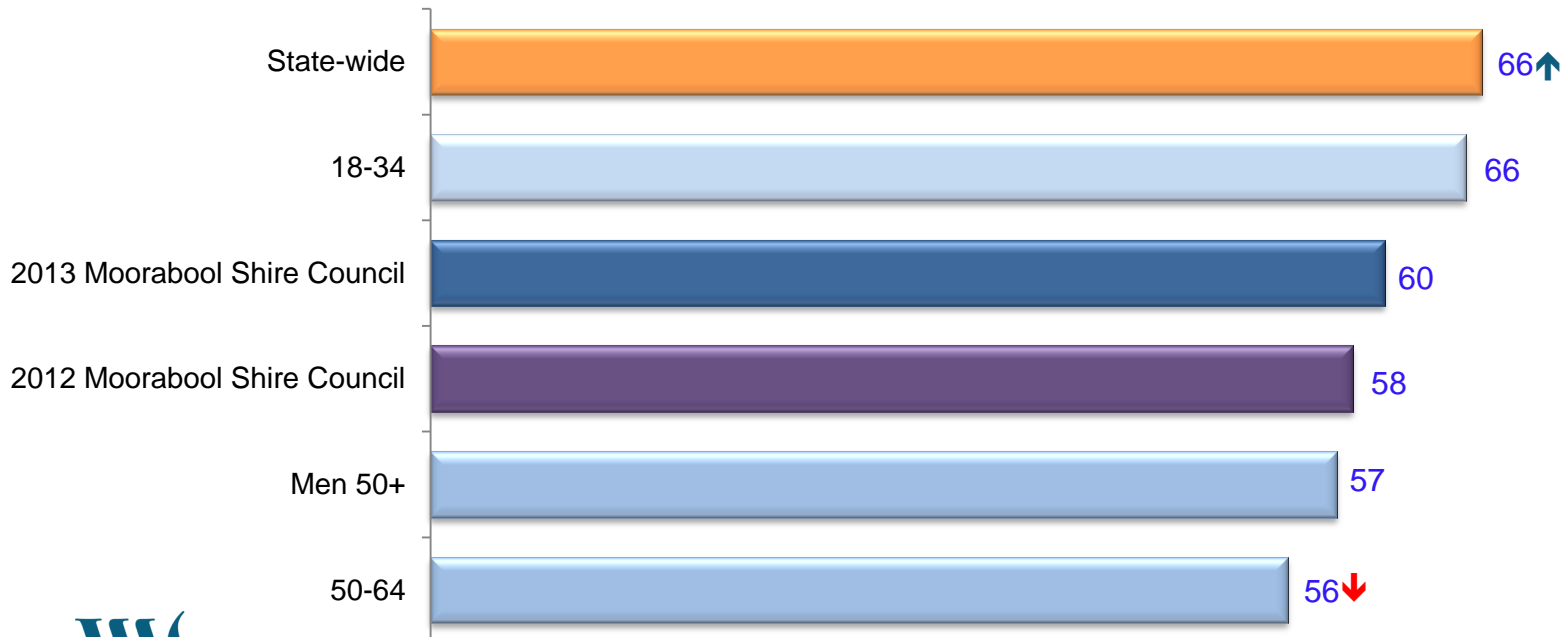
# Survey Methodology & Sampling

- This survey was conducted by Computer Assisted Telephone Interviewing (CATI) as a representative random probability survey of residents aged 18+ years in the Moorabool Shire Council.
- Survey sample matched to the Moorabool Shire Council was purchased from an accredited supplier of publicly available phone records, including up to 10% mobile phone numbers to cater to the diversity of residents in the Council, particularly younger people.
- A total of n=400 completed interviews were achieved in Moorabool Shire Council. Survey fieldwork was conducted in the period of 1<sup>st</sup> February – 24<sup>th</sup> March 2013.
- The 2012 results against which 2013 results are compared involved a total of n=400 completed interviews in Moorabool Shire Council conducted in the period of 18<sup>th</sup> May – 30<sup>th</sup> June 2012.
- Minimum quotas of gender within age groups were applied during the fieldwork phase. Post survey weighting was then conducted to ensure accurate representation of the age and gender profile of the Moorabool Shire Council area.
- Any variation of +/-1% between individual results and NET scores in this report or the detailed survey tabulations is due to rounding.
- “NET” scores refer to two or more response categories being combined into one category for simplicity of reporting.

# Survey Methodology & Sampling (Cont'd)

- Within tables and index score charts throughout this report, statistically significant differences at the 95% confidence level are represented by upward directing blue and downward directing red arrows. Significance when noted indicates a significantly higher or lower result for the analysis group in comparison to the 2013 'Total' result for the Council for that survey question. Therefore in the following example:
  - The State-wide result is significantly higher than the overall result for the Council.
  - The result amongst 50-64 year olds in the Council is significantly lower than for the overall result for the Council.

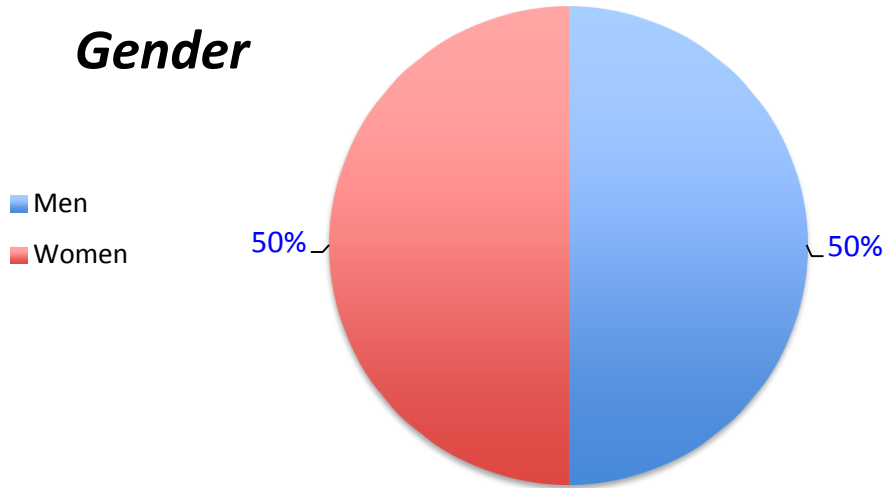
## Overall Performance – Index Score (example extract only)



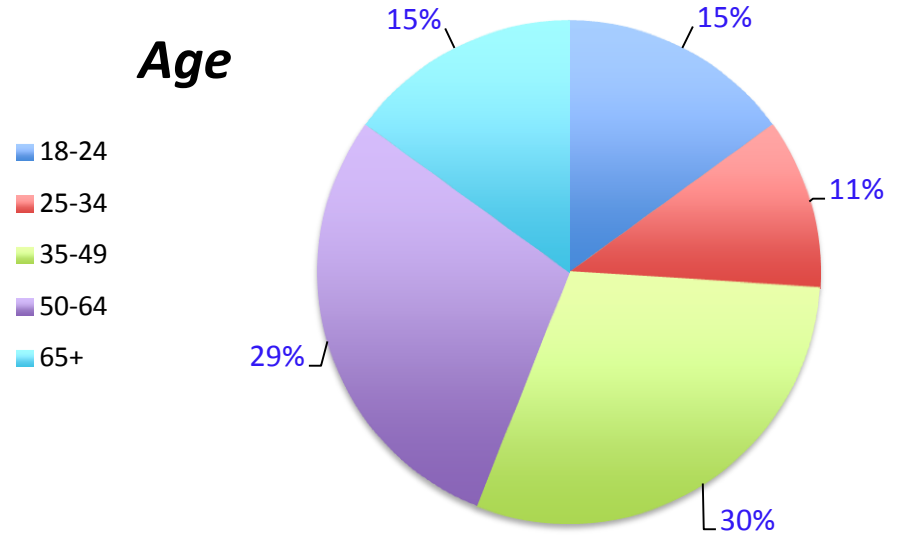
Note: For details on the calculations used to determine statistically significant differences, please refer to Appendix B.

# Weighted Demographics

## Gender



## Age





# Margins of Error

- The sample size for the 2013 Community Satisfaction Survey for Moorabool Shire Council was n=400. Unless otherwise noted, this is the total sample base for all reported charts and tables.
- The maximum margin of error on a sample of approximately n=400 interviews is +/-4.9 at the 95% confidence level for results around 50%. Margins of error will be larger for any sub-samples.
- As an example, a result of 50% can be read confidently as falling midway in the range 45.1% - 54.9%.
- Maximum margins of error are listed in the table below, based on a population of 21,000 people aged 18 years or over for Moorabool Shire Council, according to ABS estimates.

## Survey sub-samples and margins of error

Demographic	Actual survey sample size	Weighted base	Maximum margin of error at 95% confidence interval
Moorabool Shire Council	400	400	+/-4.9
Bacchus Marsh and Surrounds	267	267	+/-6.0
Ballan	37	35	+/-16.3
Remainder of Shire	96	98	+/-10.0
Men	179	198	+/-7.3
Women	221	202	+/-6.6
18-34 years	56	103	+/-13.2
35-49 years	90	121	+/-10.4
50-64 years	165	115	+/-7.6
65+ years	89	62	+/-10.4
Men 18-49 years	73	112	+/-11.5
Men 50+ years	106	87	+/-9.5
Women 18-49 years	73	112	+/-11.5
Women 50+ years	148	90	+/-8.1

# Analysis & Reporting

## Council Groups

- Wherever appropriate, results for Moorabool Shire Council for this 2013 Community Satisfaction Survey have been compared against other Councils in the Large Rural Shires group and on a State-wide basis. Moorabool Shire Council is self-classified as a Large Rural Shires Council according to the following classification list:
  - Inner metropolitan councils
  - Outer metropolitan councils
  - Rural cities and regional centres
  - Large rural shires
  - Small rural shires
- The Councils in the Large Rural Shires group are: Bass Coast, Baw Baw, Campaspe, Colac Otway, Corangamite, East Gippsland, Glenelg, Macedon Ranges, Mitchell, Moira, Moorabool, Moyne, South Gippsland, Southern Grampians, Surf Coast, Swan Hill and Wellington. All participating Councils are listed in the State-wide report published on the DPCD website. In 2013, 71 of the 79 Councils throughout Victoria participated in this survey.
- Please note that the Councils that participated in 2012 vary slightly to those participating in 2013.

# Analysis & Reporting (Cont'd)

## Index Scores

- Many questions ask respondents to rate Council performance on a five-point scale, for example, from "Very good" to "Very poor", with "Can't say" also a possible response category. To facilitate ease of reporting and comparison of results over time (starting from the 2012 benchmark survey) and against the State-wide result and the Council group, an 'Index Score' has been calculated for such measures.
- The 'Index Score' is calculated and represented as a score out of 100 (on a 0 to 100 scale), with "Can't say" responses excluded from the analysis. The '% RESULT' for each scale category is multiplied by the 'INDEX FACTOR'. This produces an 'INDEX VALUE' for each category, which are then summed to produce the 'INDEX SCORE', equating to '60' in the following example.

SCALE CATEGORIES	% RESULT	INDEX FACTOR	INDEX VALUE
Very good	9%	100	9
Good	40%	75	30
Average	37%	50	19
Poor	9%	25	2
Very poor	4%	0	0
Can't say	1%	--	<b>INDEX SCORE 60</b>

- Similarly, an Index Score has been calculated for the Core question 'Performance direction in the last 12 months', based on the following scale for each performance measure category, with 'Can't say' responses excluded from the calculation:
  - 'Improved' = 100
  - 'Stayed about the same' = 50
  - 'Deteriorated' = 0

# Analysis & Reporting (Cont'd)

## Core, Optional and Tailored Questions

- Over and above necessary geographic and demographic questions required to ensure sample representativeness, a base set of questions for the 2013 Community Satisfaction Survey was designated as 'Core' and therefore compulsory inclusions for all participating Councils. These Core questions comprised:
  - Overall performance last 12 months (Overall performance)
  - Lobbying on behalf of community (Advocacy)
  - Community consultation and engagement (Consultation)
  - Contact in last 12 months (Contact)
  - Rating of contact (Customer service)
  - Overall council direction last 12 months (Council direction)
- Reporting of results for these Core questions can always be compared against other Councils in the Council group and against all participating Councils State-wide. Alternatively, some questions in the 2013 Community Satisfaction Survey were optional. If comparisons for Moorabool Shire Council for some questions cannot be made against all other Councils in the Large Rural Shires group and/or all Councils on a State-wide basis, this is noted for those results by a footnote of the number of Councils the comparison is made against.
- Councils also had the ability to ask tailored questions specific only to their Council.

# Analysis & Reporting (Cont'd)

## Reporting

- Every Council that participated in the 2013 Community Satisfaction Survey receives a customized report. In addition, the DPCD is supplied with a State-wide summary report of the aggregate results of 'Core' and 'Optional' questions asked across all Council areas surveyed.
- Tailored questions commissioned by individual Councils are reported only to the commissioning Council and not otherwise shared with the DPCD or others unless by express written approval of the commissioning Council.
- The State-wide Research Results Summary Report is available on the Department's website at [www.localgovernment.vic.gov.au](http://www.localgovernment.vic.gov.au).

## Contacts

- For further queries about the conduct and reporting of this Community Satisfaction Survey, please contact JWS Research as follows:
  - Mark Zuker – [mzucker@jwsresearch.com](mailto:mzucker@jwsresearch.com) - 0418 364 009
  - John Scales – [jscales@jwsresearch.com](mailto:jscales@jwsresearch.com) - 0409 244 412

# Glossary of Terms

- **Core questions:** Compulsory inclusion questions for all Councils participating in the CSS.
- **CSS:** 2013 Victorian Local Government Community Satisfaction Survey.
- **Council group:** One of five self-classified groups, comprising: inner metropolitan councils, outer metropolitan councils, rural cities and regional centres, large rural shires and small rural shires.
- **Council group average:** The average result for all participating Councils in the Council group.
- **Highest / Lowest:** The result described is the highest or lowest result across a particular demographic sub-group e.g. Men, for the specific question being reported. Reference to the result for a demographic sub-group being the highest or lowest does not imply that it is significantly higher or lower, unless this is specifically mentioned.
- **Index Score:** A score calculated and represented as a score out of 100 (on a 0 to 100 scale). This score is sometimes reported as a figure in brackets next to the category being described, e.g. men 50+ (60).
- **Optional questions:** Questions which Councils had an option to include or not.
- **Percentages:** Also referred to as 'detailed results', meaning the proportion of responses, expressed as a percentage.
- **Sample:** The number of completed interviews, e.g. for a Council or within a demographic sub-group.
- **Significantly higher / lower:** The result described is significantly higher or lower than the comparison result based on a statistical significance test at the 95% confidence limit. If the result referenced is statistically higher or lower then this will be specifically mentioned, however not all significantly higher or lower results are referenced in summary reporting.
- **State-wide average:** The average result for all participating Councils in the State.
- **Tailored questions:** Individual questions tailored by and only reported to the commissioning Council.
- **Weighting:** Weighting factors are applied to the sample for each Council based on available age and gender proportions from ABS census information to ensure reported results are proportionate to the actual population of the Council, rather than the achieved survey sample.

# KEY FINDINGS & RECOMMENDATIONS

# Key Findings & Recommendations

- Moorabool Shire Council slightly increased its Overall Performance (up 1 point to 58) and Overall Council Direction (up 2 points to 51) scores from 2012.
- Overall, rating of Moorabool Shire Council's performance on all core measures is effectively unchanged since 2012, and it has maintained its competitiveness with the Large Rural Shires average on all core measures except Consultation and Engagement.
- On Consultation, performance is down slightly (but not statistically significantly) by 3 points to 51, but which is statistically significantly lower than the Large Rural Shires average of 55. There has also been a slight (but once again insignificant) drop of 2 points to 52 on Advocacy.
- There have also been declines in the rated performance of several individual service areas, the largest being on the appearance of public areas and on recreational facilities.
- An unchanged Customer Service rating saw increases in satisfaction among 18-34 year olds balanced by declines among 65+ year olds, men aged 50+ and 35-49 year olds.



# Key Findings & Recommendations

## Higher results in 2013

- Overall council direction
- Overall performance

## Lower results in 2013

- Appearance of public areas
- Recreational facilities

## Most favourably disposed towards Council

- 18-34 year olds
- Men and women aged 18-49

## Least favourably disposed towards Council

- 35-49 and 50-64 year olds
- Ballan residents (caution: small sample base)

# Key Findings & Recommendations

- Moorabool Shire Council should pay extra attention to areas and cohorts where it is underperforming on a relative basis in comparison to the State-wide and Large Rural Shires groups.
  - On the core measures of Consultation, Advocacy and Customer Service Moorabool Shire Council scores below the State-wide and Large Rural Shires averages
  - Residents aged 35-64 consistently drive negative opinion
- Moorabool Shire Council also has a net differential of 10 points or more between rated importance and performance on all individual service areas measured, including:
  - Condition of local streets and footpaths
  - Recreational facilities
  - Business and community development and tourism
  - Family support services
  - Elderly support services
  - Waste management
  - Appearance of public areas

# Key Findings & Recommendations

- It is also important not to ignore, and to learn from, what is working amongst other groups, especially 18 to 34 year olds, men and women aged 18-49 and residents aged 65+.
- An approach we recommend is to further mine the survey data to better understand the profile of these over and under-performing demographic groups. This can be achieved via additional consultation and data interrogation, or self-mining the SPSS data provided or via the dashboard portal available to the Council.
- We would also caution that sample sizes in Ballan are quite small.

# DETAILED RESULTS

# CORE MEASURES

# Core Measures Summary

- In 2013 Moorabool Shire Council recorded an Overall Performance Index Score of 58, which is an increase of 1 point from 2012. The result is slightly lower than the State-wide average for this measure of 60 and 1 point higher than the average Index Score of 57 for the Large Rural Shires group.
- On other core performance measures (which can also be compared against all Councils State-wide and the Large Rural Shires group) Moorabool Shire Council scored as follows:
  - 51 for Community Consultation and Engagement – down 3 points since 2012
  - 52 for Advocacy – down 2 points
  - 68 for Customer Service – unchanged since 2012
  - 51 for Overall Council Direction – up 2 points
- More specifically on these core measures:
  - 51 for Consultation is a significant 6 points lower than the State-wide average of 57 and a significant 4 points lower than the Large Rural Shires average of 55.
  - 52 for Advocacy is a significant 3 points lower than the State-wide average of 55 and 1 point lower than the Large Rural Shires average of 53.
  - 68 for Customer Service is 3 points lower than the State-wide average of 71 and 1 point lower than the Large Rural Shires average of 69.
  - 51 for Council Direction is slightly lower than the State-wide average of 53 and on par with the average Index Score of 51 for the Large Rural Shires group.

# Core Measures Summary

- In terms of its Overall Performance Index Score of 58, which as noted is slightly lower than the State-wide average of 60 and slightly higher than the Large Rural Shires group average of 57, rated performance for Moorabool Shire Council is:
  - Significantly higher amongst residents aged 18-34 (66). Although the results are not statistically significant, men aged 18-49 (61) also rated Council higher.
  - Significantly lower amongst residents aged 35-49 (52). Although the results are not statistically significant and we advise caution due to a small sample base, Ballan residents (53) also rated Council lower.
  - Since 2012, the largest increase in rated performance on this measure was among residents aged 18-34 (up 6 points), while the largest decrease was among 35-49 year olds (down 4 points).
- On Community Consultation and Engagement, Council's average Index Score of 51 was significantly lower than the State-wide and Large Rural Shires groups and:
  - Significantly higher amongst residents aged 18-34 (61). Although the results are not statistically significant, women aged 18-49 and women generally (54) also rated Council higher.
  - Significantly lower amongst men aged 50+ (43) and although the results are not statistically significant, residents aged 35-49 (46) also rated Council lower.
  - Since 2012, the largest increase in rated performance on this measure was among residents aged 18-34 (61, up 2 points) and women aged 50+ (53, up 2 points), while the largest decrease was among residents aged 65+ (49, down 9 points).

# Core Measures Summary

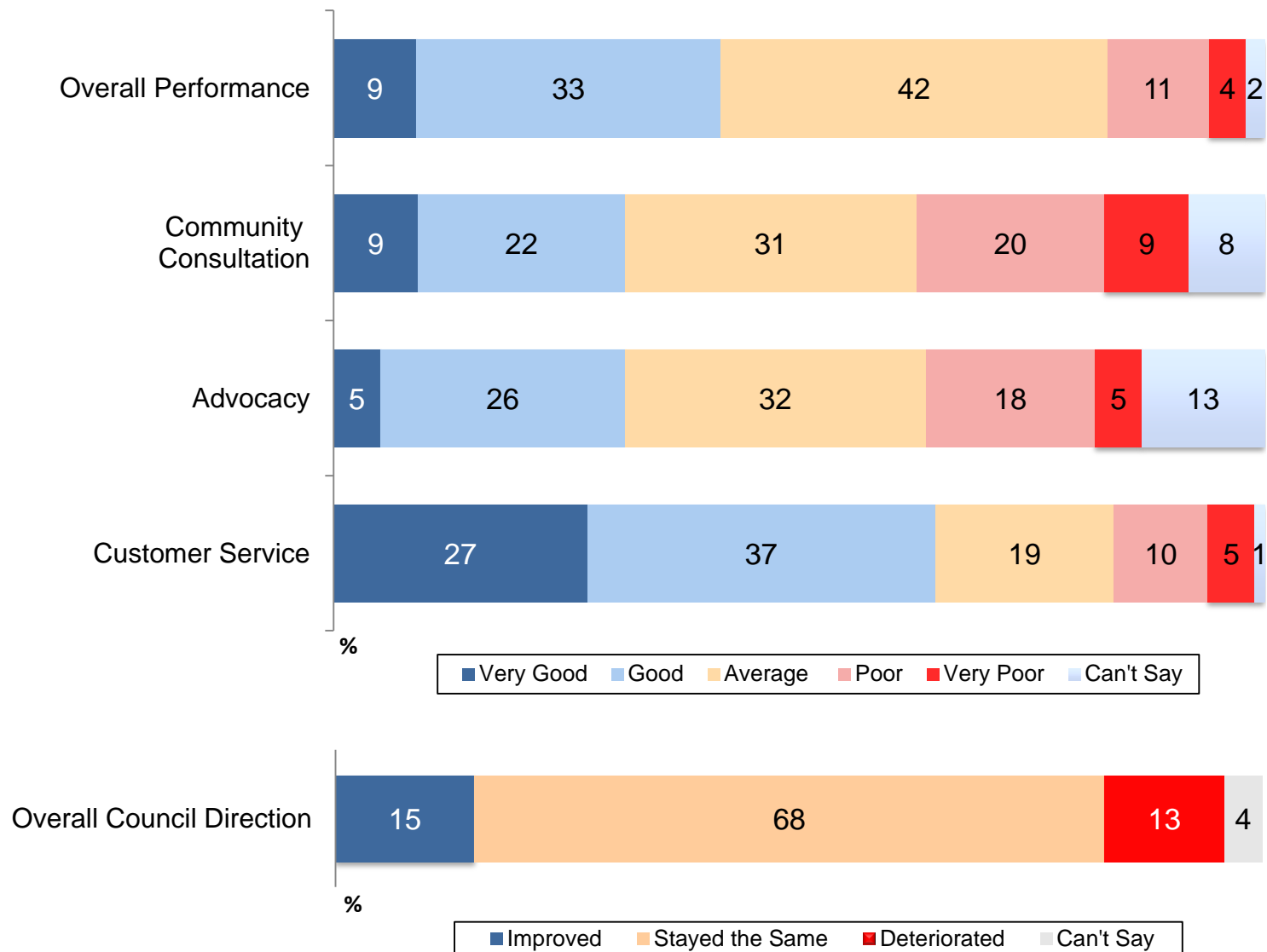
- In terms of Moorabool Shire Council's Advocacy efforts which achieved an average Index Score of 52, ratings are:
  - Significantly higher amongst residents aged 18-34 (61). Although the results are not statistically significant, men aged 18-49 (57) also rated Council higher.
  - Significantly lower amongst residents aged 35-49 (47) and although the results are not statistically significant, they are also lower than average amongst residents aged 50-64 and men aged 50+ (both 49).
  - Since 2012, the largest increase on this measure was among women aged 50+ (53, up 3 points), while the largest decrease was among women aged 18-49 (50, down 6 points).
- At 68 overall for Customer Service, performance is slightly lower than the State-wide average (of 71) and the Large Rural Shires average (of 69) and:
  - Significantly higher amongst residents aged 18-34 (75).
  - Lowest (although not significantly) amongst Ballan residents, and we caution that this result is based on a small sample size.
  - Since 2012, the largest increase on this measure was among residents aged 18-34 (up 14 points), while the largest decrease was among residents aged 65+ (70, down 7 points).
- When asked about the direction of Moorabool Shire Council over the last 12 months, 68% of all residents say it has stayed about the same, 15% say things have improved and 13% say things have deteriorated. Residents aged 65+ (23%) are most likely to say Council Direction has improved.



# Summary of Key Community Satisfaction Index Score Results

Performance Measures	Moorabool Shire Council 2012	Moorabool Shire Council 2013	Large Rural Shires 2013	State-wide 2013
<b>OVERALL PERFORMANCE</b>	57	58	57	60
<b>COMMUNITY CONSULTATION</b> (Community consultation and engagement)	54	51	55	57
<b>ADVOCACY</b> (Lobbying on behalf of the community)	54	52	53	55
<b>CUSTOMER SERVICE</b>	68	68	69	71
<b>OVERALL COUNCIL DIRECTION</b>	49	51	51	53

# 2013 Summary of Key Community Satisfaction Percentage Results

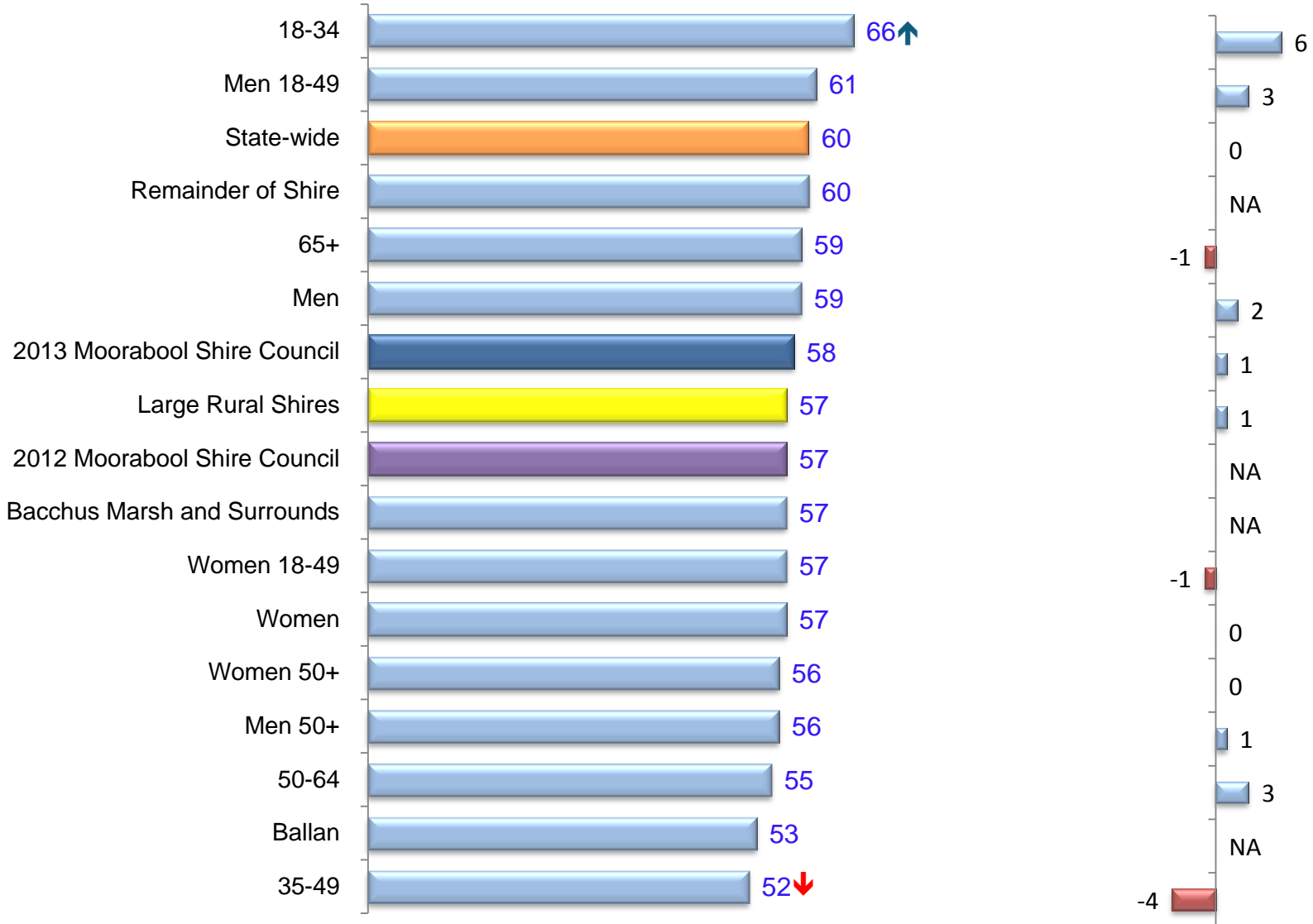


# KEY CORE MEASURE OVERALL PERFORMANCE

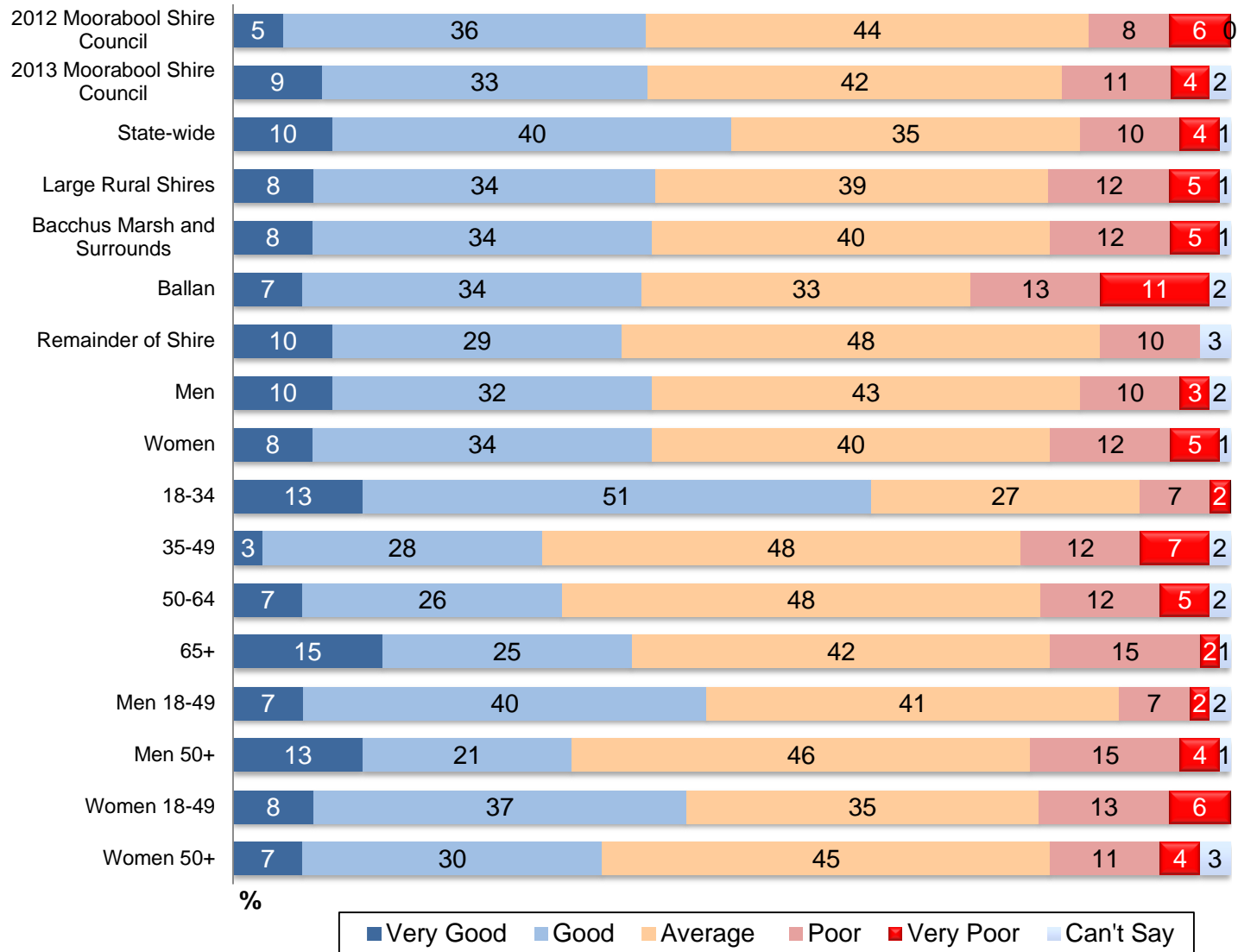
# 2013 Overall Performance

## Index Score

## Change (2012 to 2013)



# 2013 Overall Performance – Detailed Percentages



# INDIVIDUAL SERVICE AREAS

# Individual Service Area Summary

- On service delivery, Council's performance was rated highest on waste management (69) and lowest on the condition of local streets and footpaths (50).
- Residents aged 18-34 tended to rate Council's service delivery higher, while residents aged 35-64 and Ballan residents tended to be less favourable toward Council (caution is advised with Ballan results due to a small sample base).
- Council should also make its own assessment of what overall level of performance it considers satisfactory, but the most concerning aspect is that importance exceeds performance by 10 points or more on all services measured.

# Individual Service Area Summary

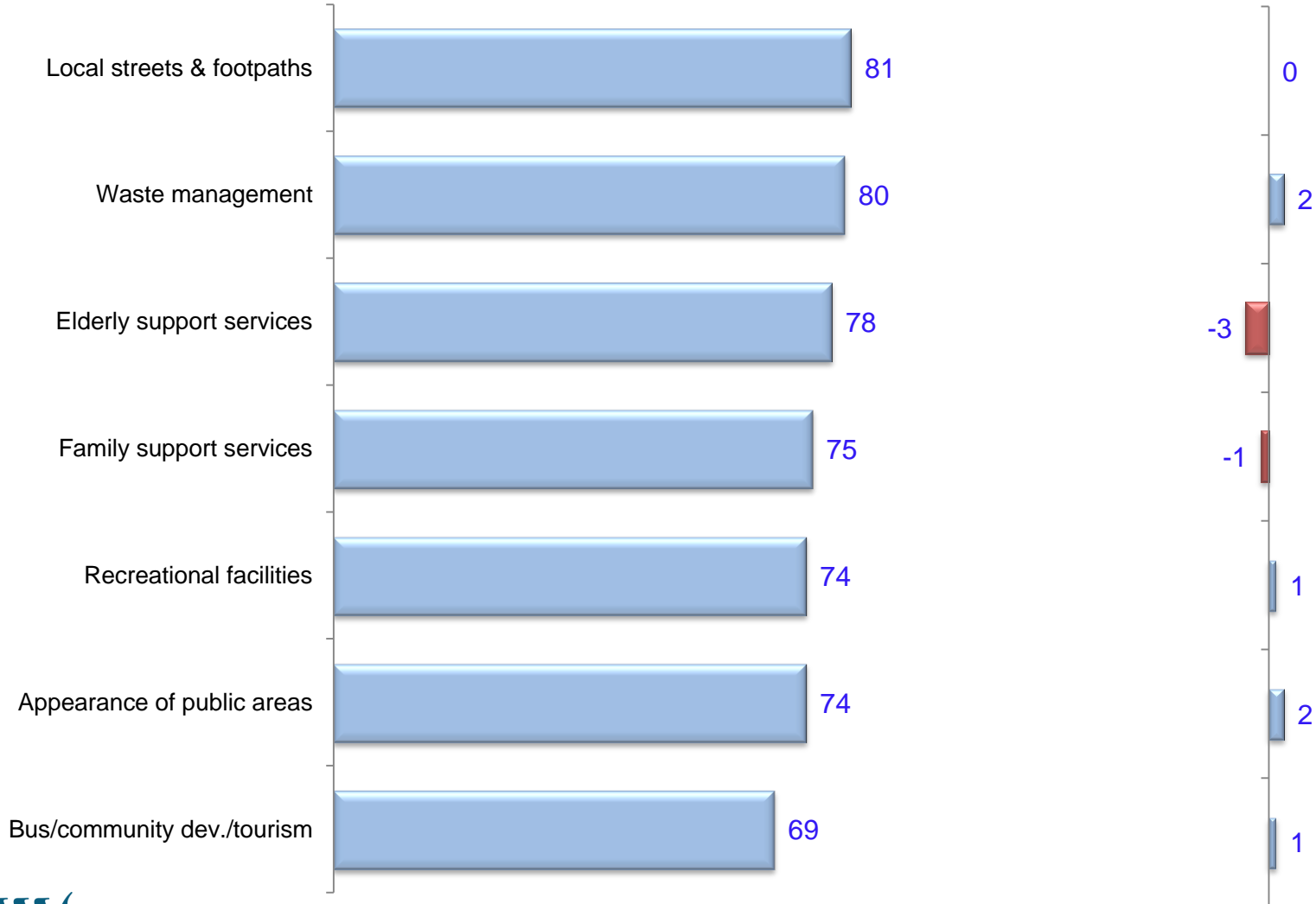
- Services on which rated importance exceed performance include:
  - Condition of local streets and footpaths: performance 50, importance 81 = -31 net differential
  - Recreational facilities: performance 57, importance 74 = -17 net differential
  - Business and community development and tourism: performance 57, importance 69 = -12 net differential
  - Family support services: performance 64, importance 75 = -11 net differential
  - Elderly support services: performance 67, importance 78 = -11 net differential
  - Waste management: performance 69 , importance 80 = -11 net differential
  - Appearance of public areas: performance 64, importance 74 = -10 net differential



# 2013 Importance Summary

**Index Score**

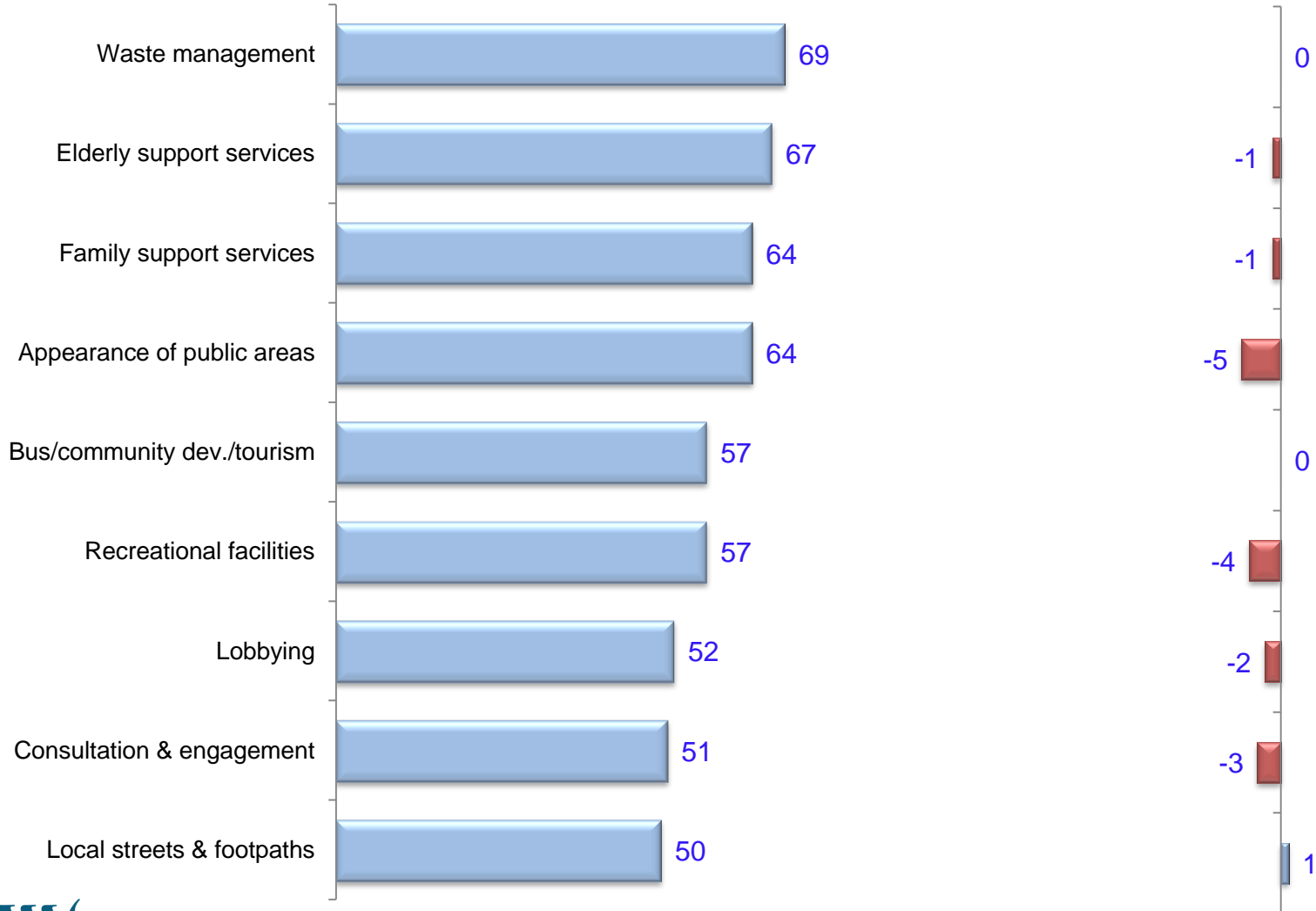
**Change (2012 to 2013)**



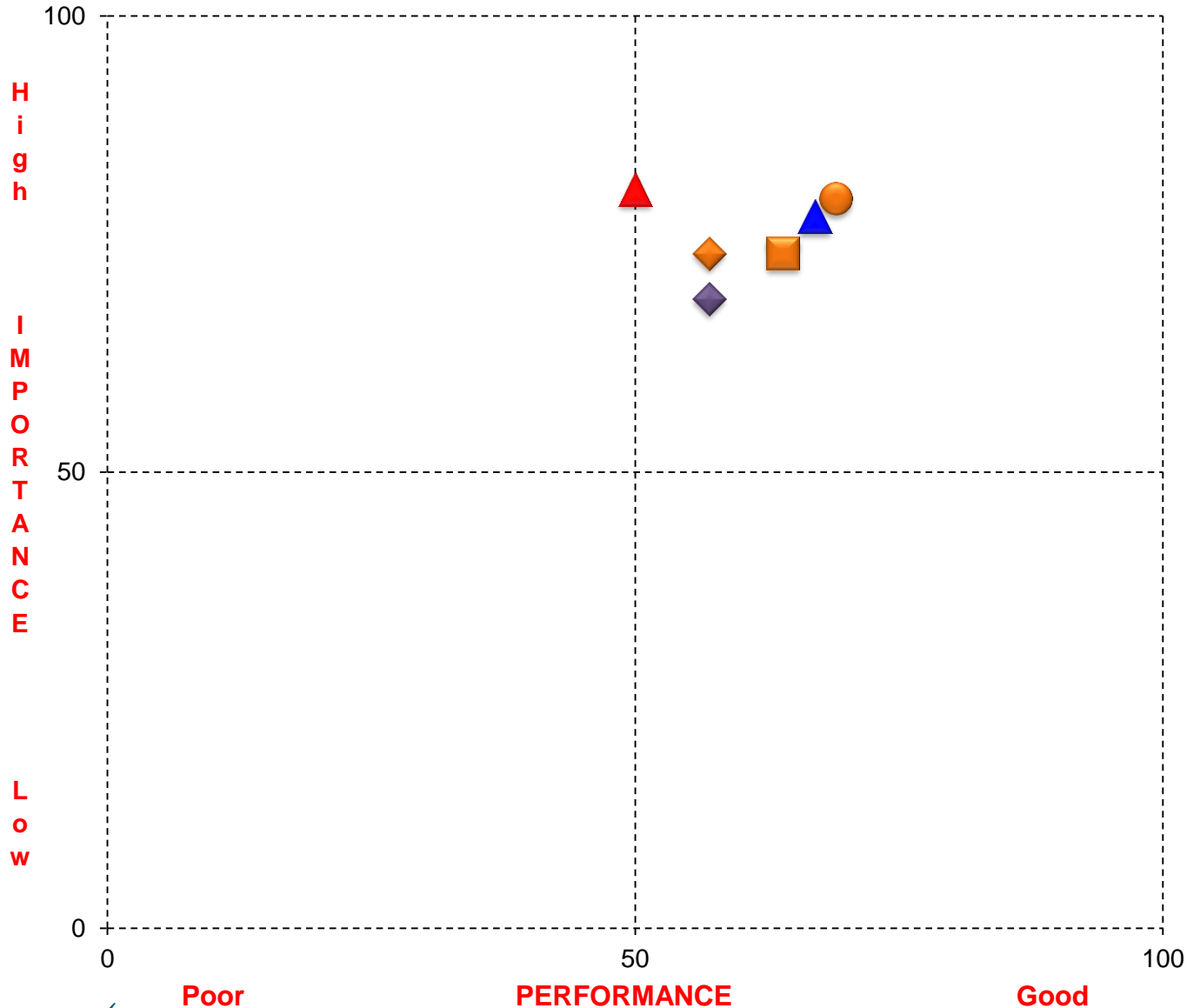
# 2013 Performance Summary

## Index Score

## Change (2012 to 2013)

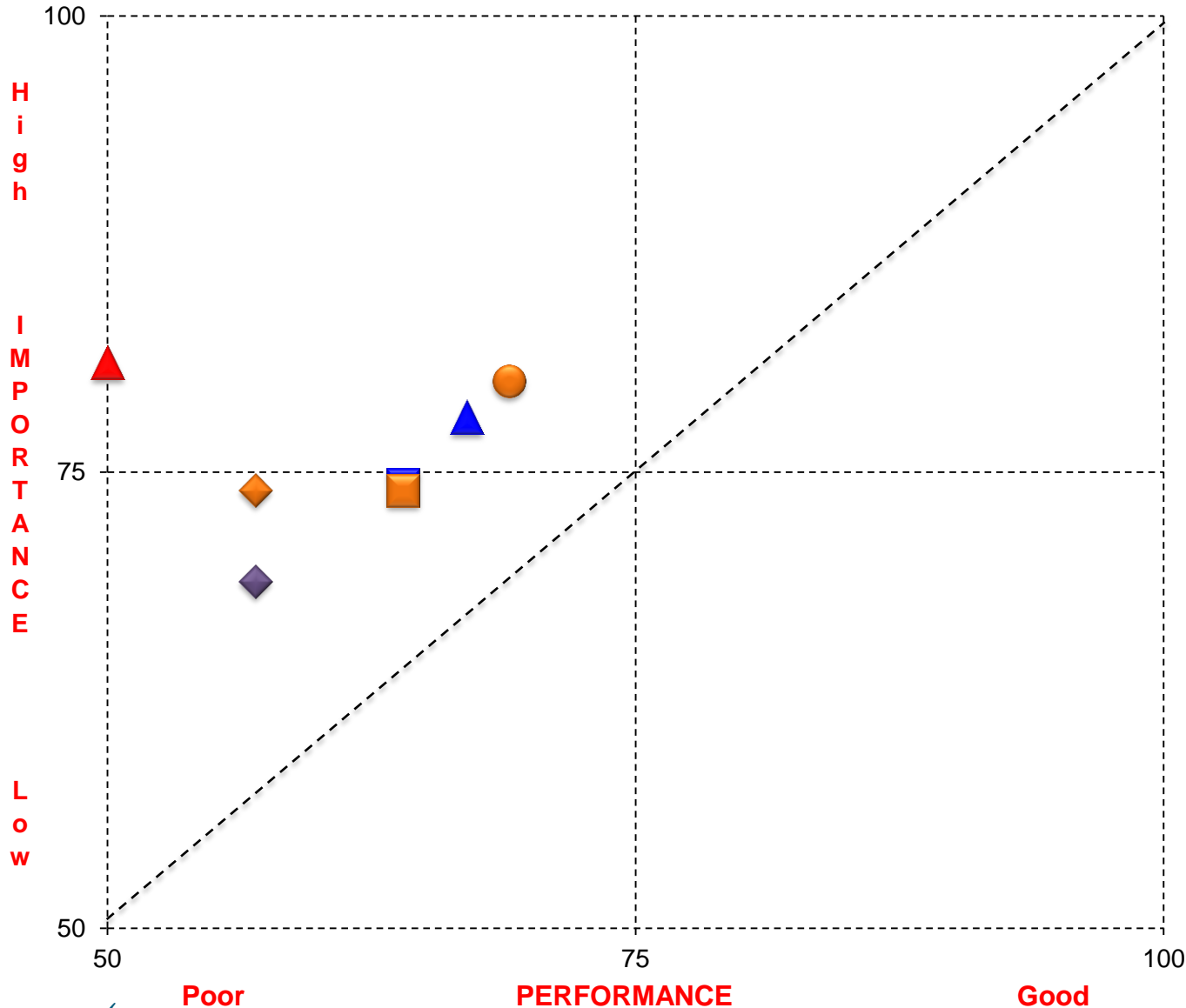


# Importance and Performance 2013 Index Scores Grid



Service	Symbol	Importance	Performance
Local streets & footpaths	▲	81	50
Family services	—	75	64
Elderly services	▲	78	67
Recreational facilities	◆	74	57
Public areas	■	74	64
Waste	☀	80	69
Development & tourism	◆	69	57

# Importance and Performance 2013 Index Scores – Magnified Grid

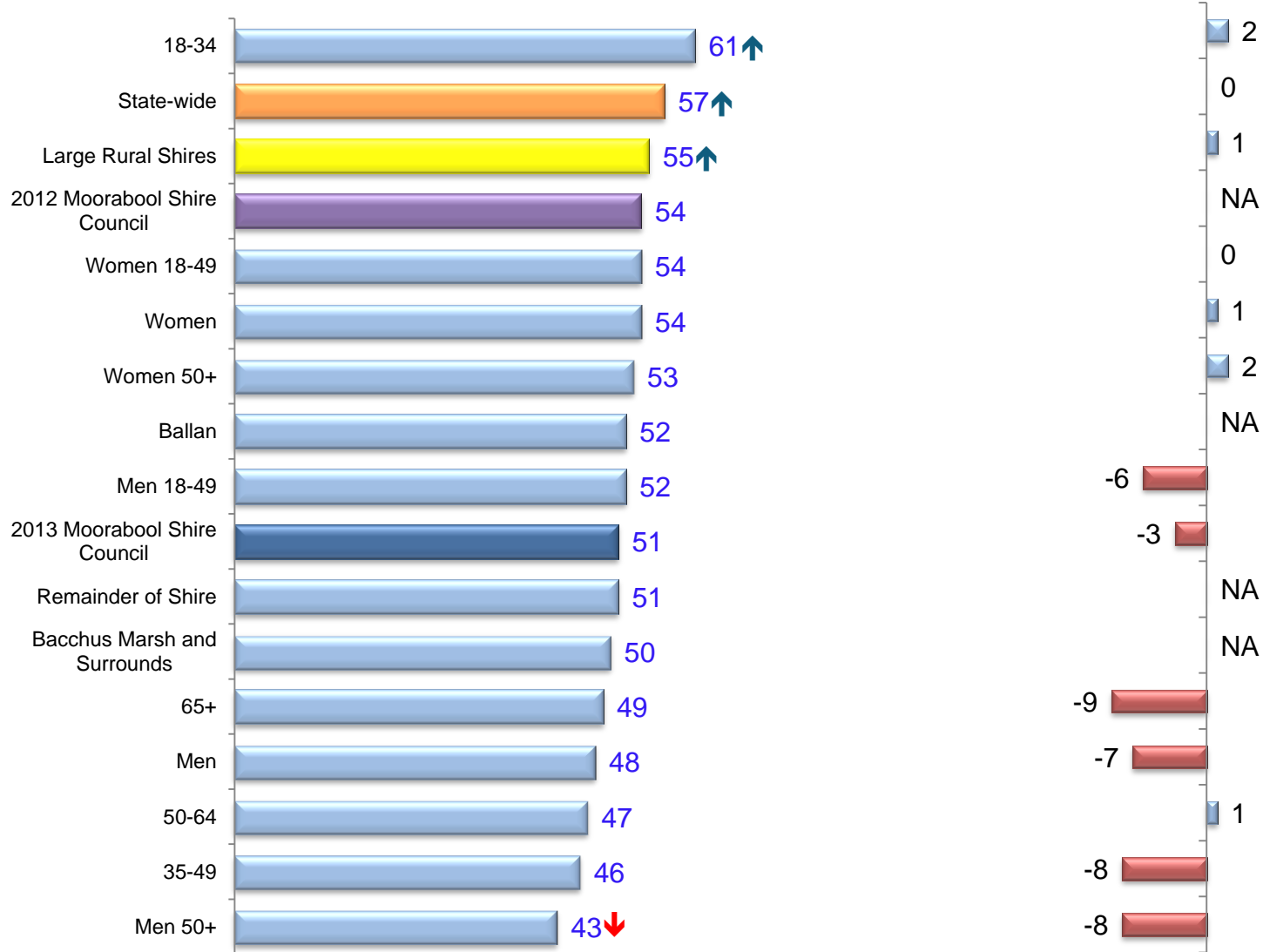


Service	Symbol	Importance	Performance
Local streets & footpaths	▲	81	50
Family services	—	75	64
Elderly services	▲	78	67
Recreational facilities	◆	74	57
Public areas	■	74	64
Waste	☀	80	69
Development & tourism	◆	69	57

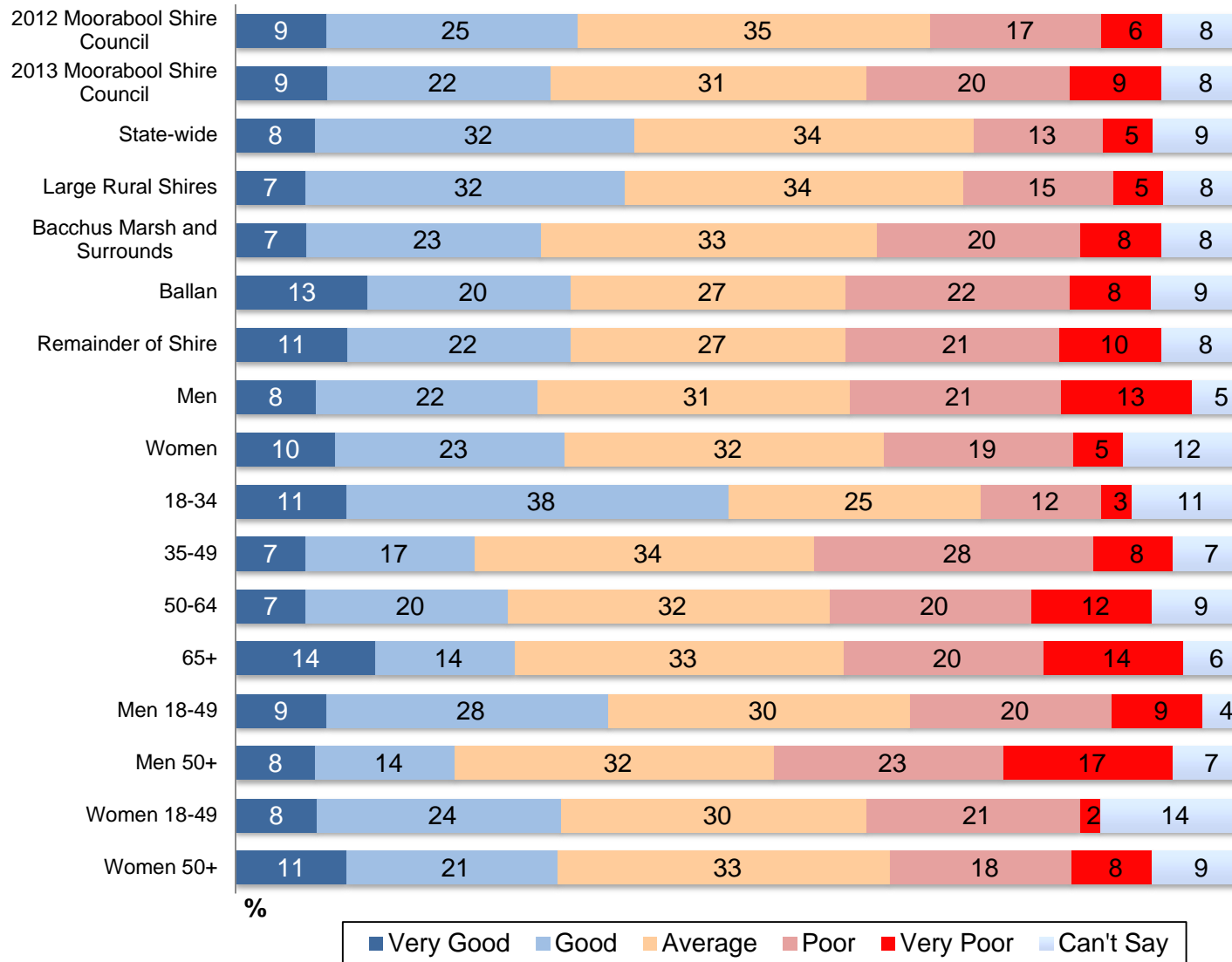
# 2013 Community Consultation and Engagement

## – Performance Index Score

## Change (2012 to 2013)



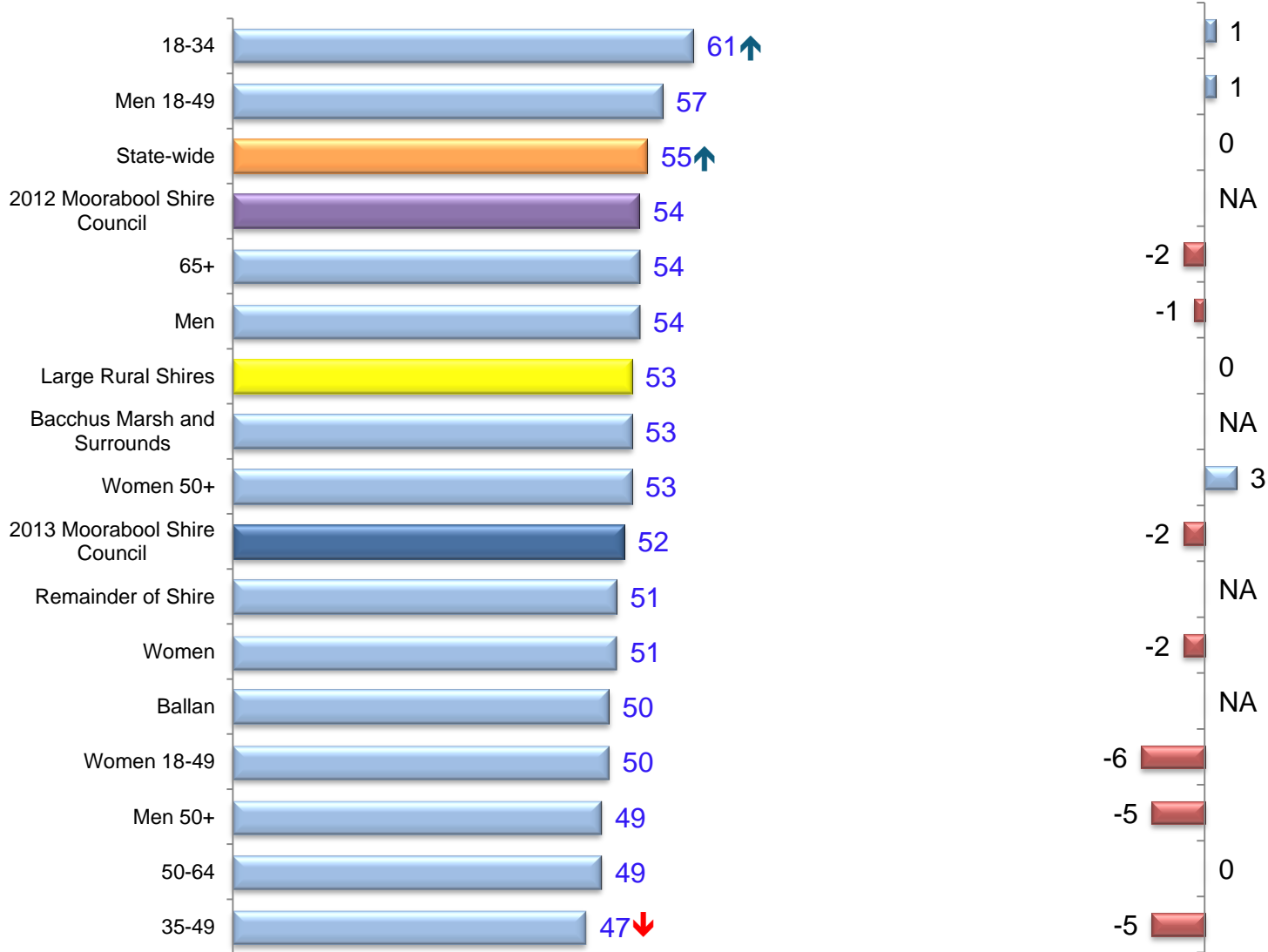
# 2013 Community Consultation and Engagement – Performance



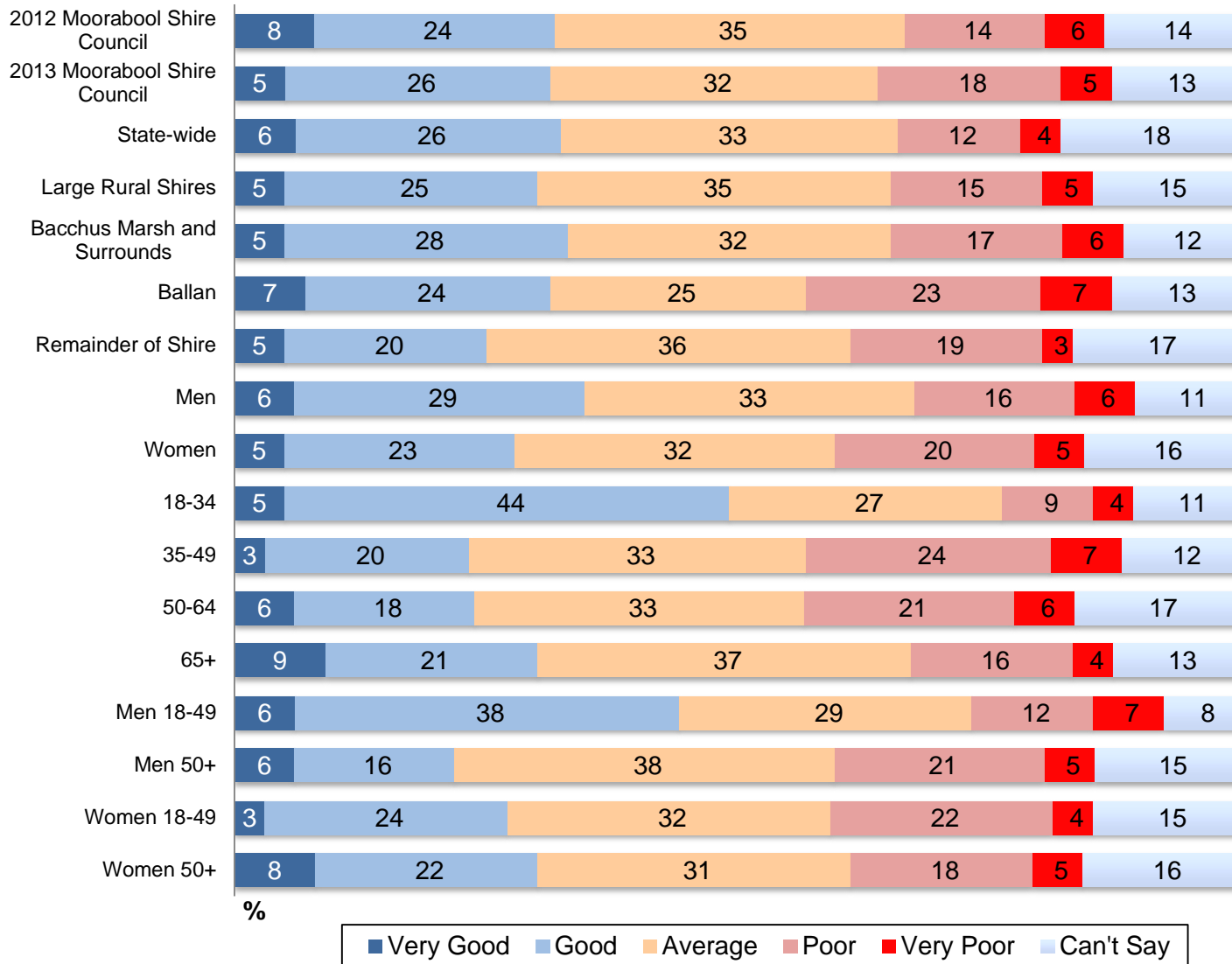
# 2013 Lobbying on Behalf of the Community

## – Performance Index Score

## Change (2012 to 2013)



# 2013 Lobbying on Behalf of the Community – Performance

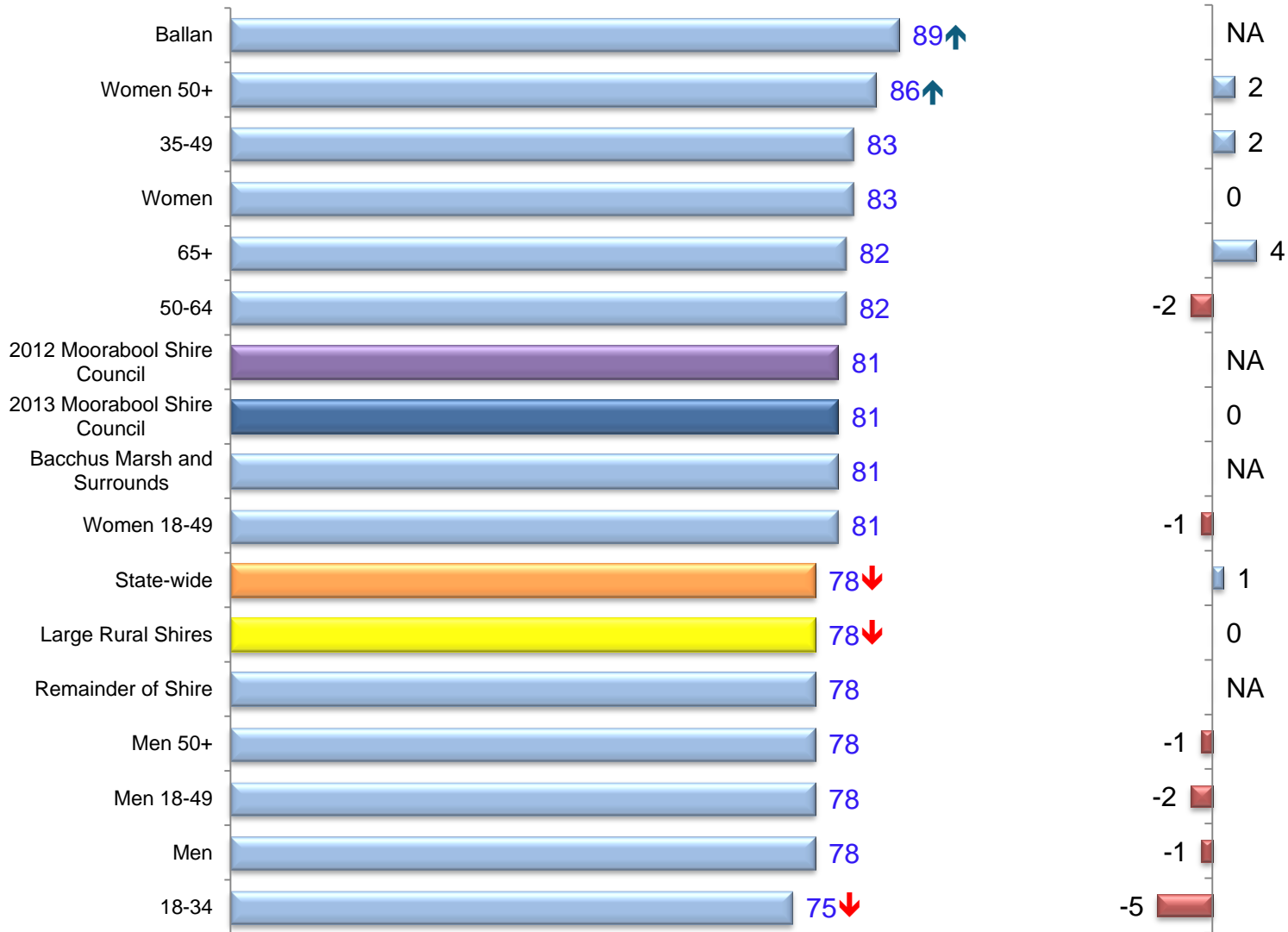




# 2013 The condition of local streets and footpaths in your area

## – Importance Index Score

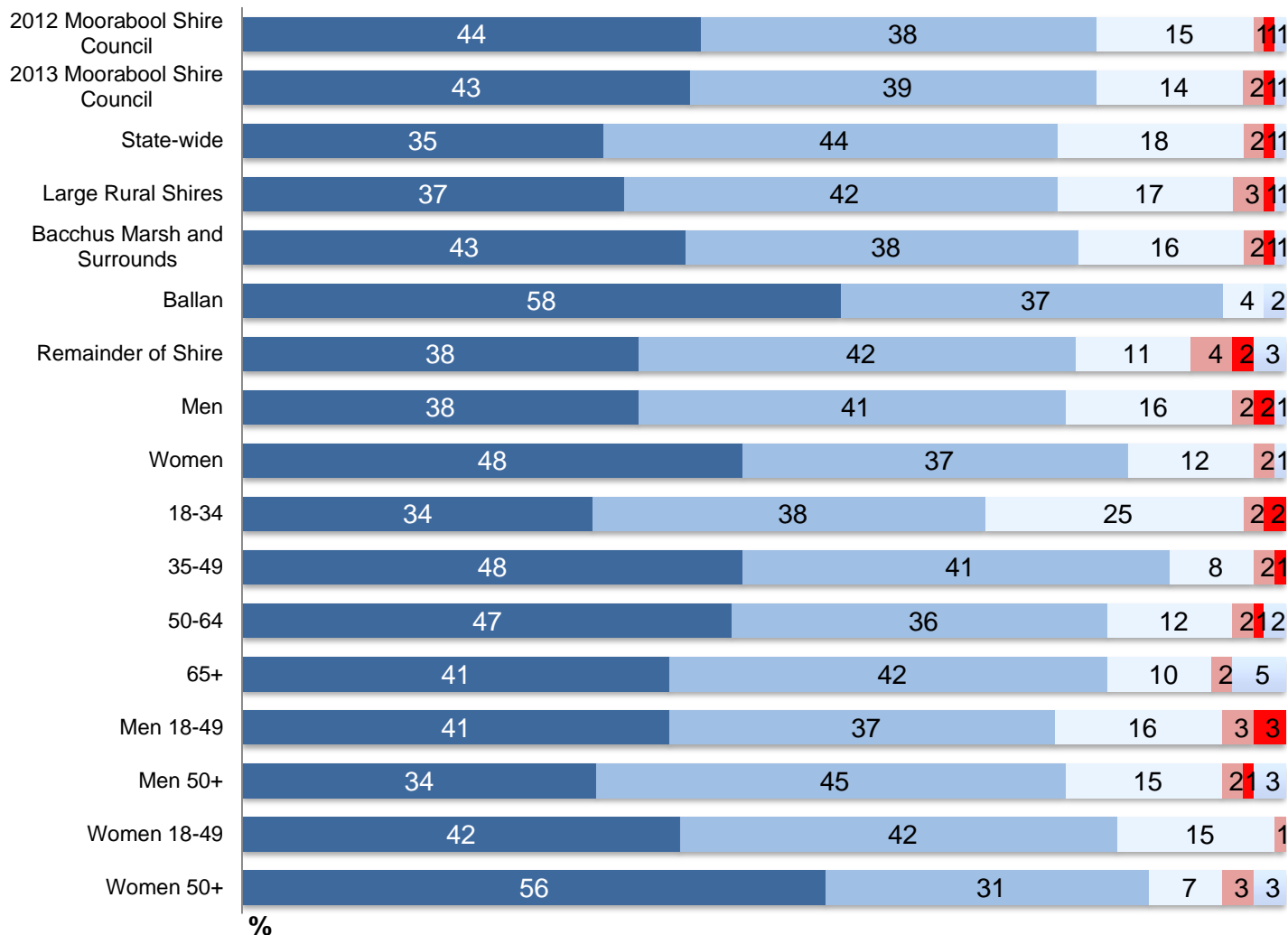
## Change (2012 to 2013)



Q1. Firstly, how important should 'The condition of local streets and footpaths in your area' be as a responsibility for Council?

Base: All respondents. Councils asked statewide: 33 Councils asked group: 8

# 2013 The condition of local streets and footpaths in your area – Importance

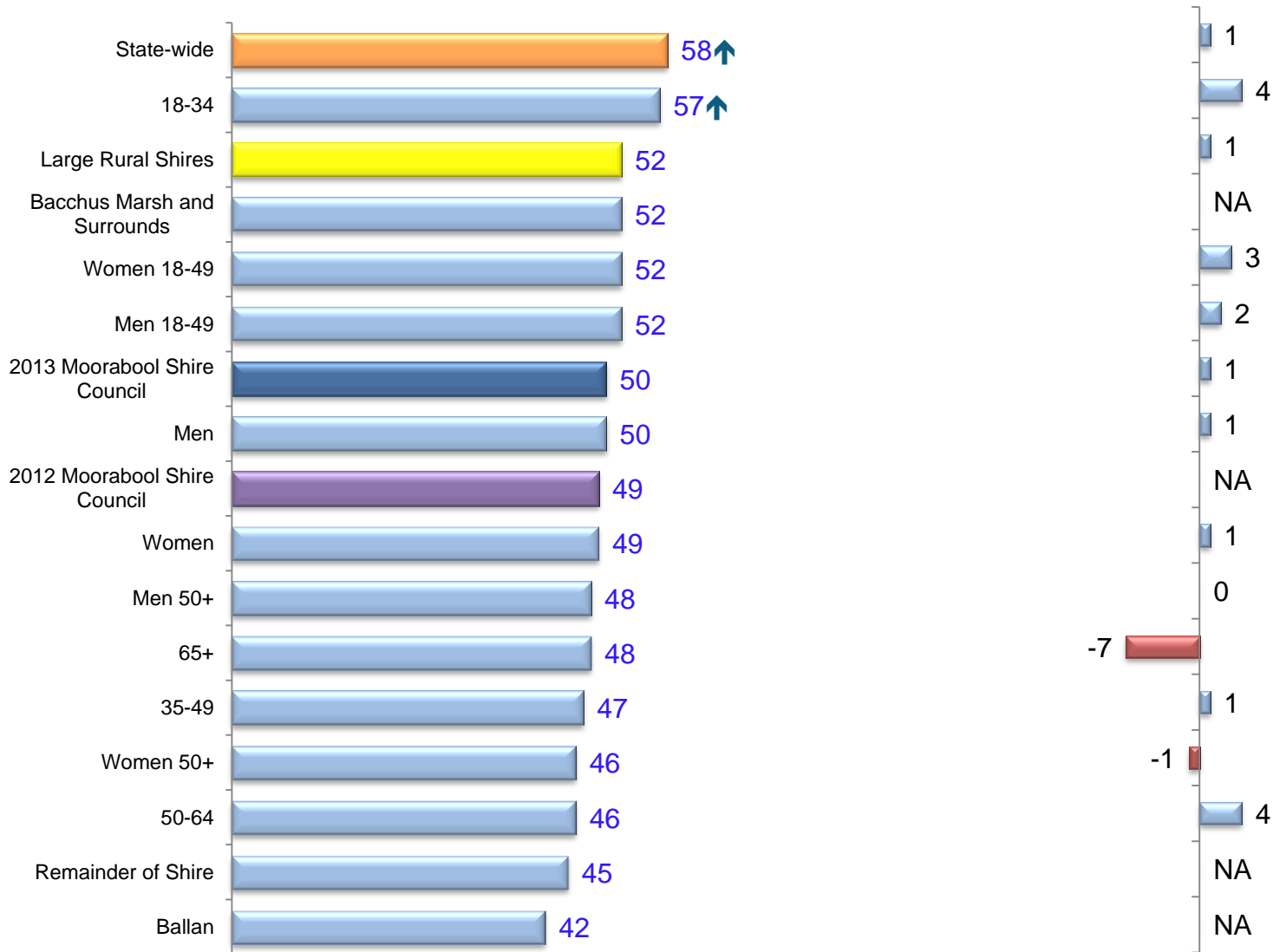


■ Extremely important ■ Very important ■ Fairly important ■ Not that important ■ Not at all important ■ Can't say

# 2013 The condition of local streets and footpaths in your area

## – Performance Index Score

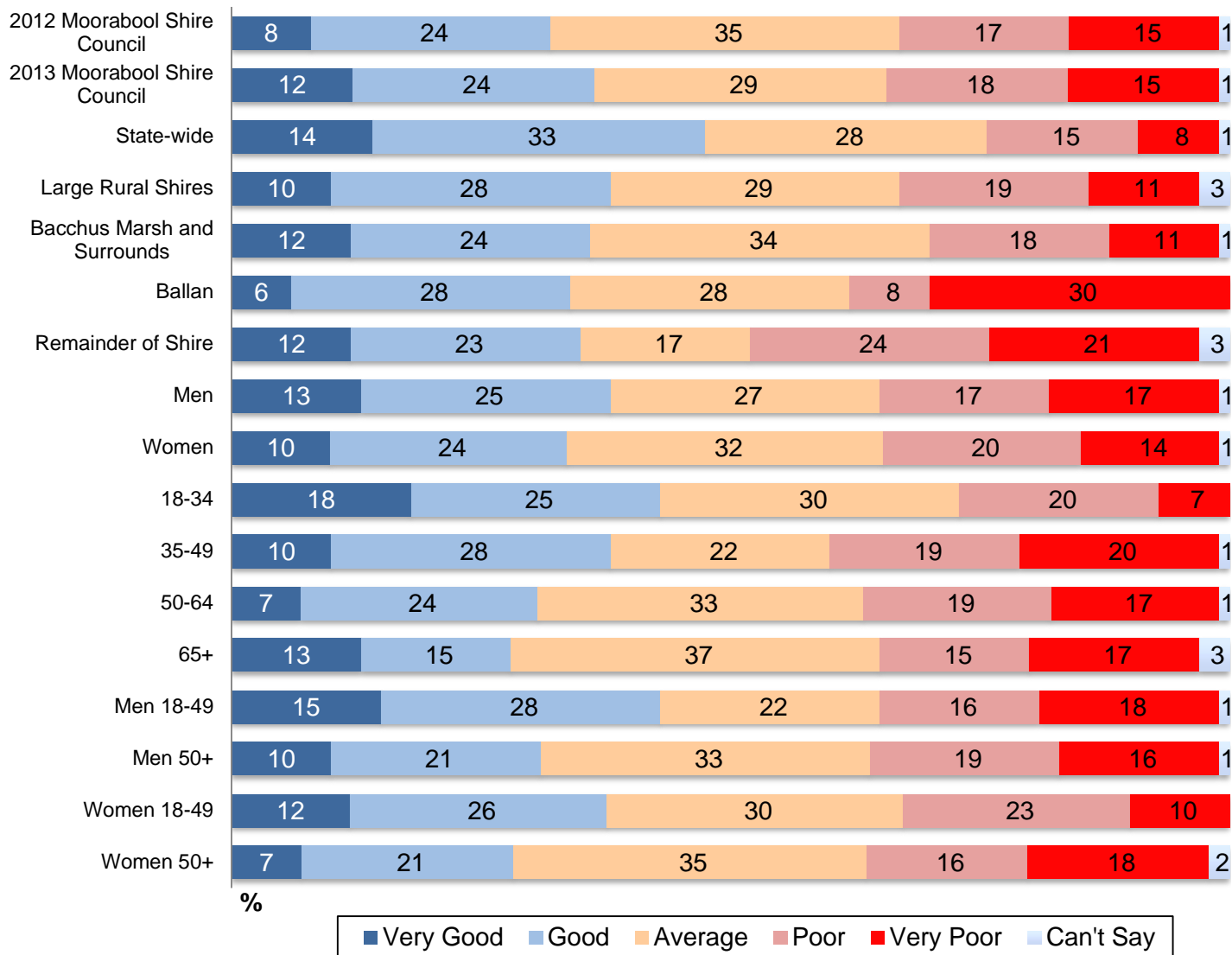
## Change (2012 to 2013)



Q2. How has Council performed on 'The condition of local streets and footpaths in your area' over the last 12 months?

Base: All respondents. Councils asked statewide: 49 Councils asked group: 11

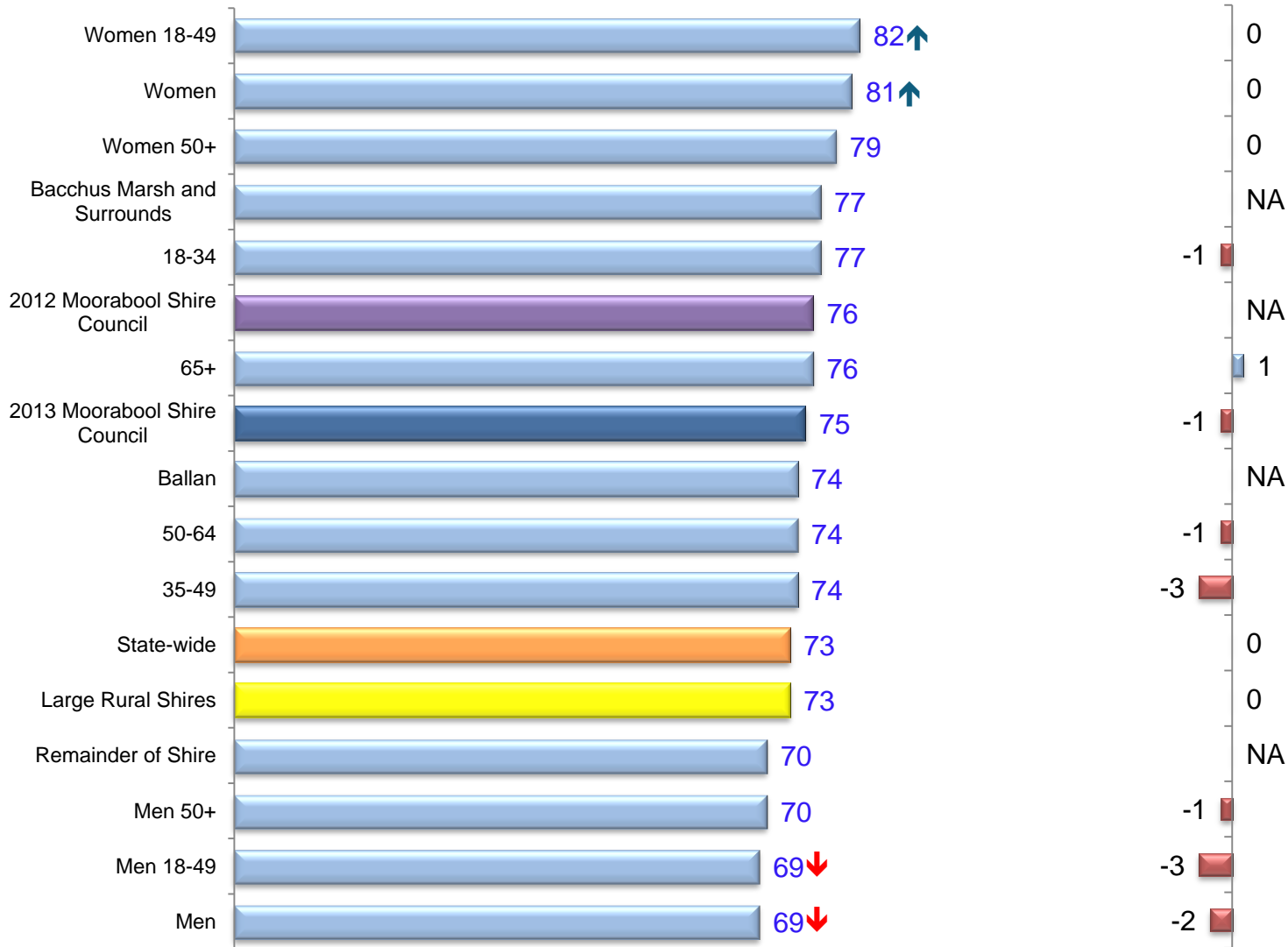
# 2013 The condition of local streets and footpaths in your area – Performance



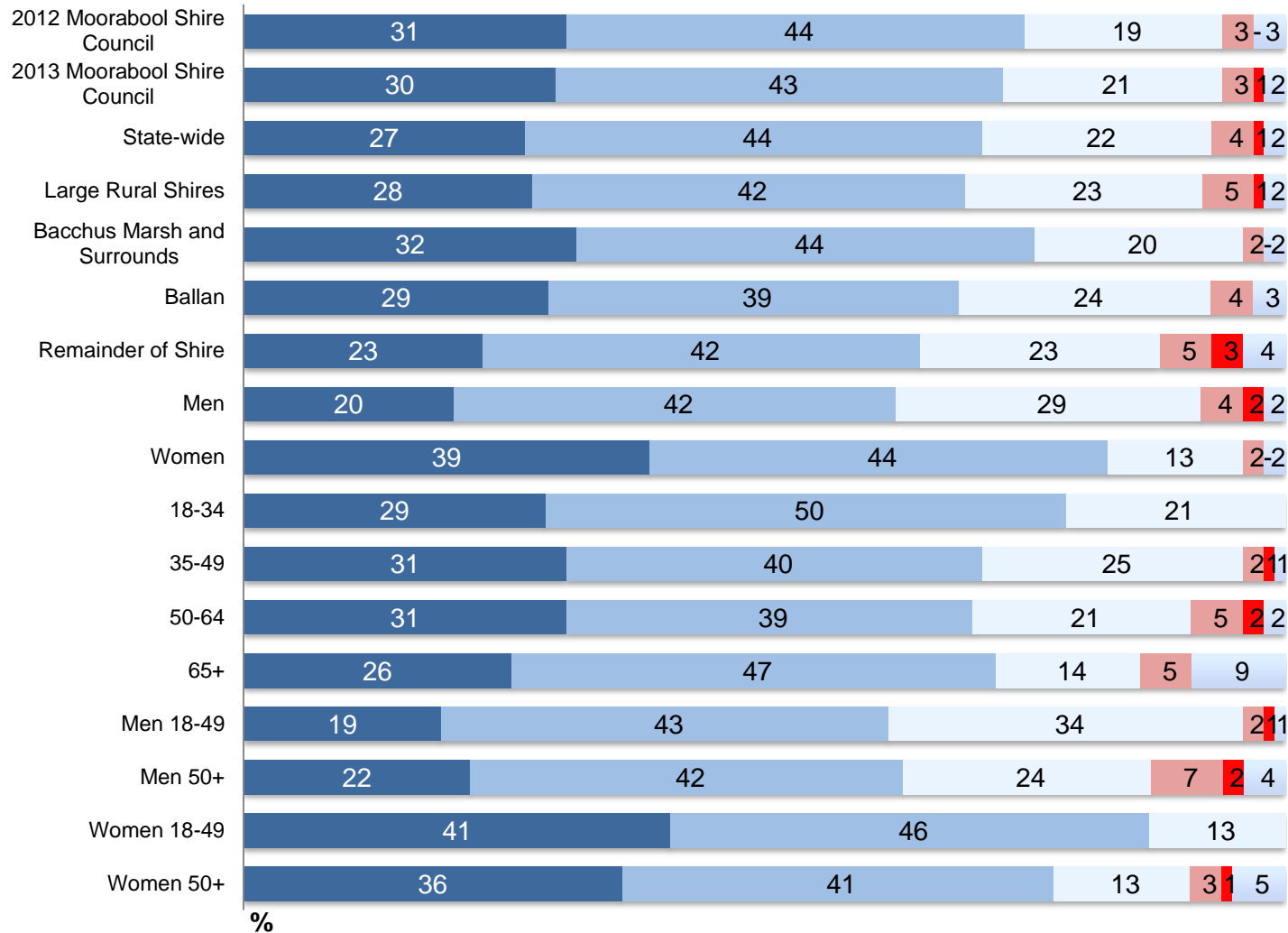
# 2013 Family Support Services

## – Importance Index Score

## Change (2012 to 2013)



# 2013 Family Support Services – Importance

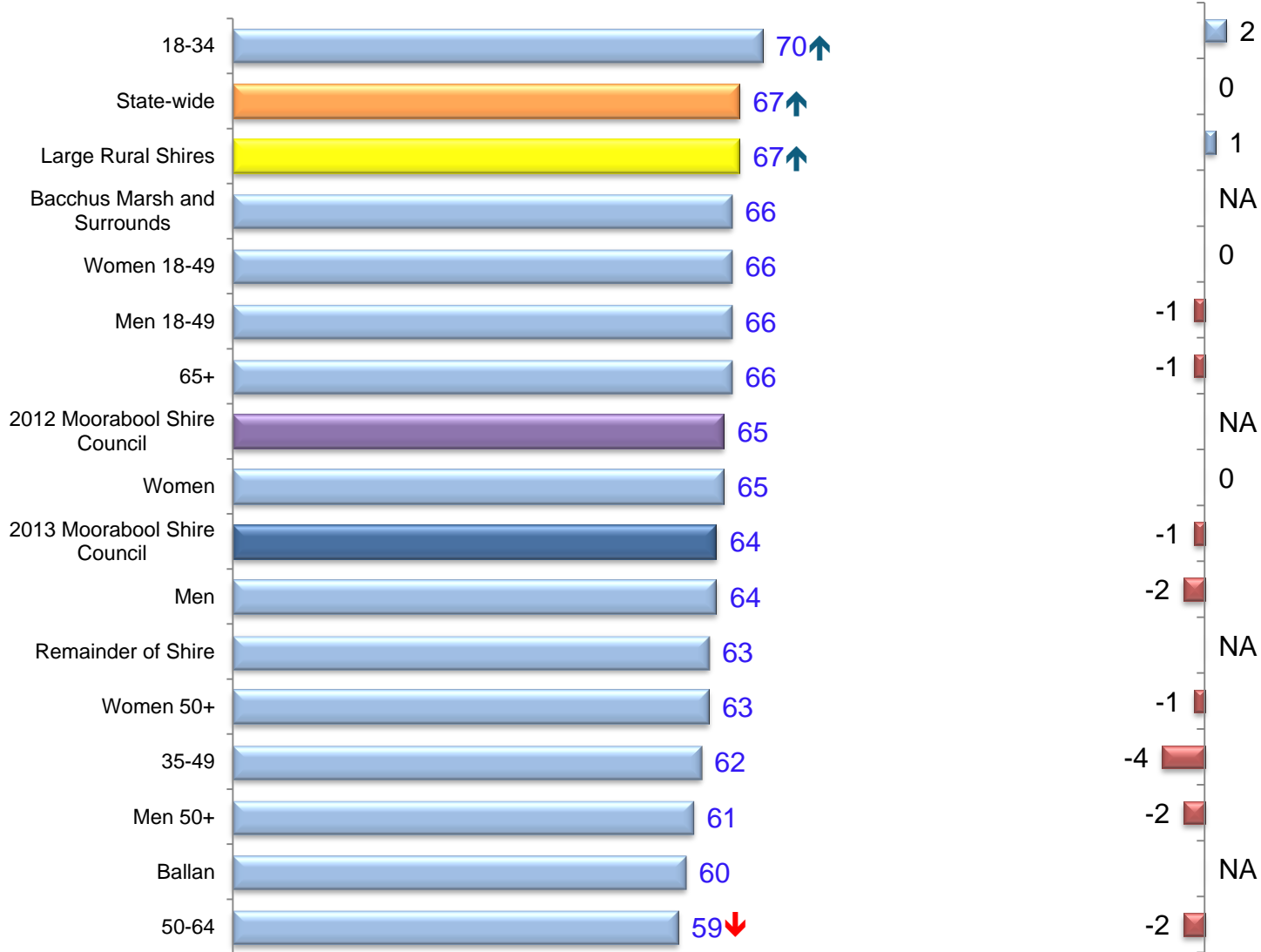


■ Extremely important ■ Very important ■ Fairly important ■ Not that important ■ Not at all important ■ Can't say

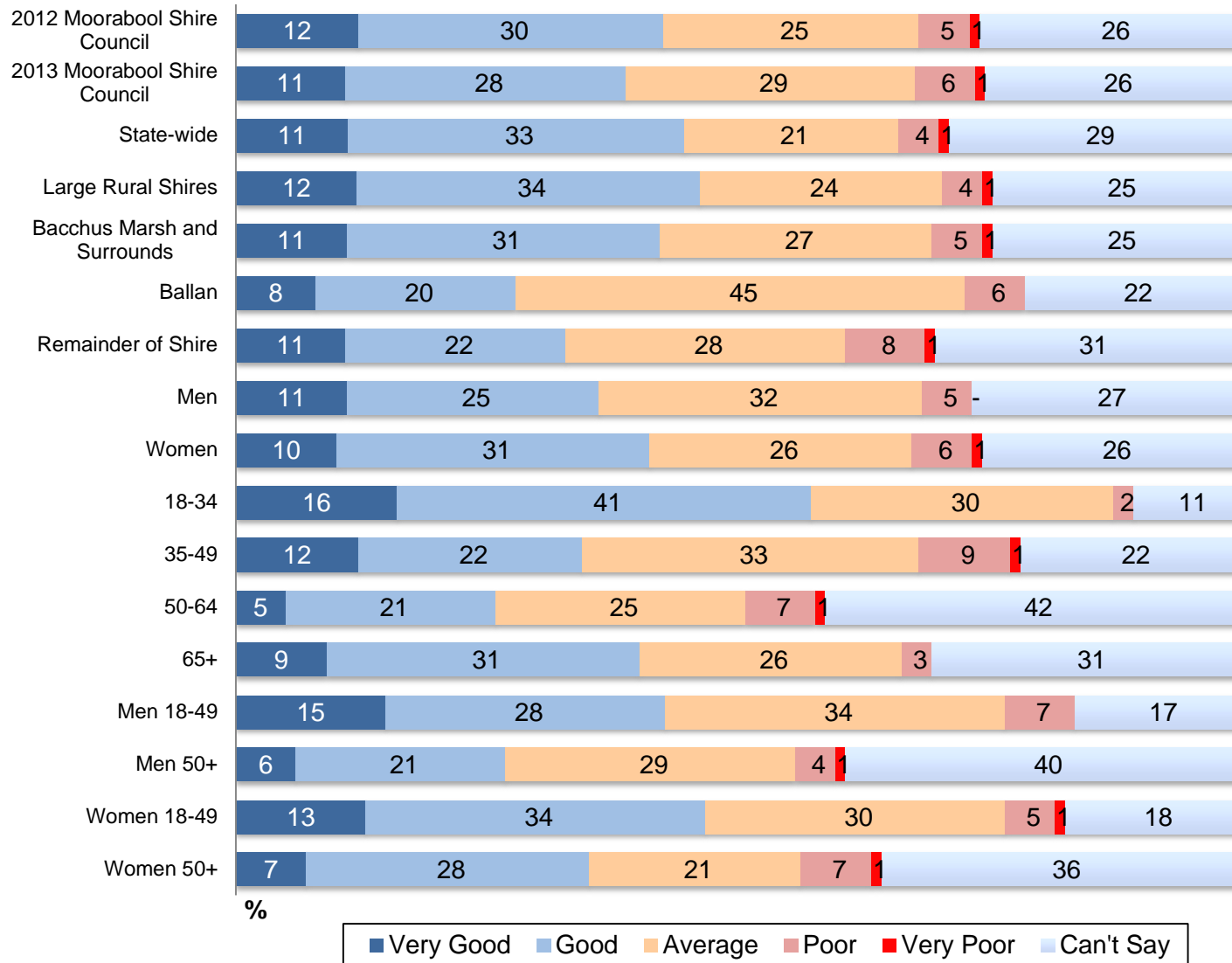
# 2013 Family Support Services

## – Performance Index Score

## Change (2012 to 2013)



# 2013 Family Support Services – Performance

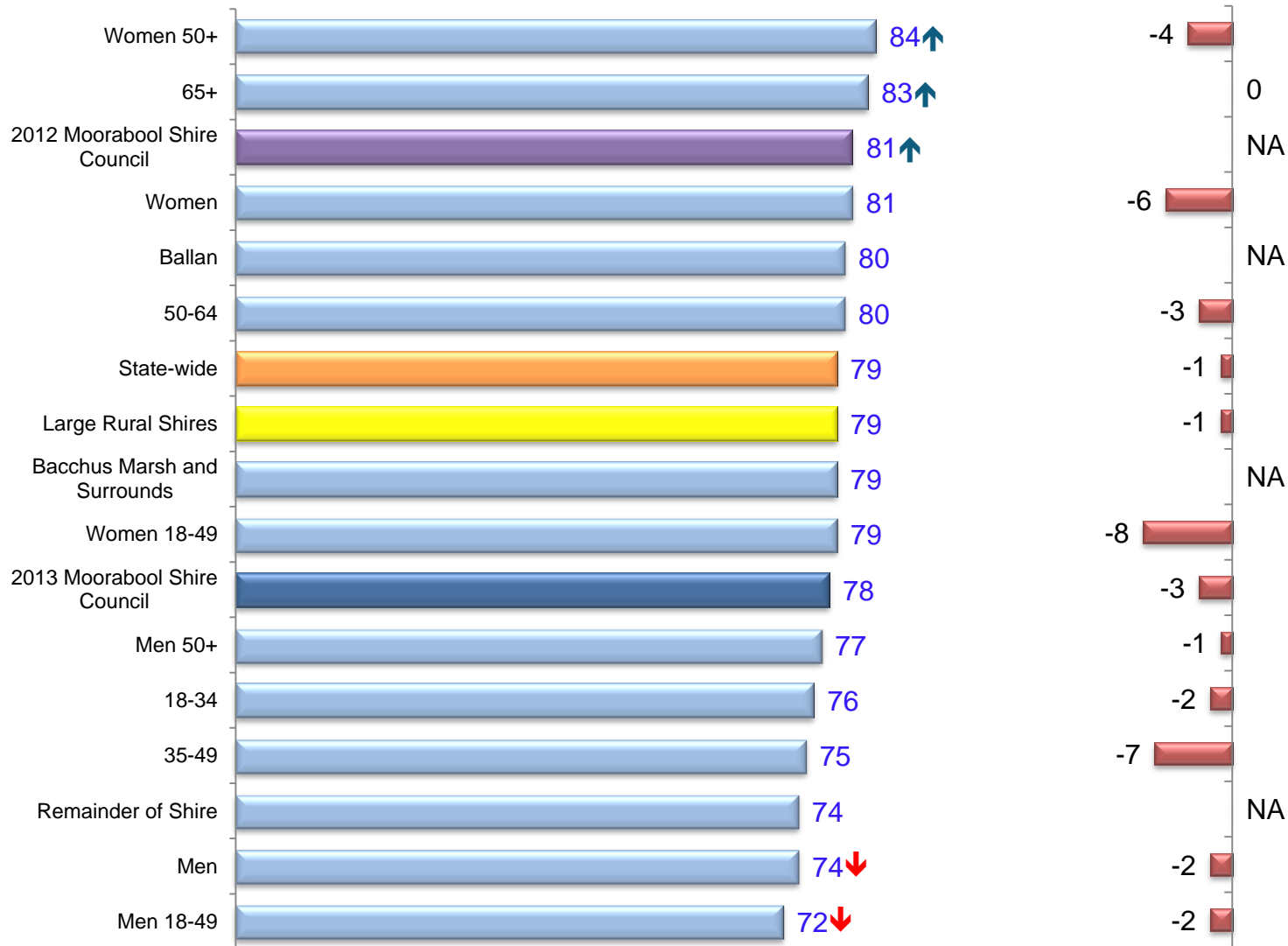




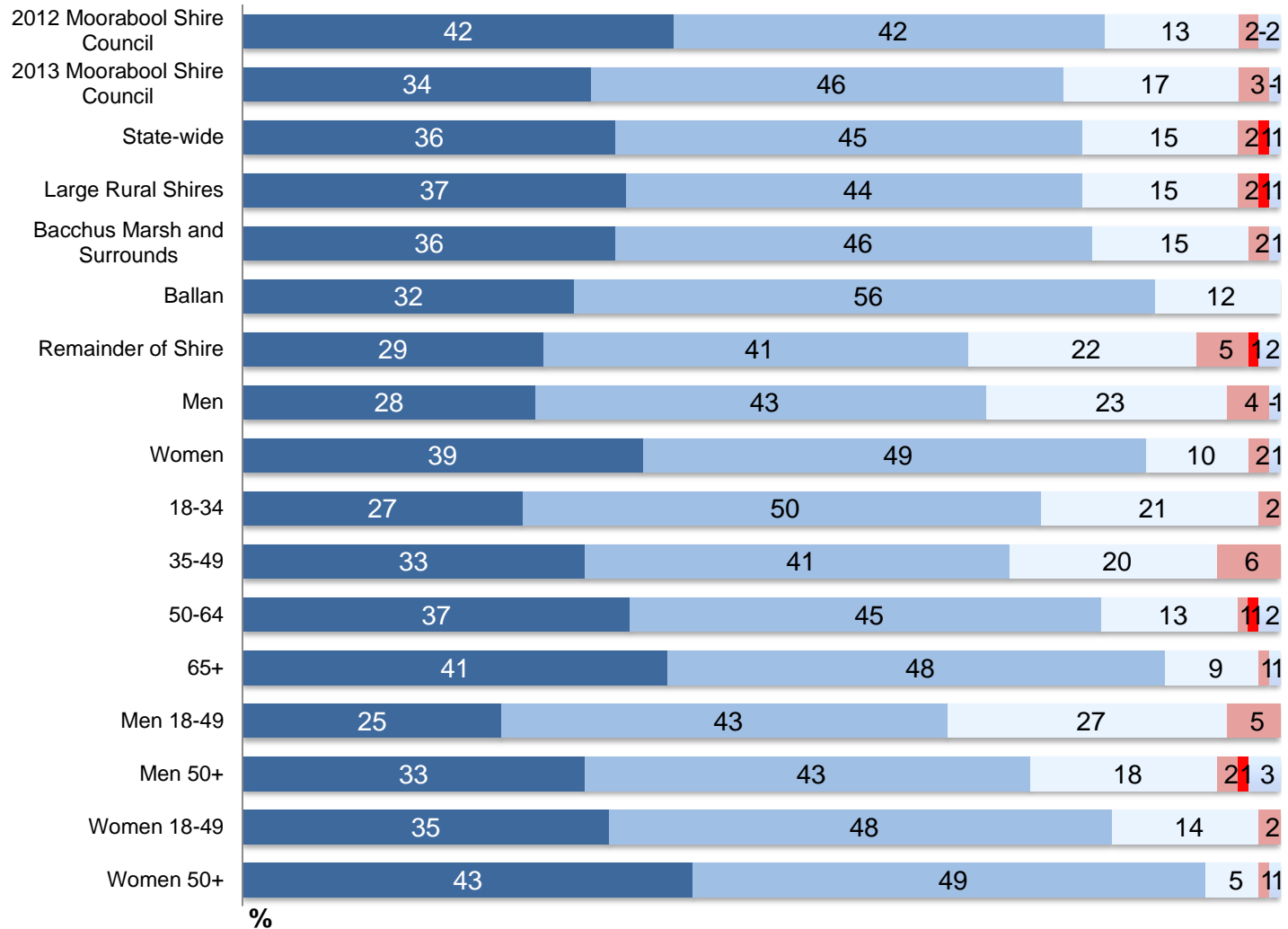
# 2013 Elderly Support Services

## – Importance Index Score

## Change (2012 to 2013)



# 2013 Elderly Support Services – Importance

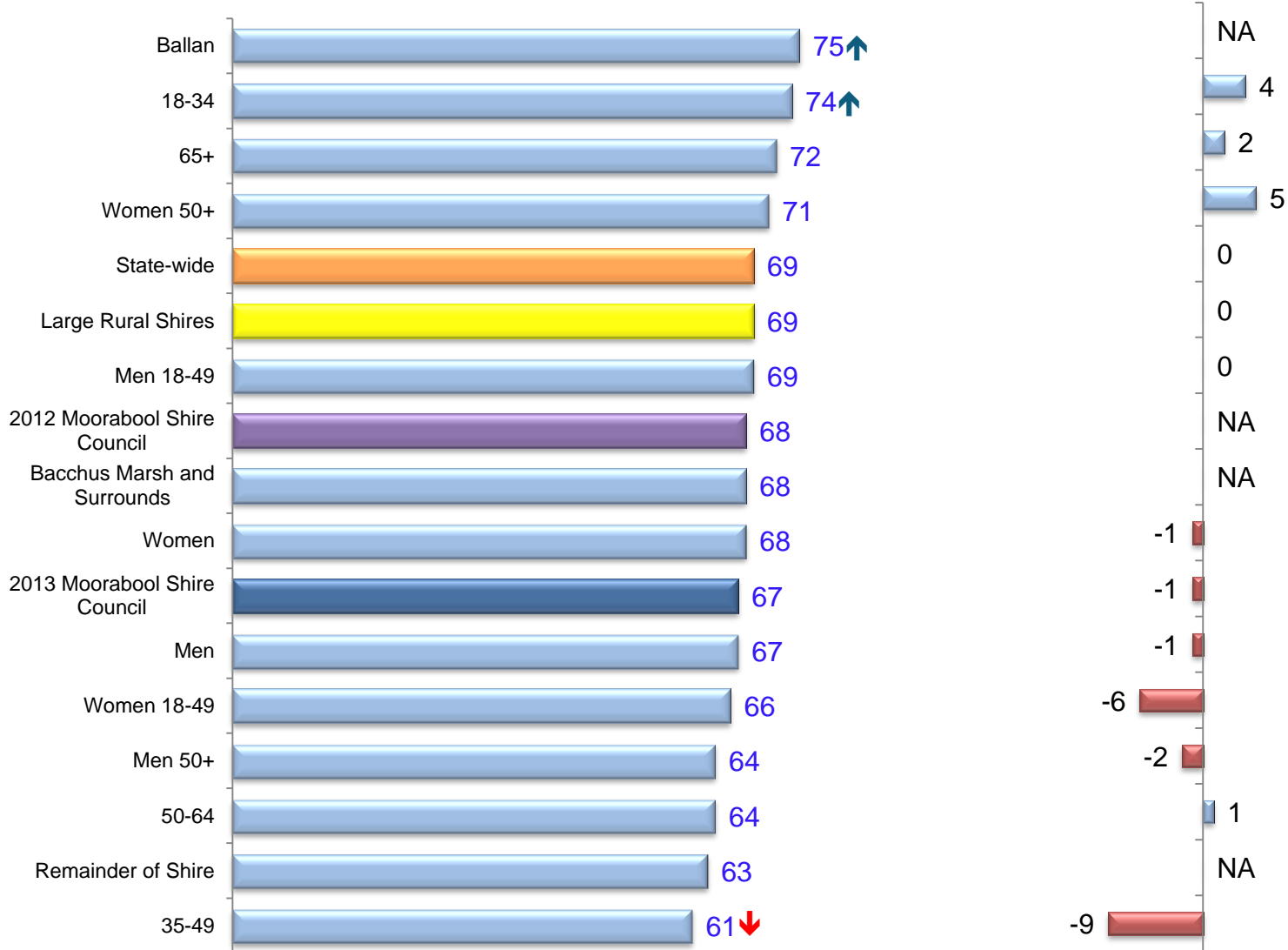


■ Extremely important ■ Very important ■ Fairly important ■ Not that important ■ Not at all important ■ Can't say

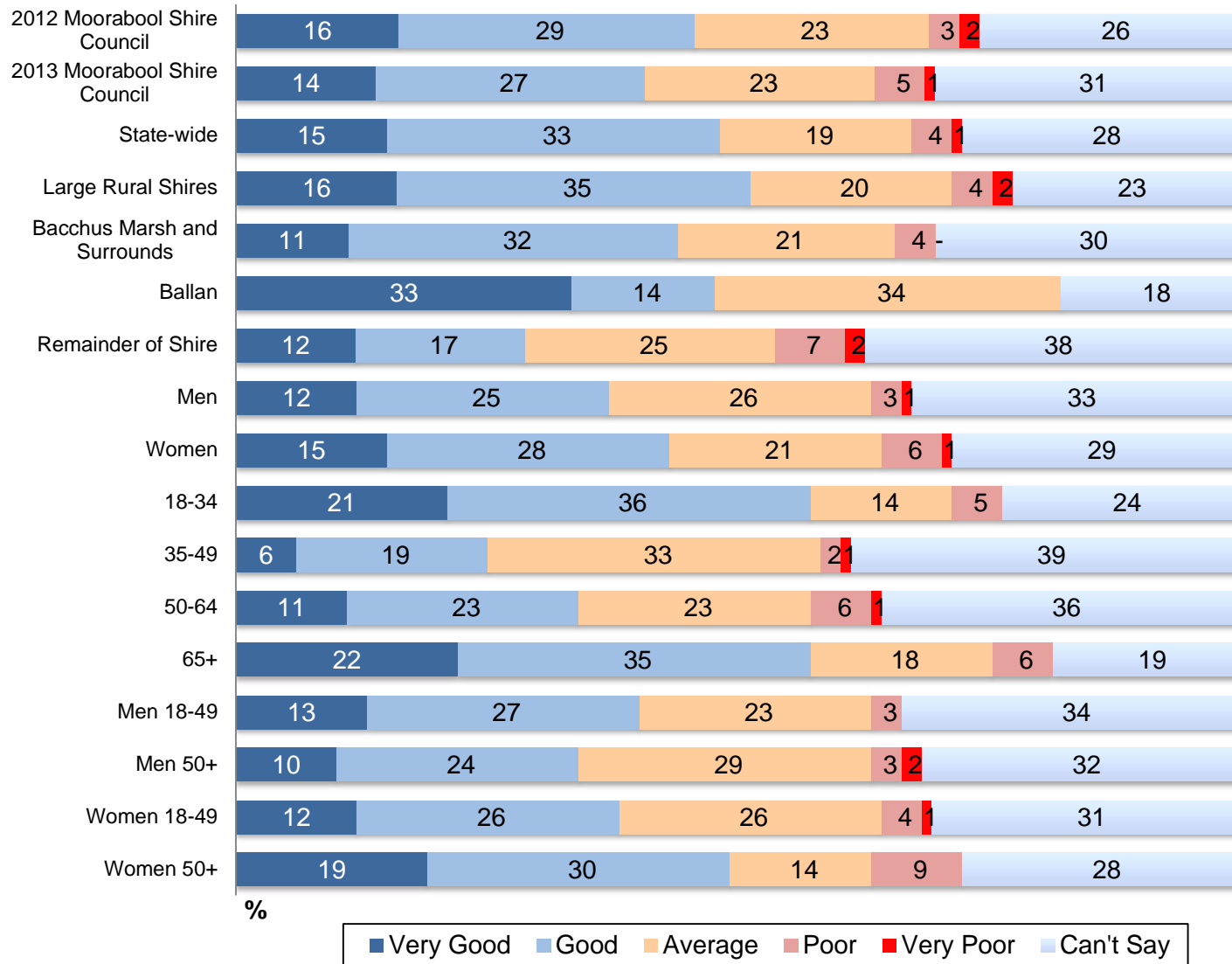
# 2013 Elderly Support Services

## – Performance Index Score

## Change (2012 to 2013)



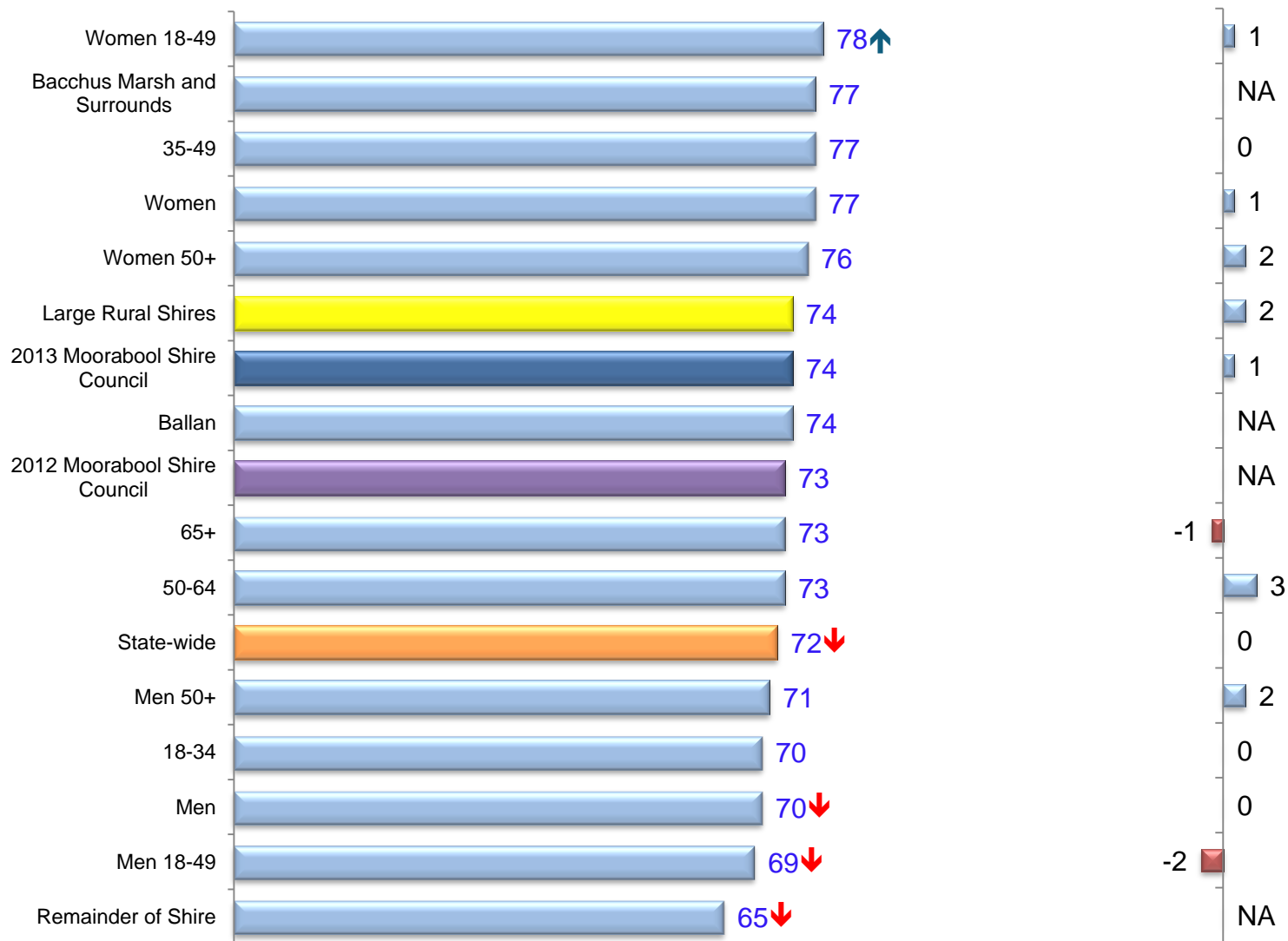
# 2013 Elderly Support Services – Performance



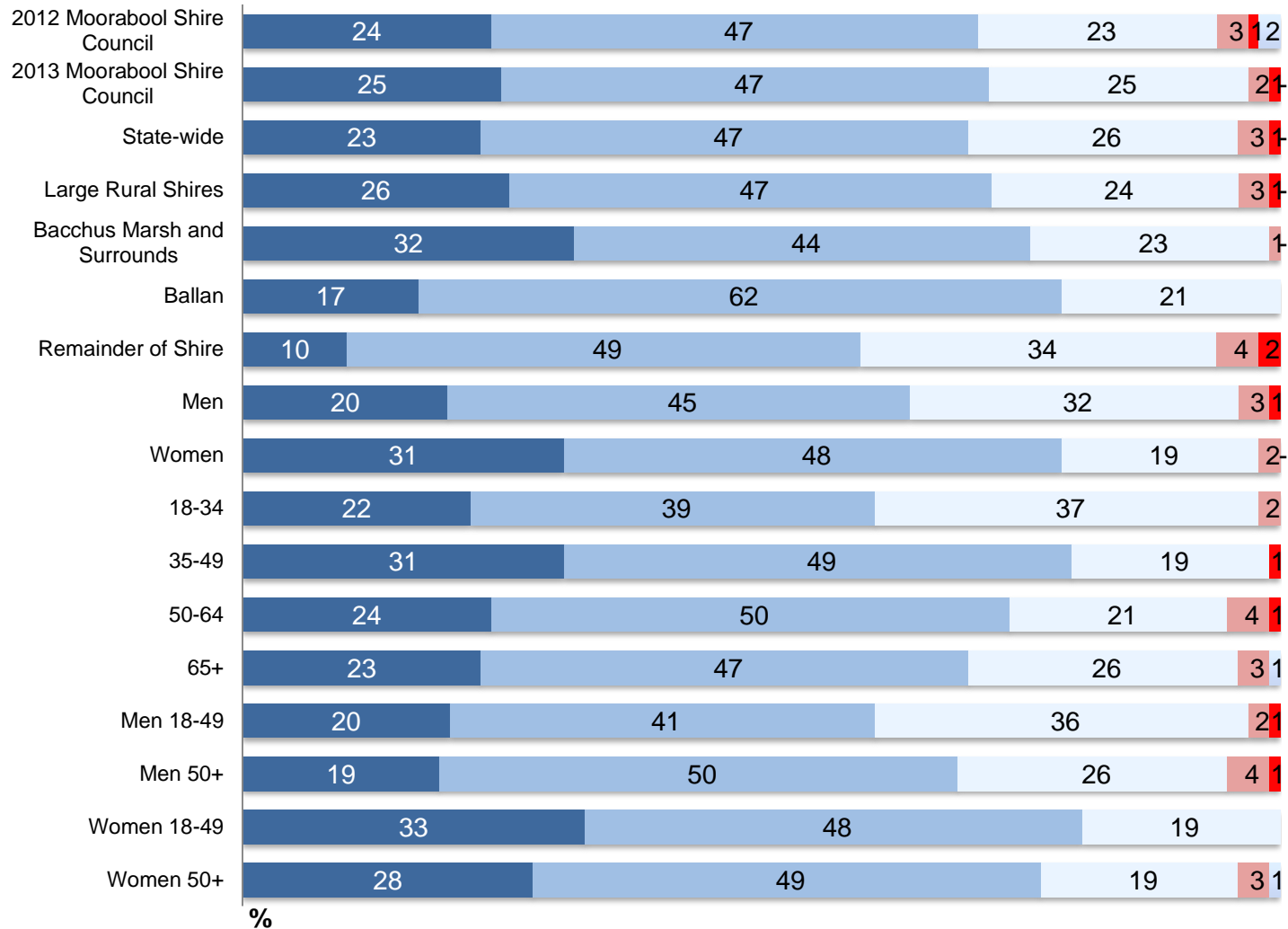
# 2013 Recreational Facilities

## – Importance Index Score

## Change (2012 to 2013)



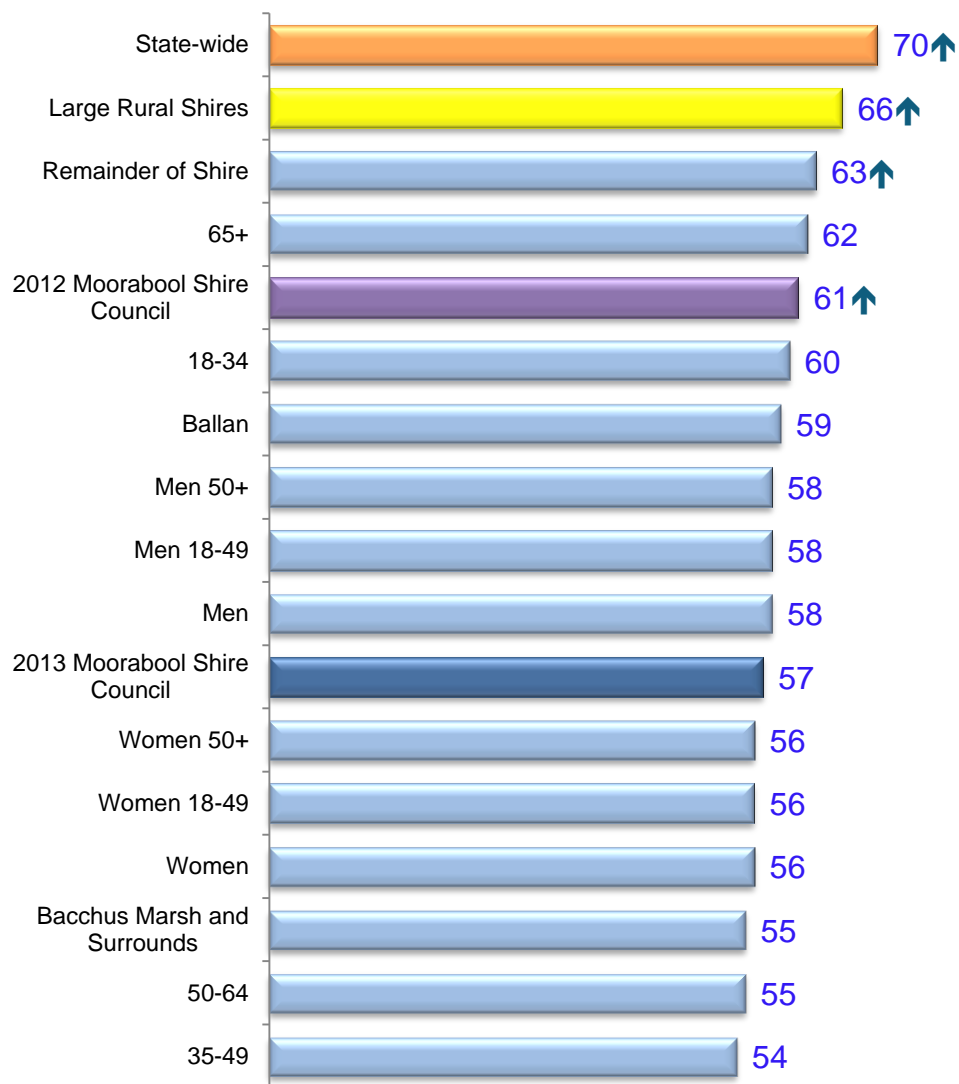
# 2013 Recreational Facilities – Importance



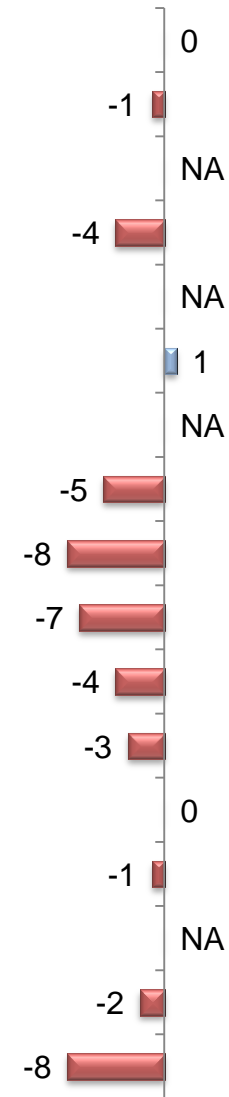
■ Extremely important ■ Very important ■ Fairly important ■ Not that important ■ Not at all important ■ Can't say

# 2013 Recreational Facilities

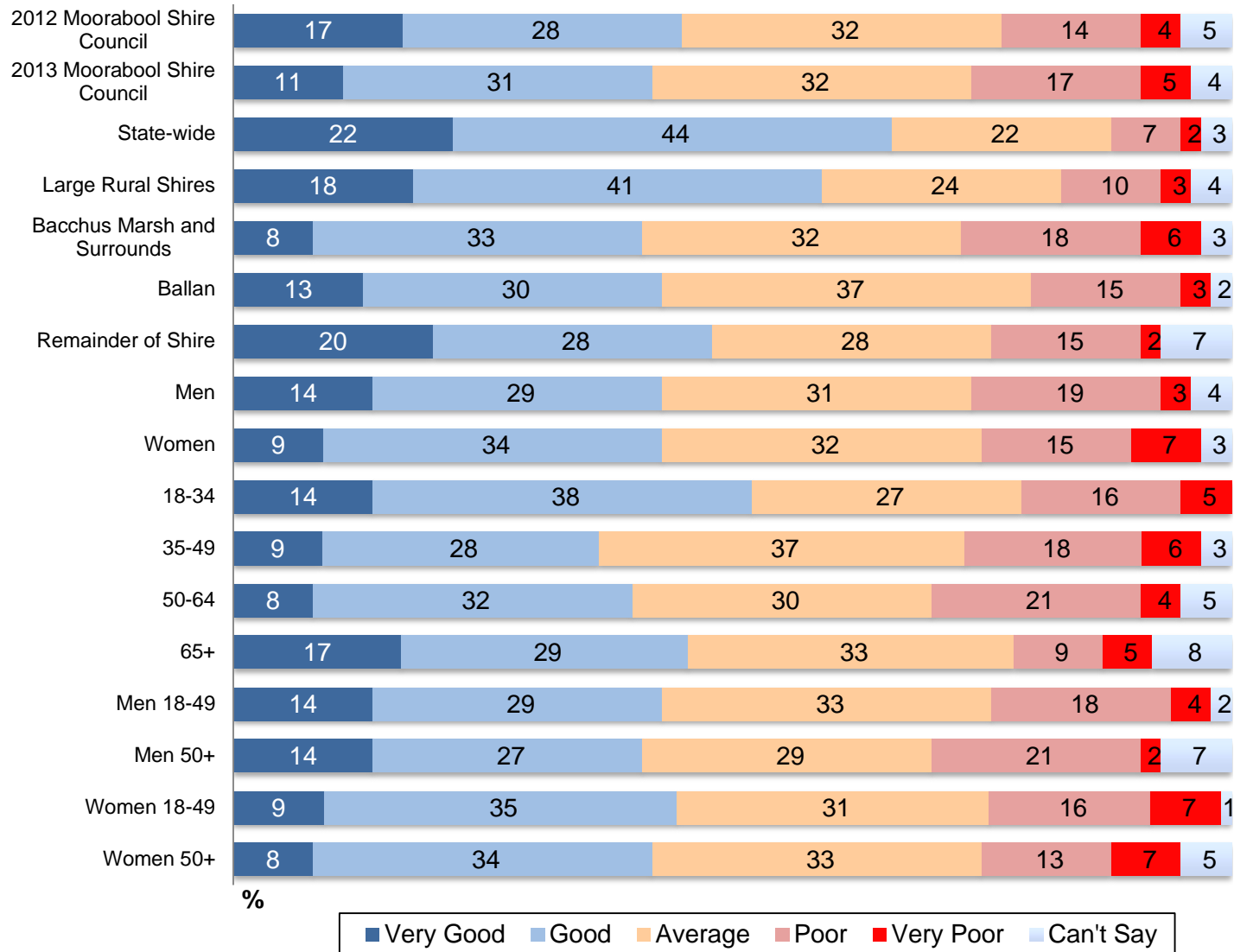
## – Performance Index Score



## Change (2012 to 2013)



# 2013 Recreational Facilities – Performance

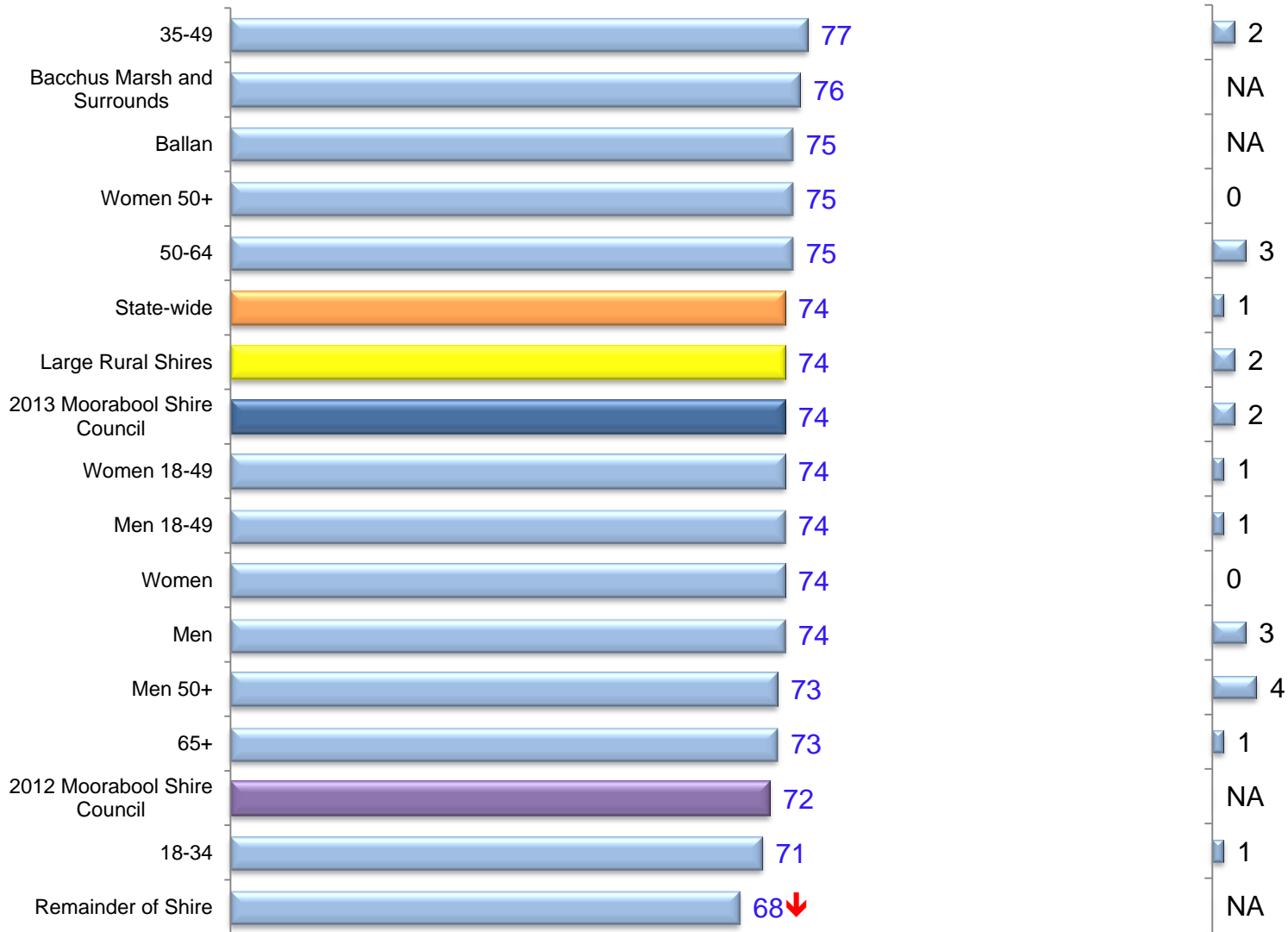




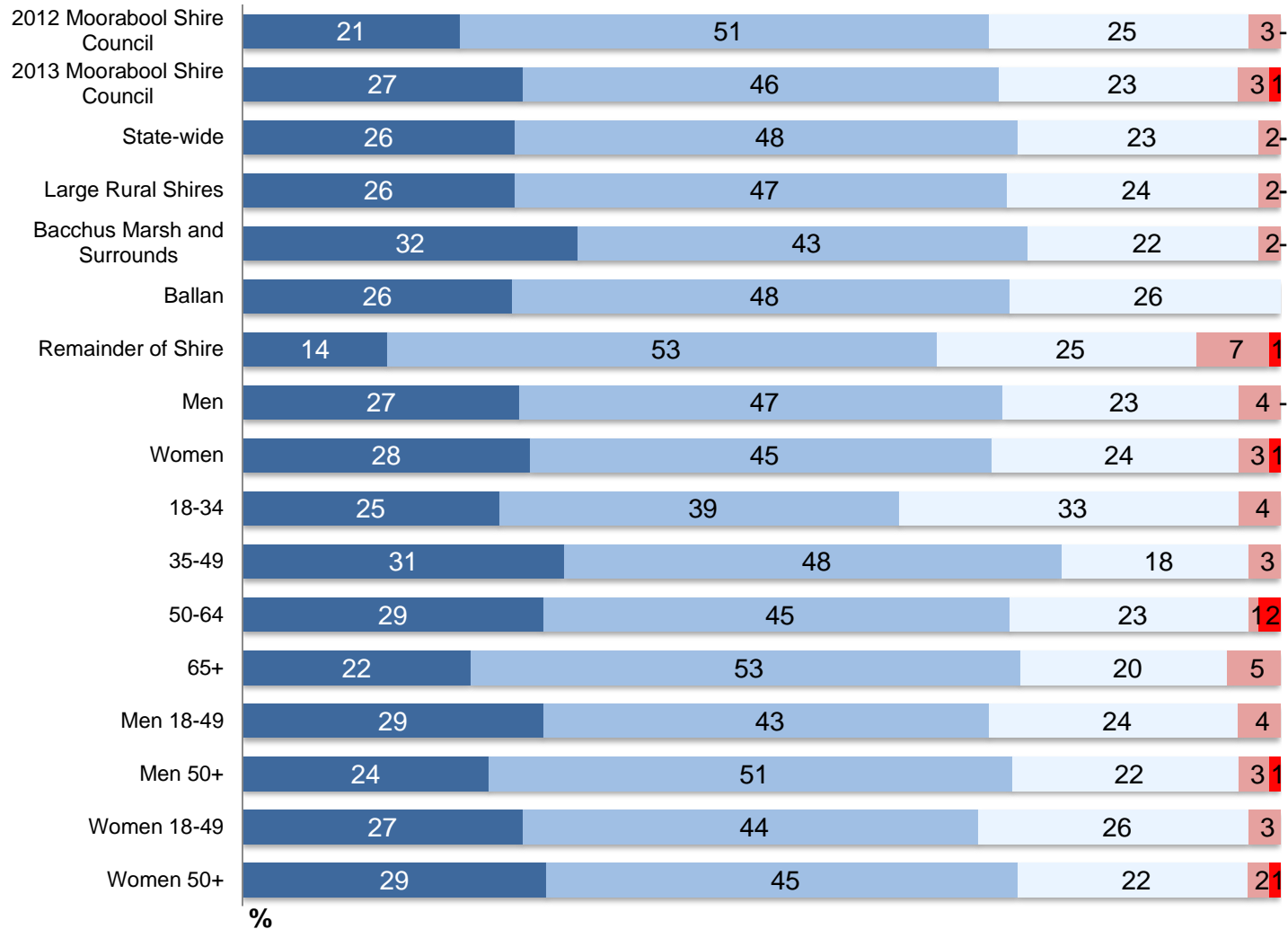
# 2013 The appearance of public areas

## – Importance Index Score

## Change (2012 to 2013)



## 2013 The appearance of public areas – Importance

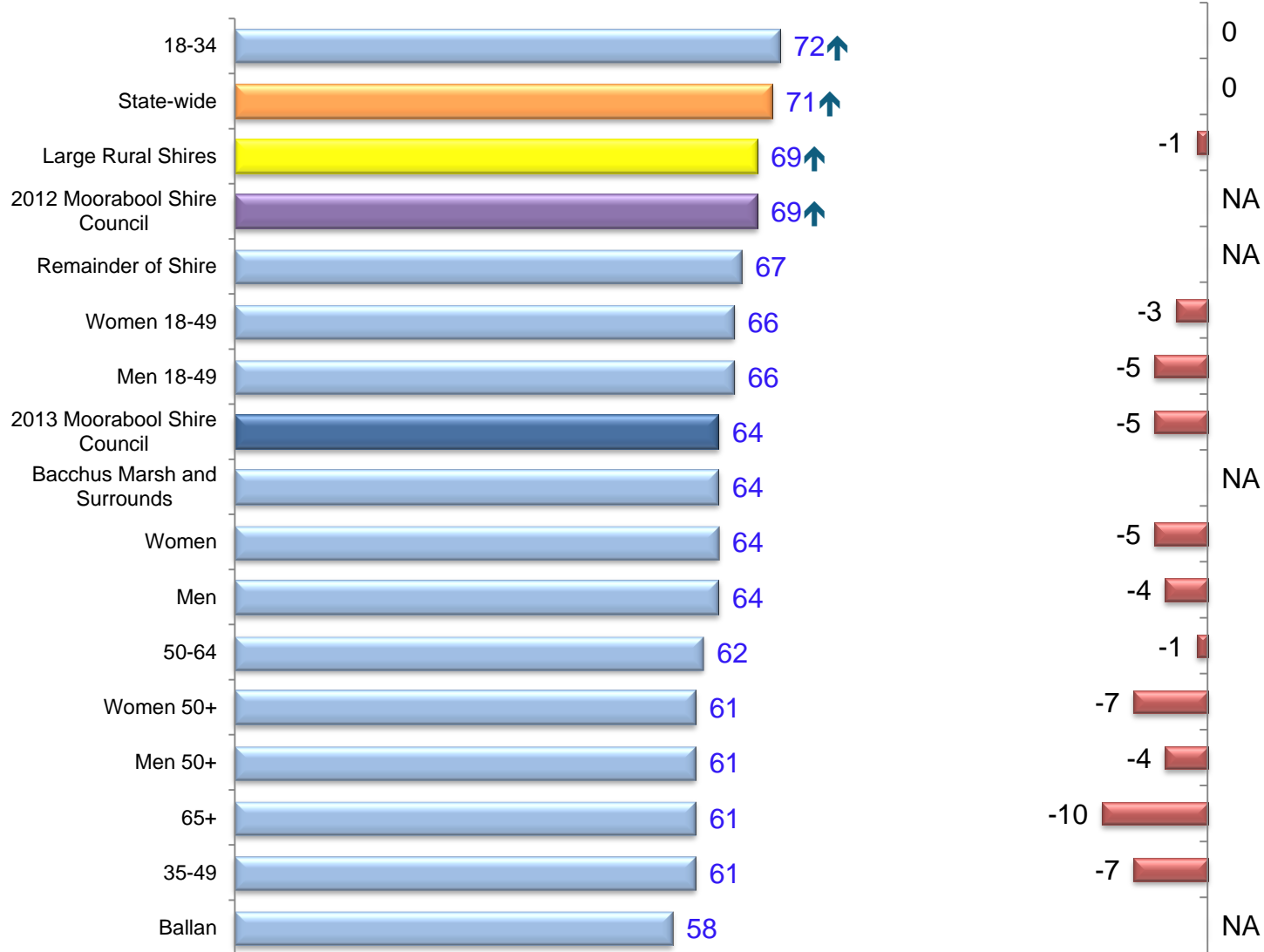


■ Extremely important ■ Very important ■ Fairly important ■ Not that important ■ Not at all important ■ Can't say

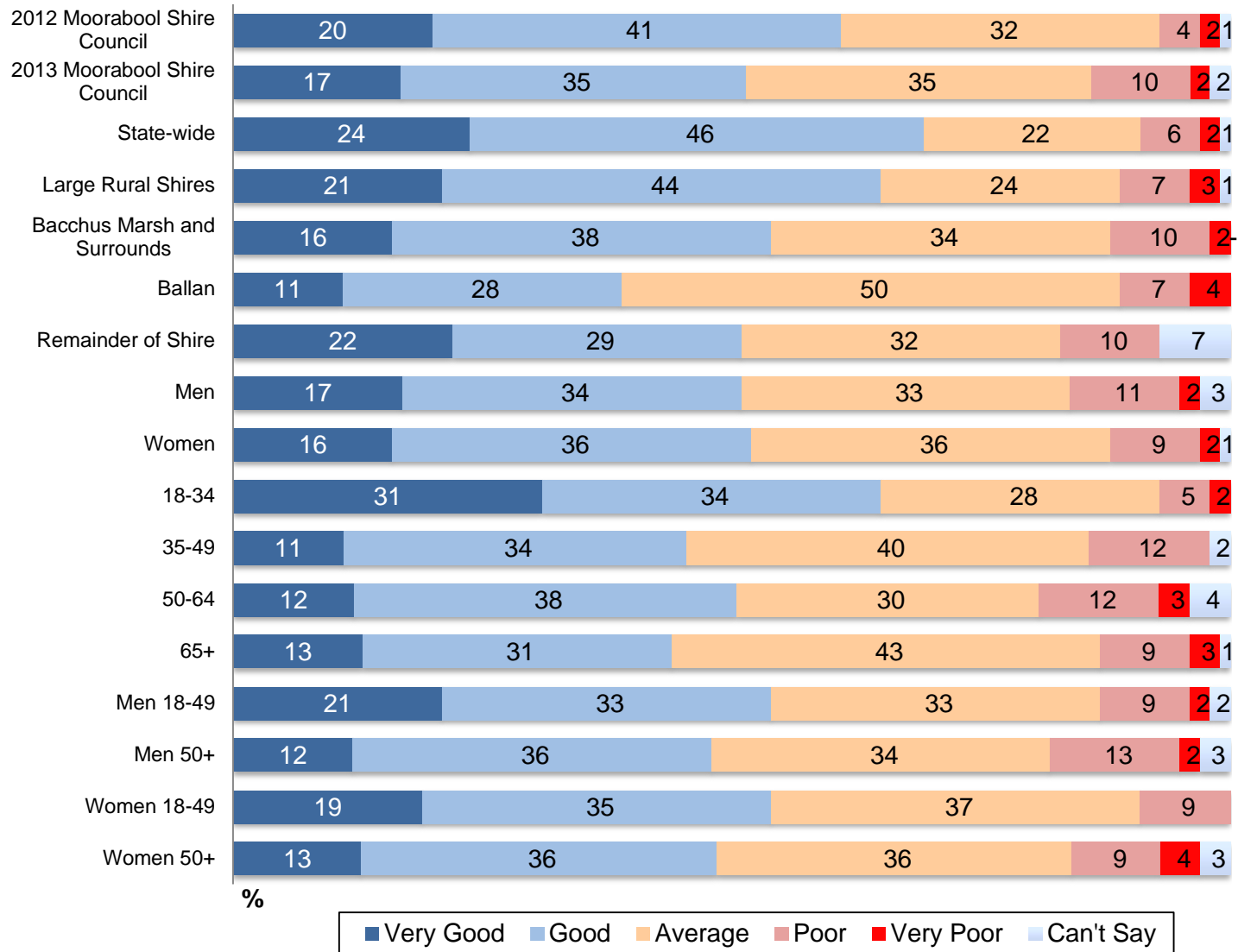
# 2013 The appearance of public areas

## – Performance Index Score

## Change (2012 to 2013)



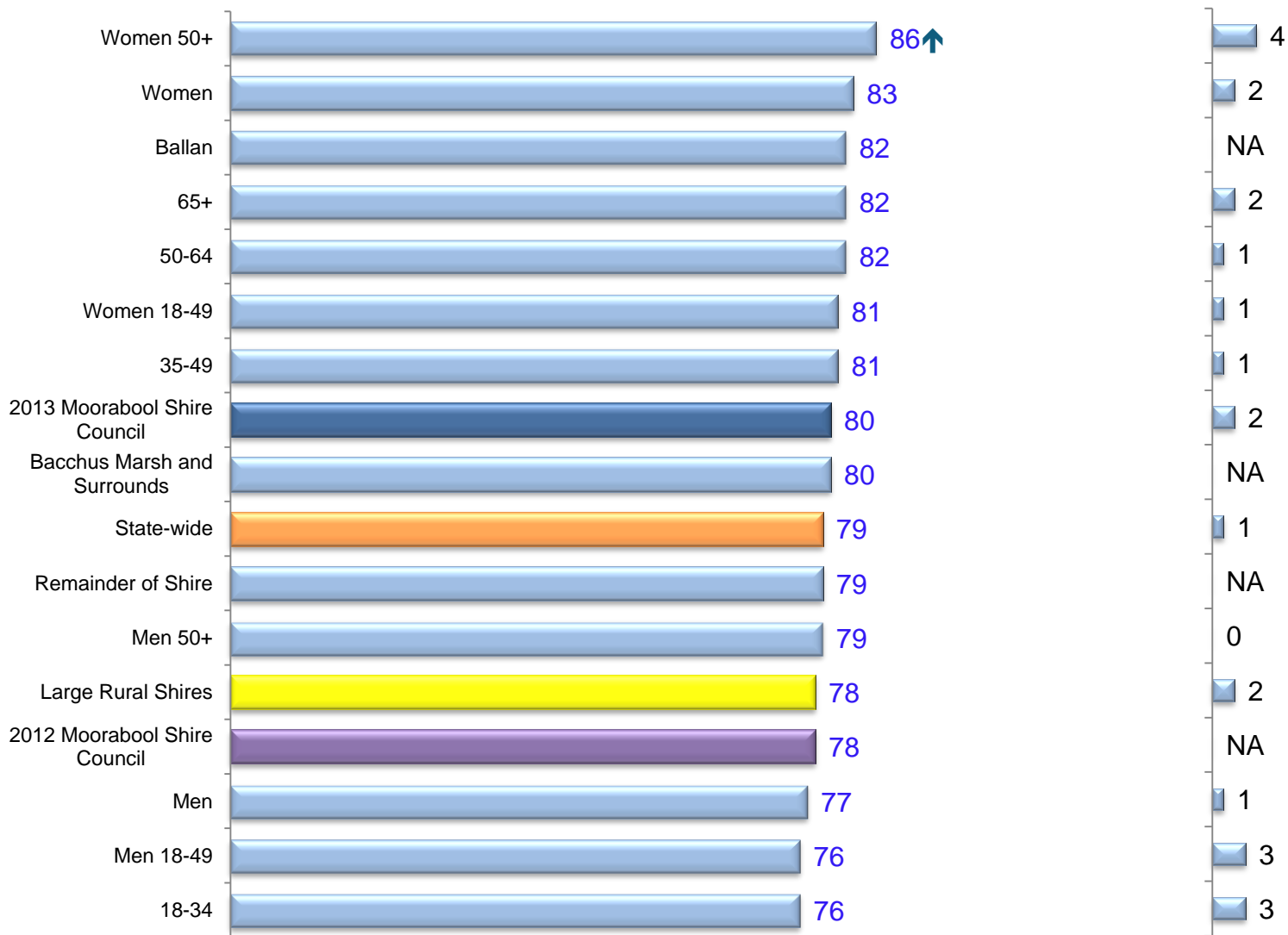
## 2013 The appearance of public areas – Performance



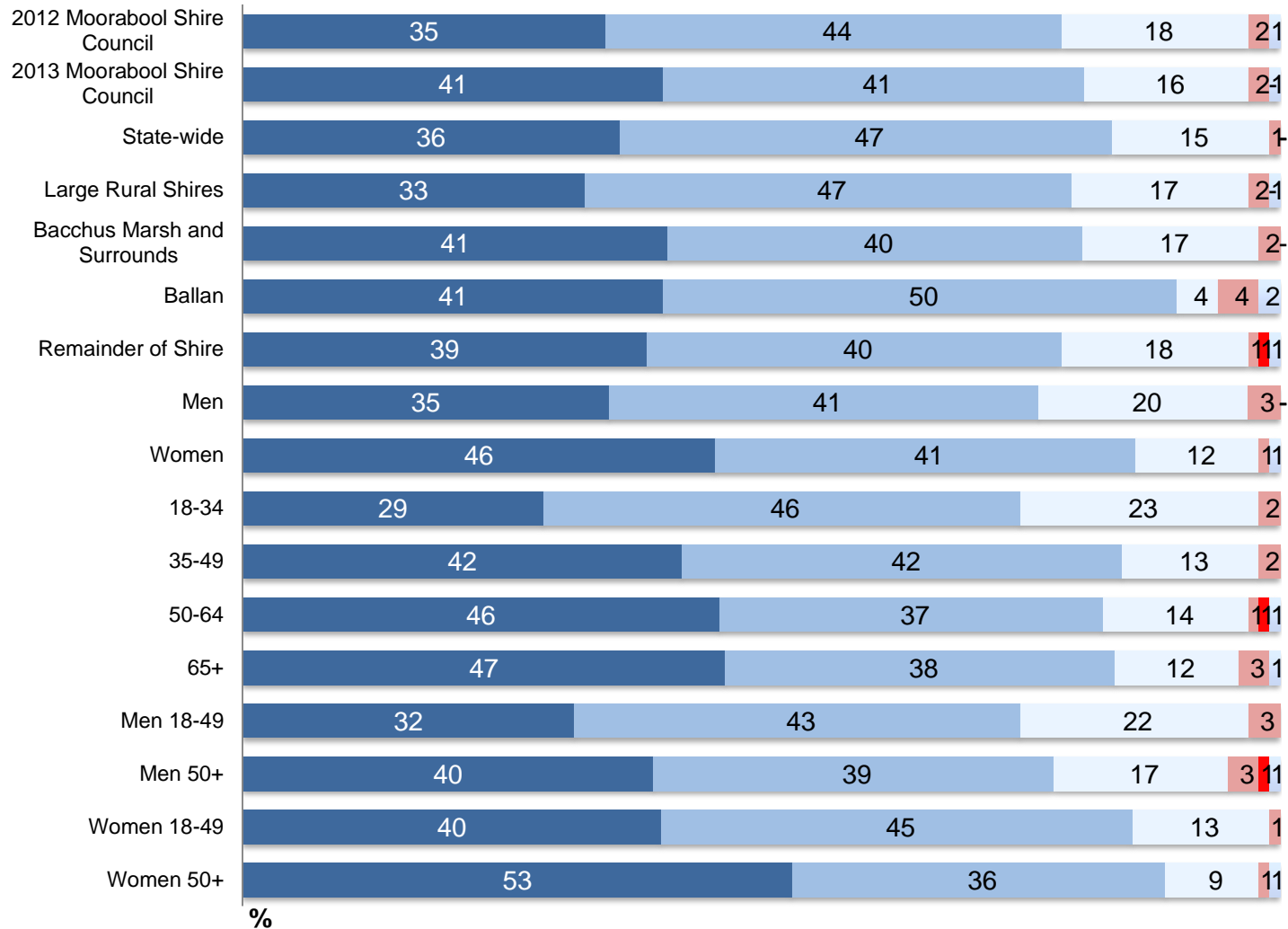
# 2013 Waste Management

## – Importance Index Score

## Change (2012 to 2013)



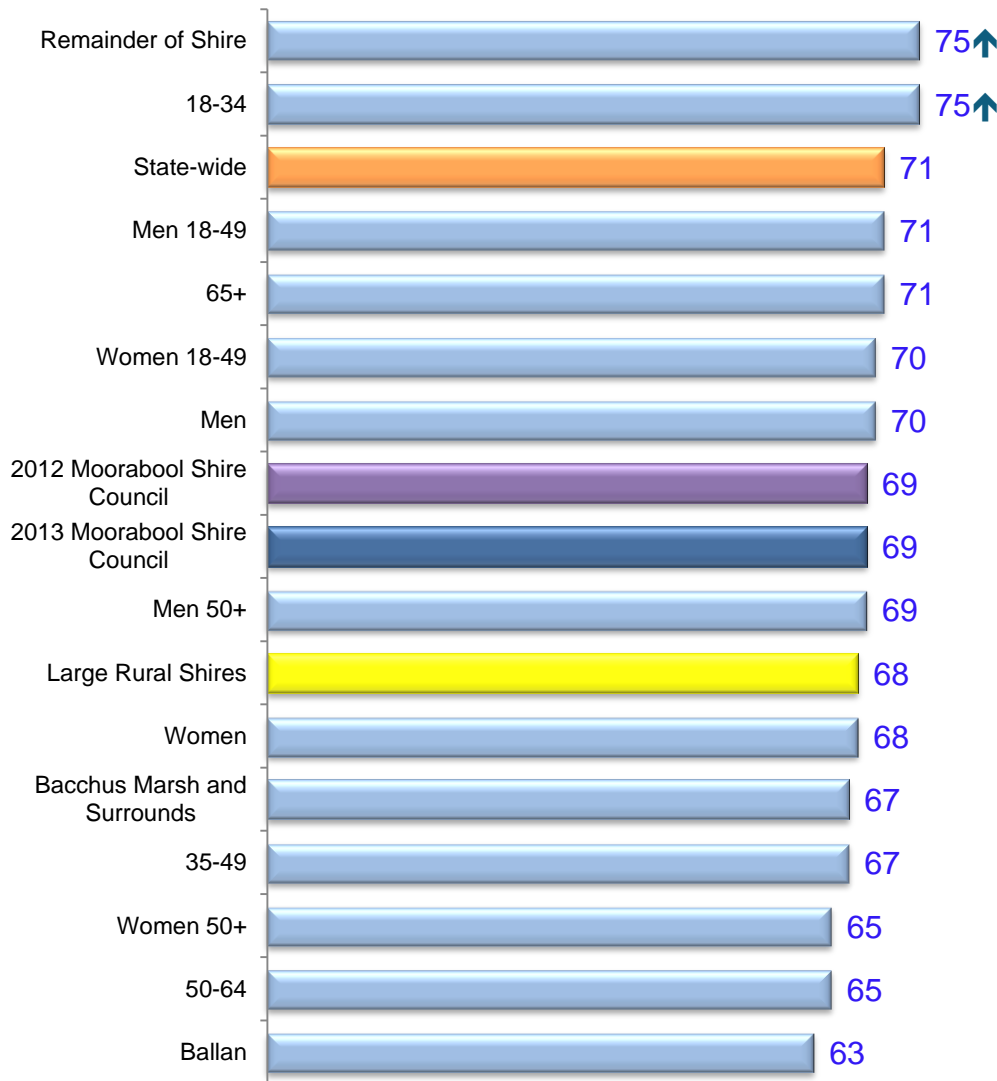
# 2013 Waste Management – Importance



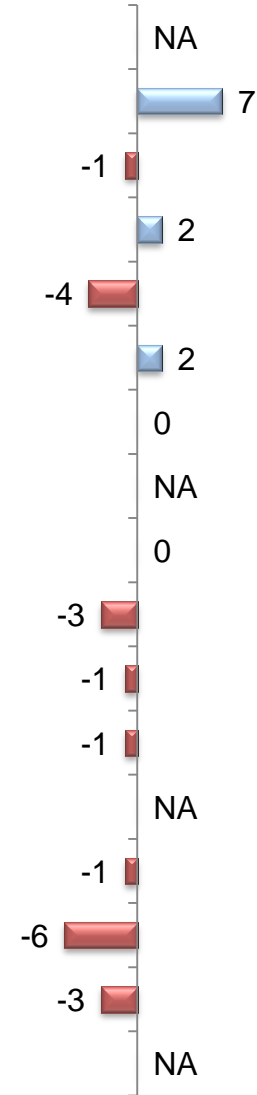
■ Extremely important ■ Very important ■ Fairly important ■ Not that important ■ Not at all important ■ Can't say

# 2013 Waste Management

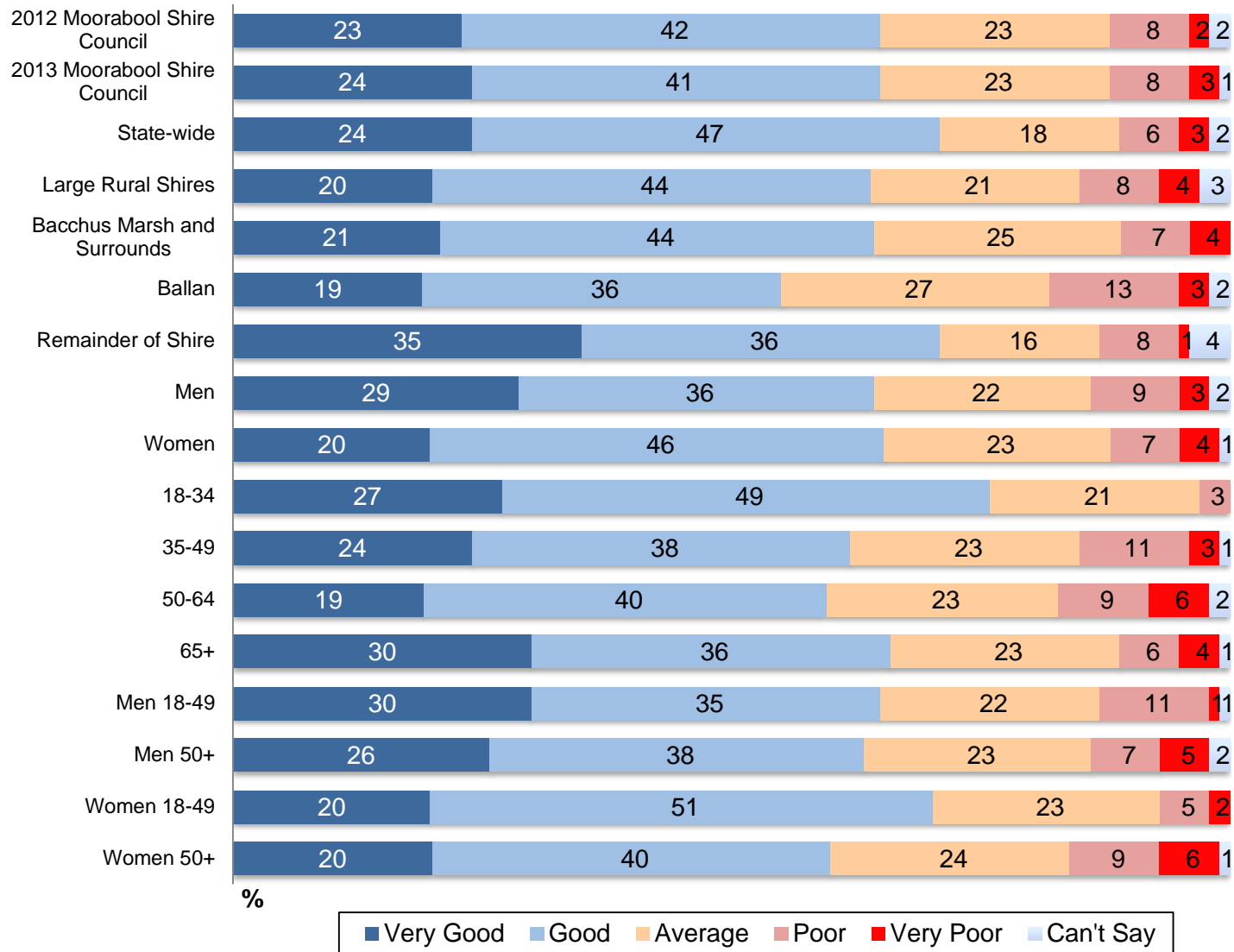
## – Performance Index Score



## Change (2012 to 2013)



# 2013 Waste Management – Performance

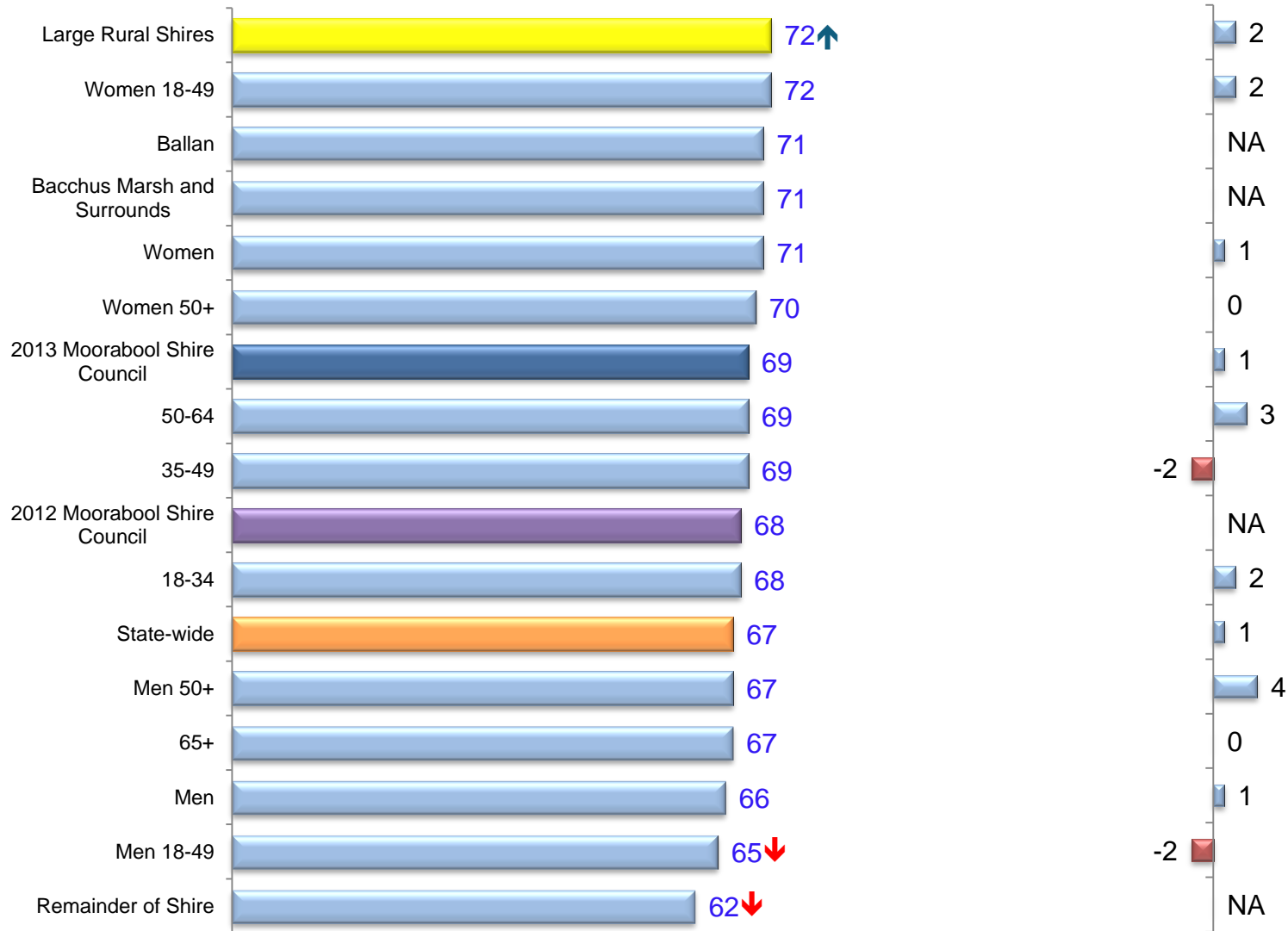




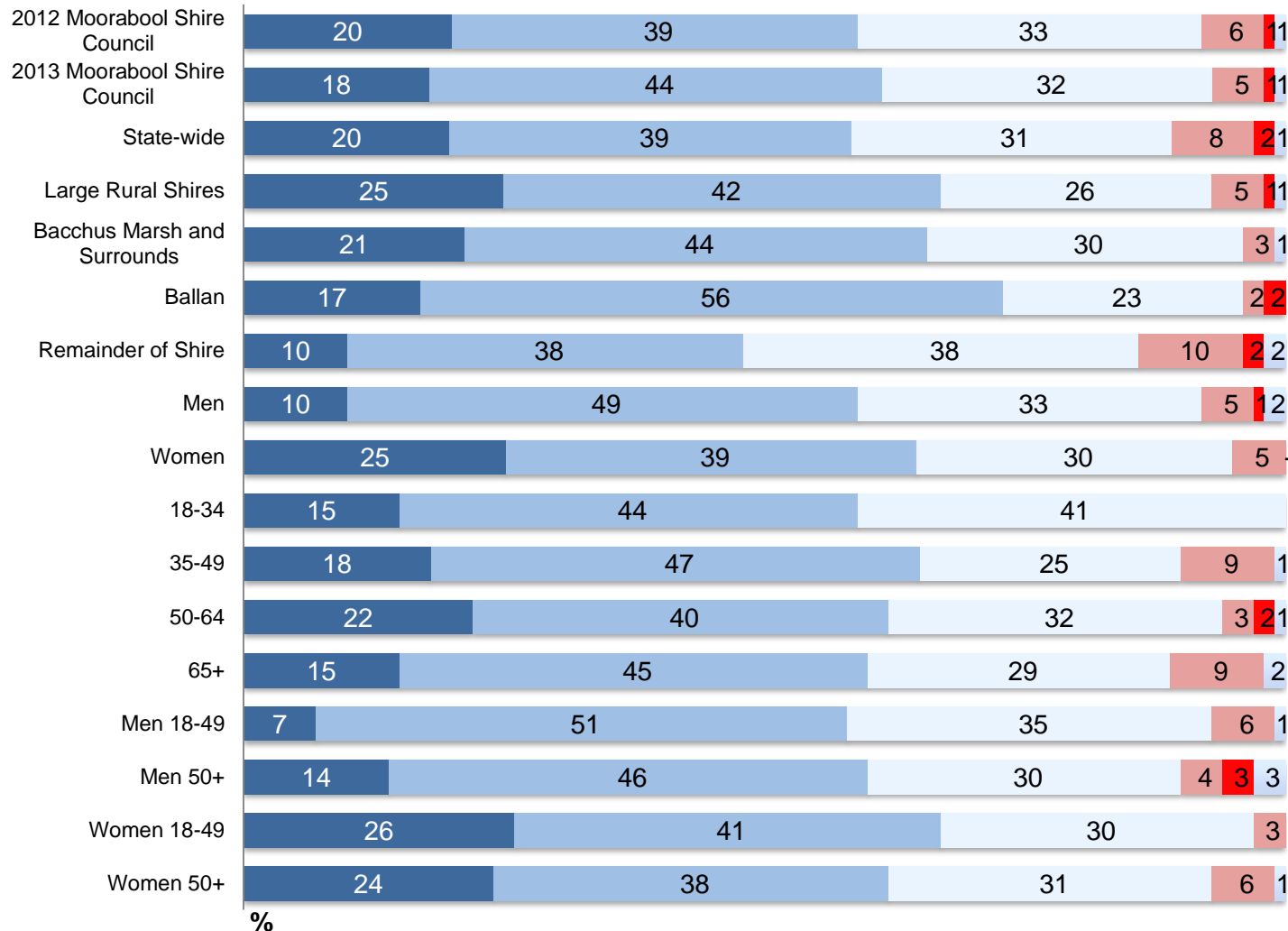
# 2013 Business and community development and tourism

## – Importance Index Score

## Change (2012 to 2013)



# 2013 Business and community development and tourism – Importance

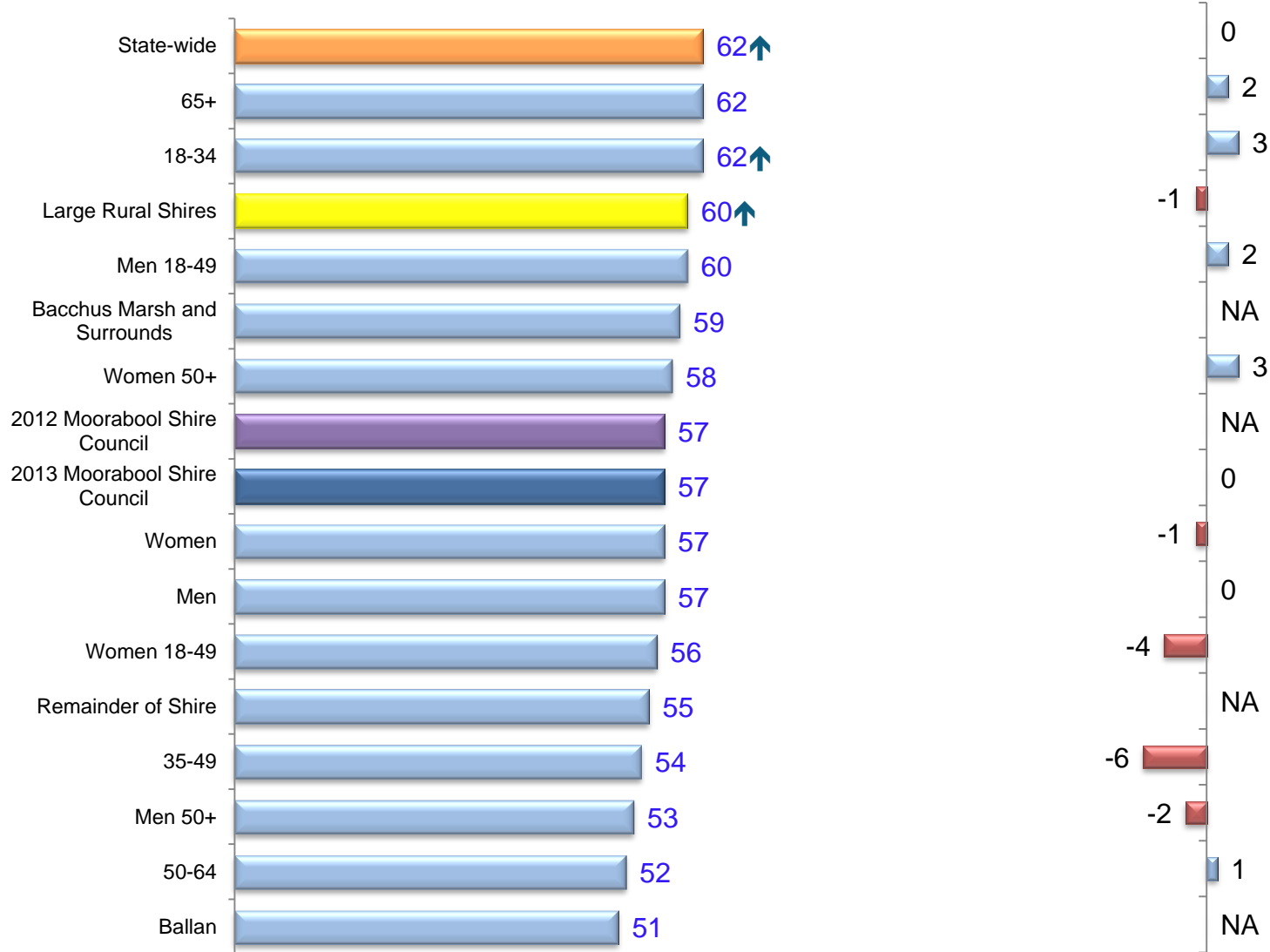


■ Extremely important ■ Very important ■ Fairly important ■ Not that important ■ Not at all important ■ Can't say

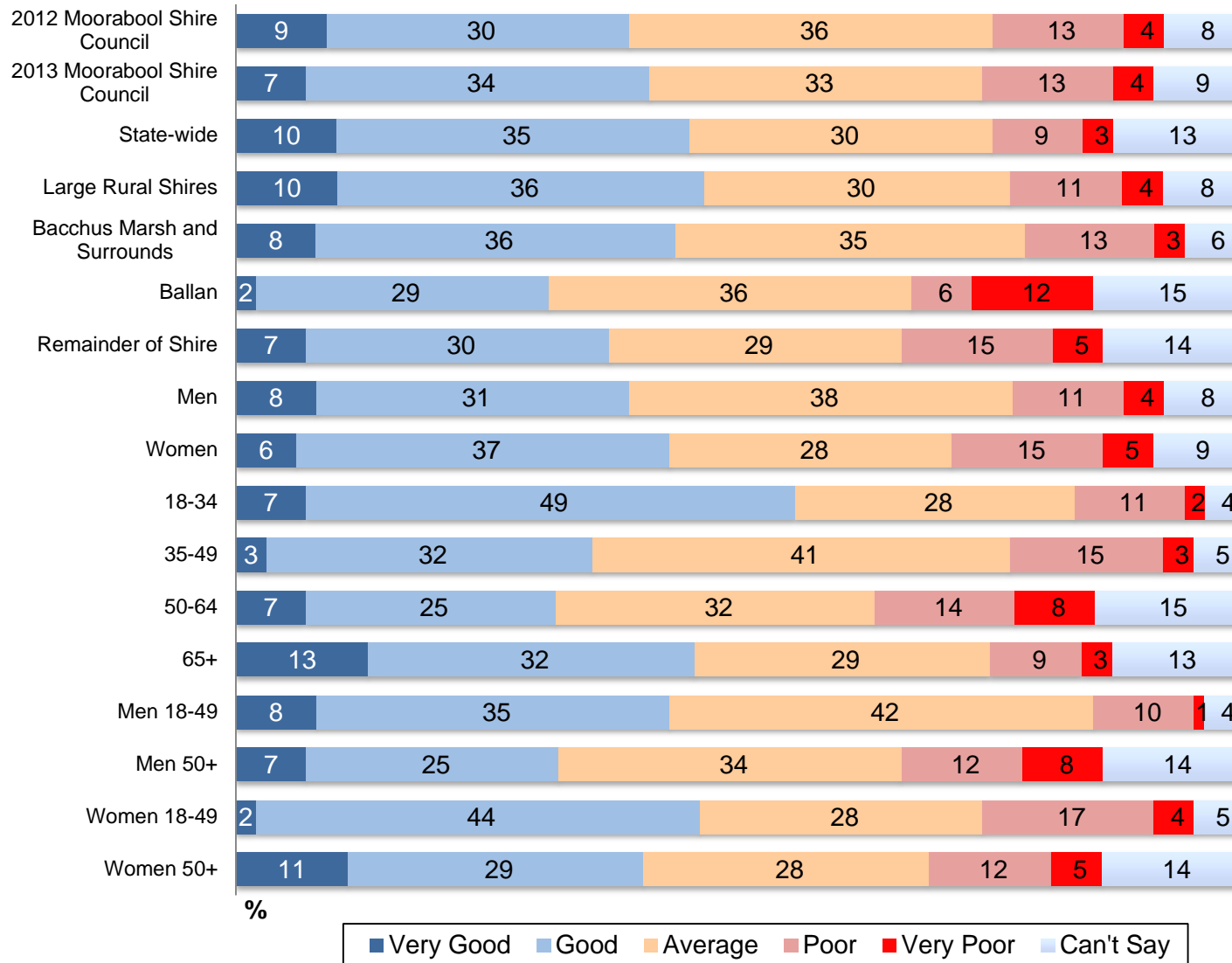
# 2013 Business and community development and tourism

## – Performance Index Score

## Change (2012 to 2013)



# 2013 Business and community development and tourism – Performance



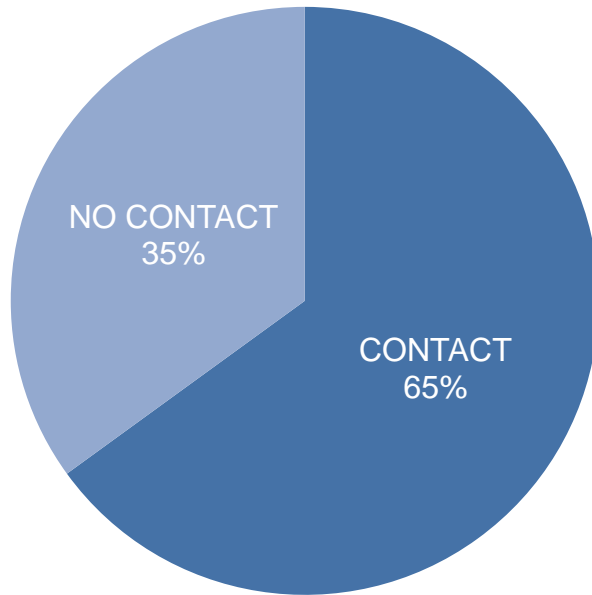
# CUSTOMER SERVICE

# Contact last 12 months

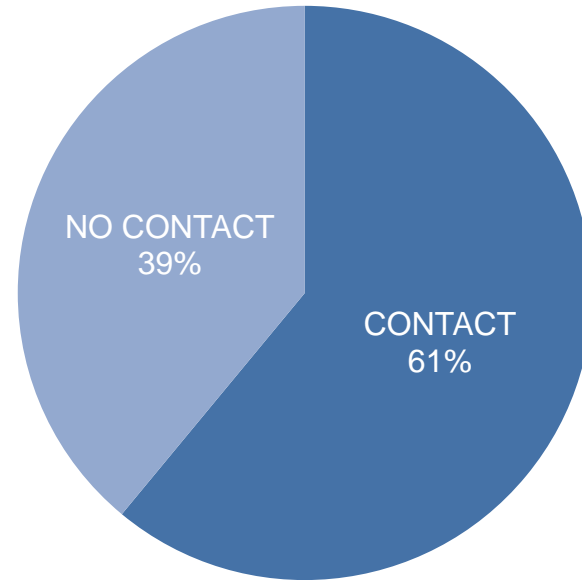
- 61% of Moorabool Shire Council residents have had contact with Customer Service, down 4 points on 2012.
- Rating of Customer Service in 2013 is unchanged from 68 in 2012.
- Decreases in satisfaction among residents aged 65+, residents aged 35-49 and men 50+ have been offset by a 14 point increase in satisfaction among 18-34 year olds and also a slight rise amongst men aged 18-49.

# Contact Last 12 Months

2012



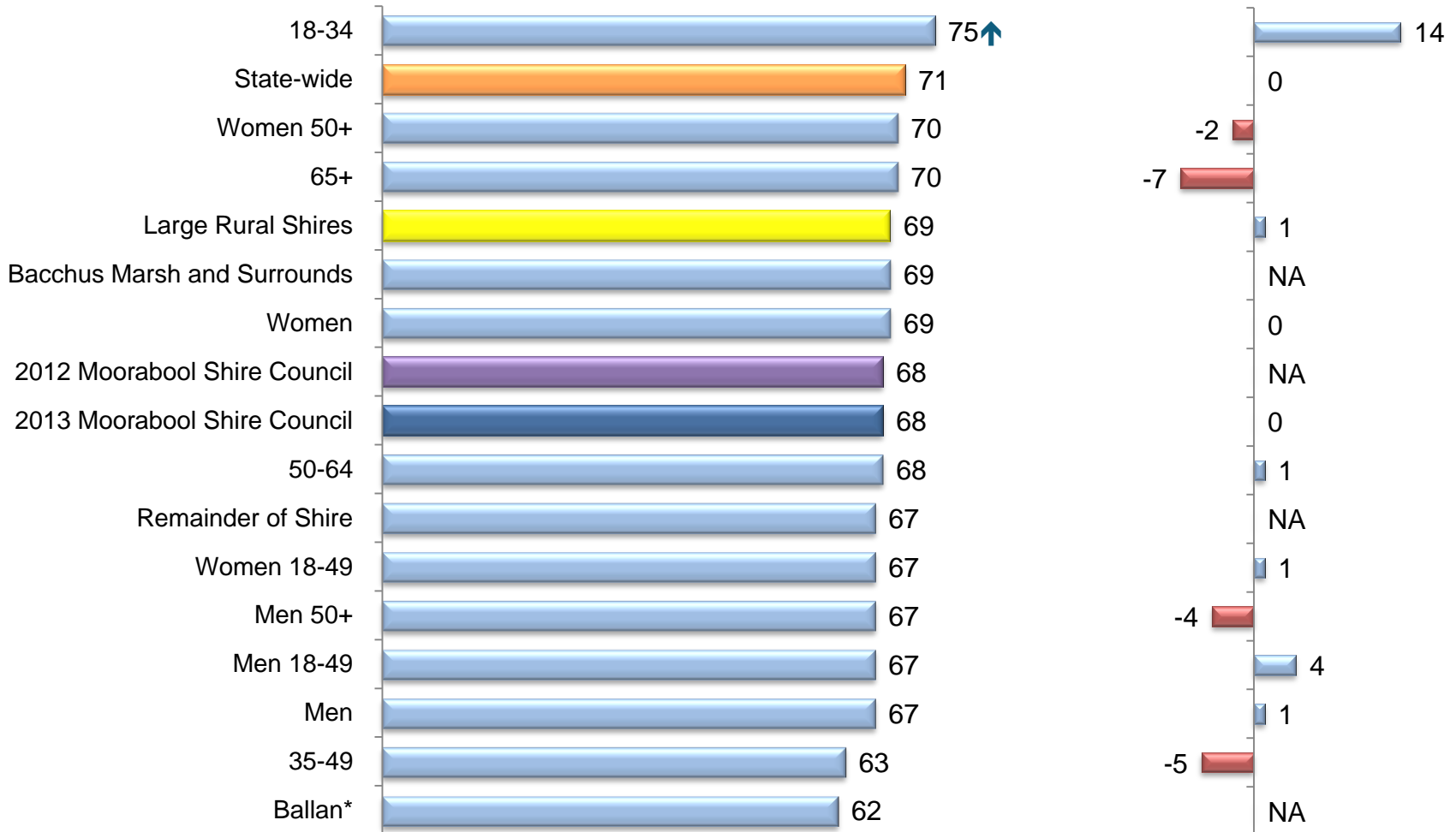
2013



# 2013 Contact Customer Service

## Index Score

## Change (2012 to 2013)

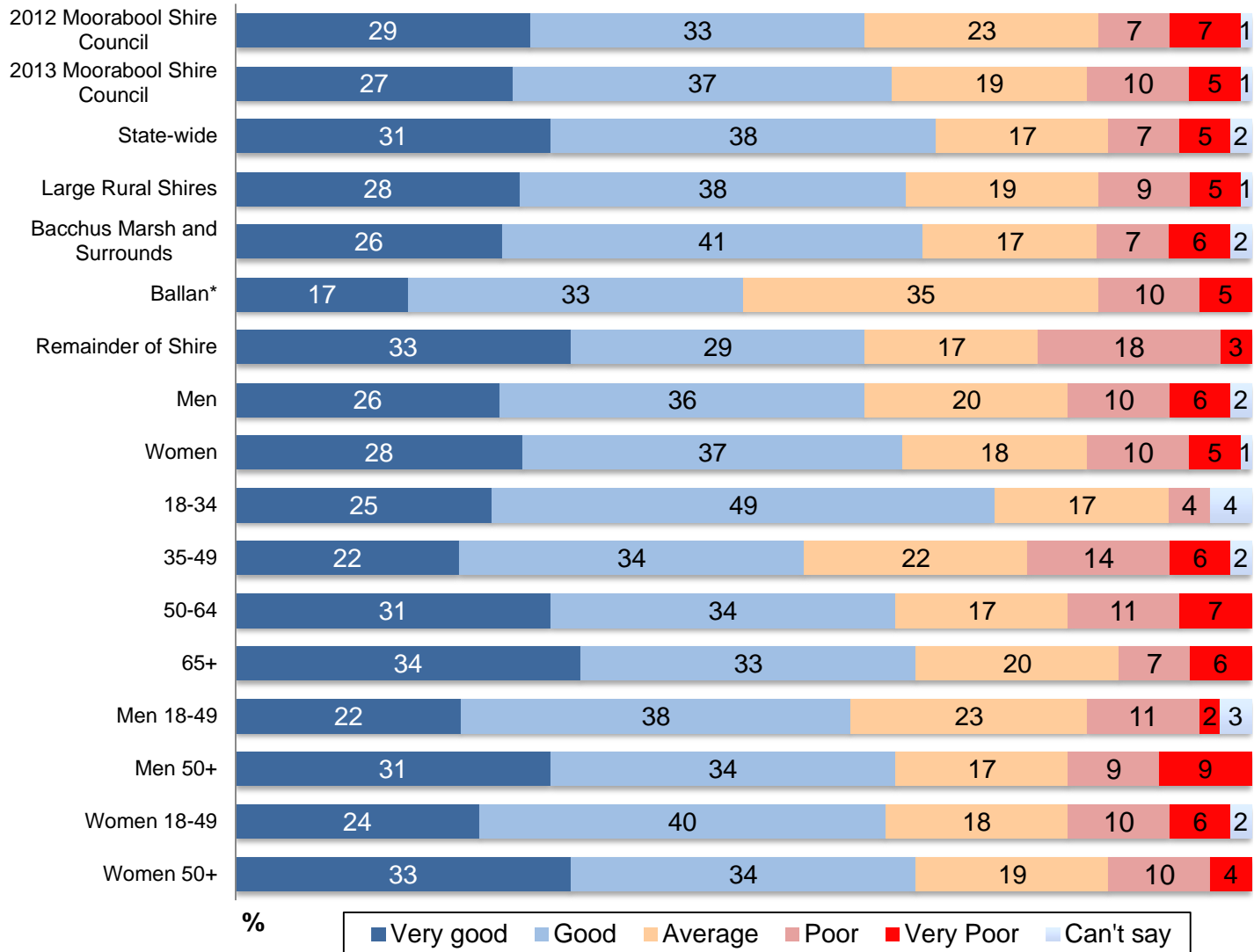


Q5c. Thinking of the most recent contact, how would you rate {council} for customer service?

Base: All respondents who have had contact with Council in the last 12 months. Councils asked statewide: 71



# 2013 Contact Customer Service



# COUNCIL DIRECTION INDICATORS

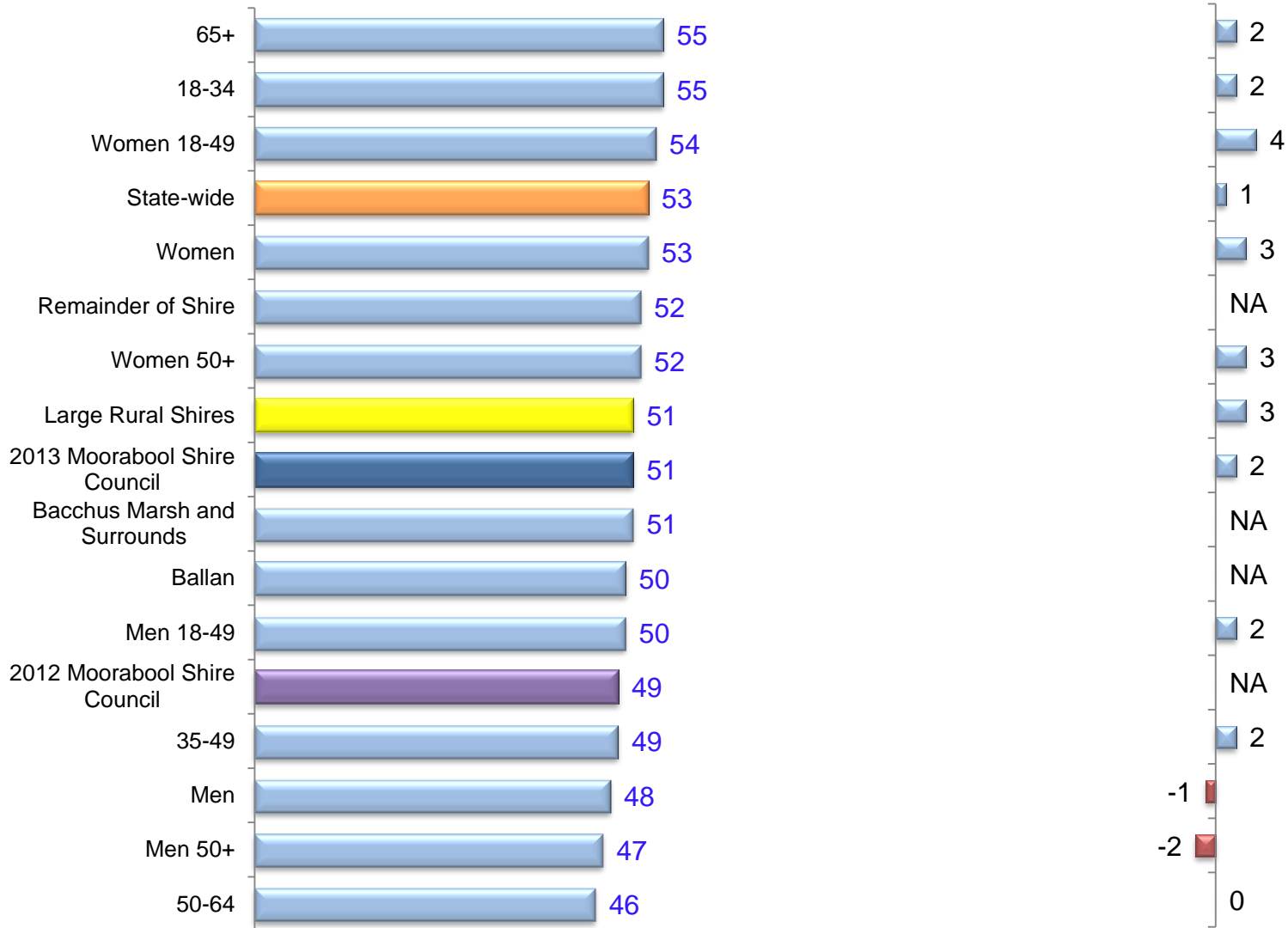
# Council Direction Summary

- When asked about the direction of Moorabool Shire Council over the last 12 months, 68% of all residents say it has stayed about the same, 15% say things have improved and 13% say things have deteriorated.
- Residents aged 65+ (23%) are most likely to say Council Direction has improved. Ballan residents (22%) are the next most likely to say things have improved, but they are also the most likely to say things have deteriorated (22%) – caution is advised with Ballan results due to a small sample base.
- Council's Index Score of 51 is a 2-point increase from its 2012 score of 49, and is driven by slight increases in assessment of Council Direction across most demographics.

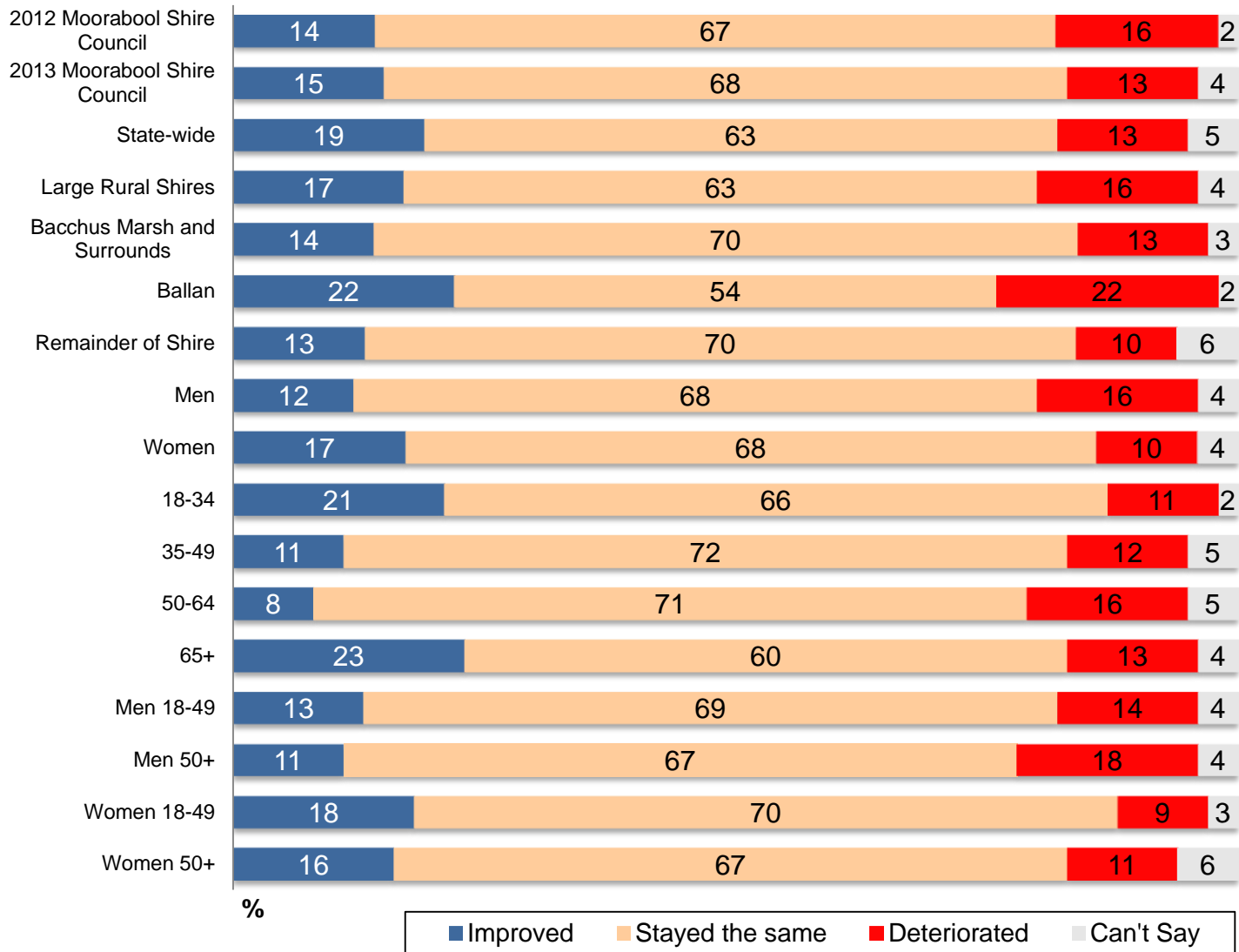
# 2013 Overall Direction Last 12 Months

## Index Score

## Change (2012 to 2013)



# 2013 Overall Direction Last 12 Months



# APPENDIX A: DETAILED SURVEY TABULATIONS

Available in Supplied Excel File

# Appendix B: Details of Significant Difference Calculation

The test applied to the Indexes was an Independent Mean Test, as follows:

$$Z \text{ Score} = (\$1 - \$2) / \text{Sqrt} ((\$3^2 / \$5) + (\$4^2 / \$6))$$

Where:

- \$1 = Index Score 1
  - \$2 = Index Score 2
  - \$3 = unweighted sample count 1
  - \$4 = unweighted sample count 1
  - \$5 = standard deviation 1
  - \$6 = standard deviation 2
- 
- All figures can be sourced from the detailed cross tabulations.
  - The test was applied at the 95% confidence interval, so if the Z Score was greater than +/- 1.954 the scores are significantly different.

## 12. OTHER REPORTS

### 12.1 Assembly of Councillors

File No.: 02/01/002

Section 76(AA) of the Local Government Act 1989 defines the following to be Assemblies of Councillors; an advisory committee of the Council that includes at least one Councillor; a planned or scheduled meeting of at least half the Councillors and one member of council staff which considers matters that are intended or likely to be:

- the subject of a decision of the Council; or
- subject to the exercise of a Council function, power or duty by a person or committee acting under Council delegation.

It should be noted, an assembly of Councillors does not include an Ordinary Council meeting, a special committee of the Council, meetings of the Council's audit committee, a club, association, peak body or political party.

Council must ensure that the written record of an assembly of Councillors is, as soon as practicable .

- a) reported to the next ordinary meeting of the Council; and
- b) incorporated in the minutes of that council meeting. (s. 80A(2))

Council also records each Assembly of Councillors on its website at [www.moorabool.vic.gov.au](http://www.moorabool.vic.gov.au)

A record of Assemblies of Councillors since the last Ordinary Meeting of Council is provided below for consideration:

- Assembly of Councillors . Wednesday 14 August 2013 . Anzac Centenary Proposed Projects
- Assembly of Councillors . Wednesday 14 August 2013 . S86 Rural Advisory Committee
- Assembly of Councillors . Thursday 15 August 2013 . Bacchus Marsh Indoor Aquatic Centre
- Assembly of Councillors . Thursday 15 August 2013 . Community Grants
- Assembly of Councillors . Wednesday 21 August 2013 . Draft Health and Wellbeing Plan
- Assembly of Councillors . Wednesday 21 August 2013 - Economic Development & Tourism (including Economic Development Policy and Parwan Industrial Employment Zone)
- Assembly of Councillors . Wednesday 21 August 2013 . Instrument of Delegations
- Assembly of Councillors . Wednesday 21 August 2013 . Community Satisfaction Survey
- Assembly of Councillors . Wednesday 28 August 2013 . VLGA Councillor Code of Conduct



**Recommendation:**

**That Council receives the record of Assemblies of Councillors as follows:**

- **Assembly of Councillors – Wednesday 14 August 2013 – Anzac Centenary Proposed Projects**
- **Assembly of Councillors – Wednesday 14 August 2013 – S86 Rural Advisory Committee**
- **Assembly of Councillors – Thursday 15 August 2013 – Bacchus Marsh Indoor Aquatic Centre**
- **Assembly of Councillors – Thursday 15 August 2013 – Community Grants**
- **Assembly of Councillors – Wednesday 21 August 2013 – Draft Health and Wellbeing Plan**
- **Assembly of Councillors – Wednesday 21 August 2013 - Economic Development & Tourism (including Economic Development Policy and Parwan Industrial Employment Zone)**
- **Assembly of Councillors – Wednesday 21 August 2013 – Instrument of Delegations**
- **Assembly of Councillors – Wednesday 21 August 2013 – Community Satisfaction Survey**
- **Assembly of Councillors – Wednesday 28 August 2013 – VLGA Councillor Code of Conduct**

## 12.2 Section 86 - Delegated Committees of Council - Reports

Section 86 Delegated Committees are established to assist Council with executing specific functions or duties. By instrument of delegation, Council may delegate to the committees such functions and powers of the Council that it deems appropriate, utilising provisions of the Local Government Act 1989. The Council cannot delegate certain powers as specifically indicated in Section 86(4) of the Act.

Section 86 Delegated Committees are required to report to Council at intervals determined by the Council.

Councillors as representatives of the following Section 86 . Delegated Committees of Council present the reports of the Committee Meetings for Council consideration.

<b>Committee</b>	<b>Meeting Date</b>	<b>Council Representative</b>
Masons Lane Recreation Reserve Committee of Management	11 June 2013	Community Members
Masons Lane Recreation Reserve Committee of Management	9 July 2013	Community Members

### **Recommendation:**

**That Council receives the reports of the following Section 86 - Delegated Committees of Council:**

- **Masons Lane Recreation Reserve Committee of Management meeting of Tuesday 11 June 2013.**
- **Masons Lane Recreation Reserve Committee of Management meeting of Tuesday 9 July 2013.**

# Attachment - Item 12.2(a)

**Masons Lane Committee of Management**

**MINUTES  
11<sup>th</sup> June, 2013**

1. **Welcome and meeting opened:** 7.33 pm.
2. **Attendance**
- 2.1 Present: Dianne Lee (BMODC) Ben Hick (BMCC.) Mick Belcher (BMLAC)  
Chris Jackson (BMCC)
- 2.2 Visitors:
- 2.3 Apologies Simon Joannidis (BMSC) :
3. **Previous Minutes:**  
Acceptance of the Minutes of Meeting held on 14<sup>th</sup> May 2013  
**Moved: Mick Belcher    Seconded: Ben Hicks    Carried: Yes**

3.1 After reading of the previous minutes it was noted by all Committee Members that many items remain pending for many months, awaiting answers from Council. It was unambitiously agreed to show these items at the beginning of the the monthly minutes showing time- frame they have been left outstanding unresolved.

3.2

<u>Item</u>	<u>30 Days</u>	<u>60days</u>	<u>90 days Plus</u>
4.4 Maintenance			Sept
<b>4.91 Baseball</b>	<b>Items now dangerous.</b>	<b>Hoc Health and Safety issue</b>	<b>Aug/Sept</b>
4.91 Spoon Drain			Aug/Sept

**Business arising from previous minutes.**

4.0 **User Agreements** Little Athletes awaiting response from Council re peak information. Senior Cricket still in process with their queries. Junior Cricket ready to email their response.

**Item Pending**

4.1 **Key List** Clubs still outstanding are working through their list to ascertain whom has the keys.

**Item Pending**

4.2 **Maintenance of Facilities.** Nothing to report at present.

**Item Pending**

4.3 **Eastern Pavilion** Work has commenced on Change rooms.

**Item Pending**

4.4 **Storage Shed** Soccer and Cricket to report if their internal fittings completed.

**Item Pending**

4.5 **Sewerage Plant** No further information has come forward.

**Item Pending**

4.6 **Baseball Issues** No further information.

**Item Pending**

4.7 **Spoon Drain** Concerns was voiced this may impact the car park. Request was made can the northern end of the spoon drain be completed before the winter rains.

**Item Pending**

4.8 **Eastern Pavilion Garbage Bin.** Little Athletics to unlock one bin to enable it to be returned to Eastern Pavilion for the winter months.

4.9 **Electricity Accounts** No further action at present

4.10 **Landscaping Plan** No further action at present.

4.11 **Little Athletic Proposed addition to clubrooms.** Little Athletics requested a list of approved and not approved projects for Masons Lane for the next 12 months from Council..

**Item Pending**

4.12 **Ground Works.** Accounts passed for payment for work completed on Soccer Ground Etc.

4.13 **Pink Hygiene** Keys for each Clubroom has been given to supplier.

4.14 **Future of MLCOM** Concern voiced re jumping out of the Section 86, where do with stand with the land, also Mason Lane has been poorly looked after in the past. Users have a guarantee of usage while there is a Committee of Management.

Is it possible to advertise for a chairman with a small remuneration.

**Users to respond directly to Council their decision before the next meeting.**

**Item Pending**

5. **Correspondence:**

Western Water x 2

Moorooloolooloo Council x 1

Commonwealth Bank x 1

5.1 **Outwards**

Minutes of May 2013

Acceptance of Correspondence:

Moved:

Chris Jackson

Seconded: Mick Belcher

Carried:

6. **Reports**

**Treasurer**

as per report.

7 **General Business**

Little Athletic gave a different option for the location of the container. Further information to come forward.

8. **Project**

Clubs asked to advise of any project they feel need done and MLCOM will get these costed and have them ready for any funding that comes available.

9. **Next Meeting 9<sup>th</sup> July 2013 7.30p.m. @ Little Aths Clubrooms**

**Meeting Closed :8.30 pm.**

# Attachment - Item 12.2(b)

## Masons Lane Committee of Management

### MINUTES 9<sup>th</sup> July, 2013

1. **Welcome and meeting opened:** 7.00 pm.
2. **Attendance**
  - 2.1 Present: Dianne Lee (BMODC) Mick Belcher (BMLAC) Chris Jackson (BMCC) (BMSC) Paul Wilson (BMBC) Simon Joannidis (BMSC)
  - 2.2 Visitors: Damian DeGoldi
  - 2.3 Apologies Ben Hick (BMCC.):
3. **Previous Minutes:**

Acceptance of the Minutes of Meeting held on 11<sup>th</sup> June 2013  
**Moved: Paul Wilson      Seconded: Chris Jackson      Carried: Yes**

  - 3.1 **After reading of the previous minutes it was noted by all Committee Members that many items remain pending for many months, awaiting answers from Council. It was unambitiously agreed to show these items at the beginning of the the monthly minutes showing time- frame they have been left outstanding unresolved.**
  - 3.2

<u>Item</u>	<u>30 Days</u>	<u>60days</u>	<u>90 days Plus</u>
4.6 Baseball Door Security Junior Diamond			Aug/Sept 2012  2012
4.7 Spoon Drain			Aug/Sept 2012
4.14 Sale of Land			01/05/13

**Business arising from previous minutes.**

4.0 **User Agreements** Lengthy discussions re these, Little Athletics have concerns re Pete (Portable Electrical Tools and Equipment) Testing, Annual Expenditure, Western Water proposal, track changes and car park before they will sign. Junior Cricket as been in contact with Council, theirs is ready to sign. Soccer informed these should be signed before commencement of their season. Baseball discussing with Council re their concerns.

**Item Pending**

4.1 **Key List** Clubs still outstanding are working through their list to ascertain whom has the keys.

**Item Pending**

4.2 **Maintenance of Facilities.** Baseball and Little Athletics to complete Maintenance Forms re door locks due to break in and attempted break in.

**Item Pending**

4.3 **Eastern Pavilion** Work is progressing on the Change rooms. Dog Club have removed wall and relocated their cupboards.



**Item Pending**

**4.4 Storage Shed** Soccer and Cricket to decide on completion of Soccer Season how the shed change rooms are to be will be used. Dog Club asked Simon to check if okay for the wall to now be removed in their end of the shed as storage is very tight for them,  
**Item Pending**

**4.5 Sewerage Plant** Still not much further information. Council working with Western Water. Possibility 18 car parking spaces may be installed by Western Water.

**Item Pending**

**4.6 Baseball Issues** They have been broken into again, with over \$1000.00 worth of damage and loss. This issue as been raised many times re security of doors. Paul to put a Maintenance Form in as soon as possible for the repairs to be completed. Their Junior Diamond not rectified, they have been offered by GBA home and away games for Juniors, they have missed out this year. Need verification when the Diamond will be completed.

**Item Pending**

**4.7 Spoon Drain** After a long discusstion , Damian advising no funds available to rectify this problem which is impacting all items around and near Little Athletic clubroom i.e. Western Water plans, car park and storage container.

**Item Pending**

**4.8 Eastern Pavilion Garbage Bin.** Little Athletics to unlock the garbage bin again then advise Eastern Pavilion before Garbage Contractors lock it again.

**4.9 Electricity Accounts** No further action at present

**4.10 Landscaping Plan** No further action at present.

**4.11 Little Athletic Proposed addition to clubrooms.** Little Athletics requested a list of approved and not approved projects for Masons Lane for the next 12 months from Council.

**Item Pending**

**4.12 Pink Hygiene** Keys for each Clubroom has been given to supplier. Ben to check the past 12 months invoices and supply copies for next MLCOM meeting.

**Item Pending**

**4.13 Future of MLCOM** After a lengthy discussion it was unanimously agreed Council be asked to advertise for a Chairperson, The Committee agreed in principle to the proposed changes but concerns were voiced re our usage of the clubrooms, being assured that Mason Lane still receives funding to maintain and upgrades to the reserve in the future. Damian to relay this information to Council and to incorporate this in whichever model is presented to us for consideration.

**Sale of Land (along Young Street) the committee has removed its support for this proposed sale as stated on Master-Plan. this is previously noted in Committees May minutes. It is felt this need to be removed from Master-plan due to its impact on all future plans for car parking etc on Western end of the reserve.**

**Item Pending**

4.14 **Minutes for Council** Committee are to approve minutes via email ASAP due to Council request to receive them in time for Council Meeting.

5. **Correspondence:**

Junior Cricket, Little Athletic and Dog Club emails re proposed changes to management structure of Mason Lane.

5.1 **Outwards**

Minutes of June 2013

Acceptance of Correspondence:

Moved: Mick Belcher      Seconded: Simon Joannidi      Carried:

6. **Reports**

**Treasurer**

as per report.

7 **General Business**

Little Athletic gave a different option for the location of the container. Further information to come forward. Spoon drain is impacting where this can be placed on a temporary basis until their new storage facilities are erected.

8. **Project**

Clubs asked to advise of any project they feel need done and MLCOM will get these costed and have them ready for any funding that comes available.

9. **Next Meeting    13<sup>th</sup> August 2013 7.30p.m. @ Little Aths Clubrooms**

**Meeting Closed :            9.25 pm.**

### 12.3 Section 86 - Advisory Committees of Council - Reports

Section 86 Advisory Committees are established to assist Council with executing specific functions or duties.

Advisory Committees of Council currently have no delegated powers to act on behalf of Council or commit Council to any expenditure unless resolved explicitly by Council following recommendation from the Committee. Their function is purely advisory.

Section 86 Advisory Committees are required to report to Council at intervals determined by the Council.

Councillors as representatives of the following Section 86 . Advisory Committees of Council present the reports of the Committee Meetings for Council consideration.

<b>Committee</b>	<b>Meeting Date</b>	<b>Council Representative</b>
Heritage Advisory Committee	18 June 2013	Cr. Tatchell

**Recommendation:**

**That Council receives the report of the following Section 86 Advisory Committee of Council:**

- **Heritage Advisory Committee meeting of Tuesday 18 June 2013.**

# Attachment - Item 12.3

# HERITAGE ADVISORY COMMITTEE

## 31st MEETING Council Chambers, Ballan Tuesday 18th June 2013 – 11:30am – 1:30pm

### MINUTES

#### 1.

- **Attendance**

Voting Members

Cr Paul Tatchell Moorabool Shire Council (Chair)	Jennifer Ban tow National Trust Geelong & Region Branch
Wendy Veering Bacchus Marsh & District Historical Society	Pat Liftman Blackwood Historical Society
Margaret Simpson Blacksmith Cottage & Forge Special Committee	Richard Biden Ballan Shire Historical Society
Tim van der Pole Community Member	

Non-Voting Members

Hilmar Kummerlowe Bacchus Marsh RSL	Kaye Godkin Bacchus Marsh RSL
Lisa Gervasoni Moorabool Shire Council	Sean Greer Moorabool Shire Council

- **Apologies**

Elizabeth Fairlie National Trust Geelong & Region Branch (Deputy)
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- **Conflict of Interest**

No conflict of interest was raised by those present.

#### 2.

- **Adoption of previous minutes (16 April 2013)**

**MOVED:** Richard Biden  
**SECONDED:** Tim van der Poel  
**CARRIED**

- **Correspondence**

- Resignation of Michael Brent Allen dated 14 June 2013, effective immediately. Michael was a community member and was thanked for his interests in the undertakings of the Moorabool Heritage Advisory Committee.

- The draft Central Highlands Regional Growth Plan became available for public comment. Council officers nominated the Moorabool Heritage Advisory Committee as an interest group. Agreed that further information would be made available following the meeting.

### **3. Business arising**

#### Future Heritage Advisory Committee Meetings

In light of the resignation of two community members from the Committee, a motion to move future Committee meetings back to Wednesdays at the traditional time of 11.30am to 1.30pm was voted on at the meeting. This motion was unanimously voted in favour of by those voting members present.

Confirmation details will be forwarded once arrangements have been finalised by Council officers and notification will be provided prior to the August Committee meeting.

### **4. Working towards a Moorabool Heritage Strategy**

- Local Government Heritage Strategies – the deadline was originally 30 June 2013, Heritage Victoria has now extended this to the end of the year.
- Heritage Challenges and Opportunities list circulated for voting. A copy of the list post voting will be circulated as an attachment with the minutes.
- Clarification was sought regarding the Victorian Heritage database. It was outlined by Council officers that a place / object is identified on the database once a statement of significance has been prepared.
- Recognition that financial implications would play a significant role in realising priorities.
- Purpose of the Strategy is to assist in identifying what can be achieved within a four year period.
- Discussions on the Heritage Advisory Services partly funded by Heritage Victoria. This service can provide up to a maximum of \$15,000 per annum which is required to be matched by Council.
- Clarification was provided that this service is to be utilised to provide for a heritage advisory and not necessarily a decision maker.
- Ability to intervene within 14 days for an interim request requires preparation of a statement of significance which is a task made considerably easier when the services of a heritage advisory are available.

### **5. Margaret Moritz Youth Heritage Award**

At the Ordinary Meeting of Council held on 15 May 2013, Cr Tatchell put forward a notice of motion in relation to the Margaret Moritz Youth Heritage Award. The following resolution was carried regarding the motion:

*“That Council endorses establishing an award aimed at generating interest in heritage matters amongst primary school students across the municipality whilst honouring the memory of Margaret Moritz. Council also endorses the following approach to be undertaken to assist with award’s inception:*

- *The establishment of a subcommittee to oversee the initiative, which comprises a Councillor and at least two representatives of the Moorabool Heritage Advisory Committee.*
- *Council officers write to primary schools within the municipality to raise awareness of this initiative and to ascertain interested participants.*
- *An amount in the order of \$500 is made available from the current budget of Council's Strategic and Sustainable Development Unit to assist in the implementation of the award".*

Pursuant to the approach outlined above, the first step is for a Margaret Moritz Youth Heritage Award subcommittee to be formed. Discussions at the Committee meeting focussed upon establishing this subcommittee.

Cr Tatchell agreed to be the representative Councillor on the subcommittee and would also chair the meetings. Margaret Simpson was nominated for a position and subsequently accepted the position. Dennis Spielvogel was suggested as a candidate for the second representative position, however, this would have to be considered at a later date. Further advice to confirm that the nominations have been accepted will be provided in once finalised.

## **6. Heritage Planning Scheme Amendments Update**

- **Amendment C06 (Part 2) – Bacchus Marsh Heritage Study**

The Panel hearings pertaining to this Amendment have finished. Over 150 places are to be included into the schedule to the Heritage Overlay through the process of Amendment C06.

Council adopted the findings of the Panel pursuant to a report that was considered at the Ordinary Meeting of Council held on 5 June 2013.

Outlined that there is to be a part three to Amendment C06 which will incorporate two sites. The subject sites are as follows:

- 'Woodlands', 229 Long Point Road, Myrning (HO182); and
- 25 Rowsley Station Road, Maddingley (HO66) [the former CSR Wood Panels Bacchus Marsh Mill, also known as JBD Industrial Park].

A component of the Panel's recommendations was to seek and develop an incorporated plan for the industrial park. It is envisaged that a report will be going back to Council for consideration in approximately 2 – 3 months, with the indicative Ordinary Council Meeting being the 18 September 2013.

Appreciation for the process and the manner in which the Panel conducted the hearing and the role of Council was shown by the National Trust.

The matter of heritage precincts was raised during discussions. This matter is to be further pursued through the priorities and gaps identification which would be a component of the West Moorabool Heritage Study.

- **Preparation for the West Moorabool Heritage Study Stage 2) – Priorities & gaps identification**

## 7. National Trust Heritage Festival – Review

Successful events were held within Moorabool. As a recap, the events which were held in Moorabool as per the National Trust Heritage Festival 2013 program, were as follows:

EVENT	PRESENTER	DATE
Open Day	The Bacchus Marsh Catholic Museum	20 April – 21 April 2013
Blacksmith's Cottage & Forge Opening	Blacksmith's Cottage & Forge	20 April – 21 April 2013
Bacchus Marsh & District Historical Society Open Day	Bacchus Marsh & District Historical Open Day	27 April – 28 April 2013
Historic Display & Heritage Town Walk	Ballan Shire Historical Society Inc.	11 May 2013

The Committee was advised that next year's theme will be "Journeys" and it is anticipated that forms relating to the brochure will become available around October – November of this year.

A National Trust Victoria Heritage Awards 2013 list was circulated around the Committee members present. It was outlined that the inclusion of different categories provided for a degree of flexibility. A copy of this list will be included as an attachment with the minutes.

The possibility of the staging of Moorabool Heritage Awards in 2014 was raised as a possibility. Council officers have had discussions with Paul Roser and prior to this matter being further pursued, there are various tasks that require completion. These tasks include ensuring that Council is in a position where such an award process can be managed prior to committal and the preparation of documentation to enable the heritage significance to be assessed. It was also identified that such a process can be resource intensive for Council. The potential for Moorabool Heritage Awards in 2015 is more realistic in comparison to 2014 and in the short term the staging of the Margaret Moritz Youth Heritage Award is the focus and could be considered as something of a test case.

## 8. General Business

### 8.1 2013 – 2014 Proposed Annual Budget

Council officers from the Strategic and Sustainable Development unit have put in an internal budget bid process for an amount in the region of \$30,000 a year over two years. Previous estimates were that the Study would require a total amount of at least \$160,000.

Heritage Victoria's requirements regarding any funding contributions was that the planning scheme amendment associated with implementing the Bacchus Marsh Heritage Study (Amendment C06) was to be adopted by Council and that a financial commitment be provided to the West Moorabool Heritage Study.

**ACTION:** A submission supporting the funding of Stage 2 of the West Moorabool Heritage Study through the 2013 – 2014 Annual Budget be drafted following the conclusion of this meeting.

**MOVED:** Tim van der Poel  
**SECONDED:** Margaret Simpson  
**CARRIED**



## **8.2 ANZAC Centenary Commemorations – Great War Centenary Committee**

- Danny Colgan (General Manager – Community Services) is overseeing this initiative.
- An awareness day has been tentatively scheduled for either 10<sup>th</sup> or 11<sup>th</sup> of August 2013.
- The Committee was advised from representatives of the Bacchus Marsh RSL that a Great War Centenary Committee meeting is to be held next week and the RSL have put in a submission towards this process.
- A query was raised as to the possibilities of having a relevant publication within the local papers to help notify the details of this event.

The initiative of the Coimadai War Memorial and Avenue of Honour was raised. There are two main components of this initiative. The first component is the proposal to re-establish the Coimadai Avenue of Honour, with the second component being the proposal to restore and relocate the existing Coimadai War Memorial Cairn. The Coimadai War Memorial Cairn is currently located along the Bacchus Marsh – Diggers Rest Road, thus far two potential relocation sites have been identified with both of these sites being situated within the Merrimu Reservoir Picnic Area.

Following these discussions, a subsequent query was raised regarding the number of Avenue of Honours that are currently recognised within the municipality. There has been some interest shown in having a plaque or interpretive sign introduced to recognise Avenue of Honours that are no longer existing within localities such as Blackwood and Barry's Reef.

## **8.3 Parliamentary Inquiry into Heritage Tourism & Ecotourism in Victoria**

Submissions are being sought in relation to the parliamentary inquiry into heritage tourism and ecotourism in Victoria. Noted that this process may have the potential to lead to possible funding streams.

The balance between preserving heritage and promoting tourism was raised as a key challenge, with the emphasis needing to be towards promoting not misinterpreting heritage and ensuring that places are not loved to death.

The relevant website is <http://www.parliament.vic.gov.au/enrc/inquiries/inquiry/349> for additional information.

- **Other Matters**

- Cr Tatchell raised two matters:
  - o Firstly, an enquiry about whether the Mount Wallace School and Post Office located along Connors Road is still in existence.
  - o Secondly, whether the Committee wished to be involved in the style / design for historical seats being proposed by a consortium.

## **9. Reports from Committee members / Information Sharing**

*Wendy Vearing – Bacchus Marsh & District Historical Society*

Refer to the documents attached to the Minutes for a copy of the report supplied by the Bacchus Marsh & District Historical Society.

*Pat Liffman – Blackwood Historical Society*

- Prospecting in the Lerderderg State Park and the potential for links into the Parliamentary Inquiry.
- The conflicts between the buyback scheme of properties affected by bushfire and environmental management.
- Mentioned the Blackwood Mechanics Hall and the Mechanics Institute in Barry's Reef in relation to the updating of the book "If The Walls Could Speak".

*Jennifer Bantow – National Trust Geelong & Region Branch*

- Put forward the Vemcor trimming of street trees in Ballan as a current issue.
- Advised that Anna Foley was replaced by Sue Hughes.
- Cemetery walks have recently been undertaken in the Geelong region as part of a fundraiser for restoring the cemetery.

*Margaret Simpson – Blacksmith Cottage & Forge Special Committee*

Refer to the documents attached to the Minutes for a copy of the report supplied by the Blacksmith Cottage & Forge Special Committee.

*Richard Biden – Ballan Shire Historical Society*

- Event in the community house and heritage walks were held, the first walk had an attendance of approximately 23 people with the second walk having an attendance of approximately 14 people.
- On May 26, a historic tour of Blakeville was undertaken.
- The Court House project is progressing, an architect has been engaged and a building surveyor has inspected the site.
- Centenary commemorating being organised.

**10. Meeting closed at 1:28 pm**

**Next Meeting: 11.30 am – 1.30 pm  
Wednesday, 28 August, 2013**

**Venue: Council Chambers, Ballan**

**Notice to all Groups**

**If contact details or names are incorrect please inform Chris Rodda who is contactable via:**

**PO Box 18,  
Ballan 3342; OR**

**Ph: 5366 7100; OR**

**[ssdadmin\\_moorabool.vic.gov.au](mailto:ssdadmin_moorabool.vic.gov.au)**

**Council would like to keep its database in order.**

**13. NOTICES OF MOTION****13.1 Cr Toohey/Cr Dudzik: N.O.M. No. 233 – Mediation Outcomes between Cr Toohey and Cr Dudzik.****Motion**

1. Cr Toohey and Cr Dudzik wish to jointly advise that in relation to the past Notice of Motion 230 Respect for the Premier and Other Levels of Government, that neither party intended to cause disrespect to Council, the Premier or any level of Government. Neither Councillors actions or words were meant in any way show disrespect to those involved.

Cr Toohey and Cr Dudzik recognise that a communication problem between parties resulted in a regrettable process being followed. We will learn from our mistakes and improve processes so that they cannot be repeated.

2. To Improve Councillor relationships and governance Council will review the process and procedures and provide training to Councillors to enable us to work as a cohesive group working towards positive outcomes for our community.

**Preamble**

At the Council Meeting on 3<sup>rd</sup> July, 2013 Cr Toohey initiated Notice of Motion 230 Respect for the Premier and Other Levels of Government against Cr Dudzik. An amended motion was passed by Moorabool Council with a vote of four Councillors supporting the motion and three against.

This was a regrettable process that allowed this matter to be brought to a public agenda and has highlighted the deficiencies in the Councillor dispute resolution process in our Councillor Code of Conduct.

A communication breakdown between Councillors occurred and as a result this matter was not handled with the dignity and respect it deserved.

Cr Toohey and Cr Dudzik have had mediation and this is a joint motion to correct the past and ensure that in future fair process is followed and a dispute resolution process is followed by all Councillors.

# Attachment - Item 13.1

28<sup>th</sup> August 2013

Mr Rob Croxford  
Chief Executive Officer  
Moorabool Shire Council  
P O Box 18  
Ballan Vic 3342

Re: Notice of Motion for Council Meeting 4<sup>th</sup> September 2013  
Mediation Outcomes between Cr Toohey and Cr Dudzik.

Dear Rob,

In accordance with the Council's Meeting Procedure Local Law No. 8 Section 28 – Notice of Motion, please accept this Notice of Motion for placement on the public agenda of the Ordinary Council Meeting to be held on the 4<sup>th</sup> September, 2013.

**Motion**

1. Cr Toohey and Cr Dudzik wish to jointly advise that in relation to the past Notice of Motion 230 Respect for the Premier and Other Levels of Government, that neither party intended to cause disrespect to Council, the Premier or any level of Government. Neither Councillors actions or words were meant to in any way show disrespect to those involved.

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2. To improve Councillor relationships and governance Council will review the process and procedures and provide training to Councillors to enable us to work as a cohesive group working towards positive outcomes for our community.

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Cr Toohey and Cr Dudzik have had mediation and this is a joint motion to correct the past and ensure that in future fair process is followed and a dispute resolution process is followed by all Councillors.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Pat Toohey', with a long horizontal flourish extending to the right.

Cr Pat Toohey

A handwritten signature in black ink, appearing to read 'Tonia Dudzik', written in a cursive style.

Cr Tonia Dudzik

**14. URGENT BUSINESS**

**15. CLOSED SESSION OF THE MEETING TO THE PUBLIC****15.1 Confidential Report****Recommendation:**

That pursuant to the provisions of the Local Government Act 1989, the meeting now be closed to members of the public to enable the meeting to discuss matters, which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act 1989 (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act, as follows:

- (a) personnel matters;
- (b) the personal hardship of any resident or ratepayer;
- (c) industrial matters;
- (d) contractual matters;
- (e) proposed developments;
- (f) legal advice;
- (g) matters affecting the security of Council property;
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person;
- (i) a resolution to close the meeting to members of the public



**16. MEETING CLOSURE**