



AGENDA

Ordinary Council Meeting Wednesday, 4 September 2019

I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: Wednesday, 4 September 2019

Time: 6.00pm

Location: Council Chamber, 15 Stead Street, Ballan

**Derek Madden
Chief Executive Officer**

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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 ACKNOWLEDGEMENT OF COUNTRY

We respectfully acknowledge the traditional owners of this land, their spirits and ancestors.

3 RECORDING OF MEETING

In accordance with Moorabool Shire Council's Meeting Procedure Local Law, the Council will be recording this meeting. The following organisations have also been granted permission to make an audio recording:

- The Moorabool News; and
- The Star Weekly

4 PRESENT

5 APOLOGIES

6 CONFIRMATION OF MINUTES

Ordinary Council Meeting - Wednesday 7 August 2019

7 DISCLOSURE OF CONFLICTS 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)
 - indirect interest because of impact on residential amenity (section 78E)

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.

8 PUBLIC QUESTION TIME

The aim of Public Question Time is to provide an opportunity for the public to ask general questions at Council Meetings requiring routine responses. Public Question Time is conducted in accordance with Section 6.9 of the Council's Meeting Procedure Local Law No. 9.

Questions must be in writing on the form provided by the Council and submitted by 5.00pm on the day before the meeting. Members of the public can contact a Councillor and raise a question which the Councillor will submit on their behalf.

A question will only be read to the meeting if the Chairperson or other person authorised for this purpose by the Chairperson has determined that:

- (i) the person directing the question is present in the gallery;
- (ii) the question does not relate to a matter of the type described in section 89(2) of the Act (for confidential matters);
- (iii) the question does not relate to a matter in respect of which Council has no power to act;
- (iv) the question is not defamatory, indecent, abusive or objectionable in language or substance;
- (v) the question is not a repetition of a question already asked or answered (whether at the same or an earlier meeting); and

- (vi) the question is not asked to embarrass a Councillor, member of Council staff or member of the public.

A Councillor or Council officer may:

- (i) immediately answer the question asked; or
(ii) elect to have the question taken on notice until the next Ordinary meeting of Council; at which time the question must be answered and incorporated in the Agenda of the meeting under Public Question Time; or
(iii) elect to submit a written answer to the person asking the question within 10 working days.

Responses to public questions answered at the meeting, will be general in nature, provided in good faith and should not exceed two minutes. These responses will be summarised in the minutes of the meeting.

Public Question Time does not substitute for other forms of communication with or other formal business procedures of the Council.

9 PETITIONS

Nil

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.

11 CHIEF EXECUTIVE OFFICER REPORTS

11.1 ADOPTION "IN PRINCIPLE" OF THE 2018/19 FINANCIAL STATEMENTS FOR SUBMISSION TO THE VICTORIAN AUDITOR-GENERAL FOR CERTIFICATION

Author: Aaron Light, Senior Accountant

Authoriser: Derek Madden, Chief Executive Officer

Attachments: 1. 2018/19 Financial Statements [↓](#) 

PURPOSE

To present the 2018/19 Financial Statements to Council for adoption “in principle” and authorisation of two Councillors, being the Councillor members of the Audit Committee, to sign the audited statements, before being submitted to the Auditor-General for certification.

EXECUTIVE SUMMARY

The following report presents the 2018/19 Financial Statements for adoption “in principle” by Council for submission to the Auditor-General for certification.

RECOMMENDATION

That Council: In accordance with S. 132 of the Local Government Act (1989):

1. **Adopts in principle and submit the 2018/19 Financial Statements to the Auditor-General for certification; and**
2. **authorise the Council’s Audit Committee Representatives, Cr. Dudzik and Cr. Keogh and, to certify the 2018/19 Financial Statements in their final form, after any changes recommended, or agreed to by the Auditor, have been made.**

BACKGROUND

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.

S. 131 Annual report

- (1) A Council must prepare an annual report in respect of each financial year
- (2) An annual report must contain the following, in respect of the financial year reported on—
 - (a) a report of operations of the Council;
 - (b) an audited performance statement;
 - (c) audited financial statements;
 - (d) a copy of the auditor's report on the performance statement, prepared under section 132;
 - (e) a copy of the auditor's report on the financial statements under Part 3 of the Audit Act 1994;
 - (f) any other matter required by the regulations.

- (3) The financial statements in the annual report must—
- (a) include any other information required by the regulations; and
 - (b) be prepared in accordance with the regulations.

S. 132 Annual Report - Preparation

- (1) A Council must submit the performance statement and financial statements in their finalised form to the auditor for auditing as soon as possible after the end of the financial year.
- (2) The Council, after passing a resolution giving its approval in principle to the performance statement and financial statements, must submit the statements to the auditor for reporting on the audit.
- (3) The auditor must prepare a report on the performance statement.

Note: The auditor is required under Part 3 of the Audit Act 1994 to prepare a report on the financial statements.

- (4) The auditor must not sign a report under subsection (3) or under Part 3 of the Audit Act 1994 unless the performance statement or the financial statements (as applicable) have been certified under subsection (5).
- (5) The Council must ensure that the performance statement and financial statements, in their final form after any changes recommended or agreed by the auditor have been made, are certified in accordance with the regulations by—
- (a) 2 Councillors authorised by the Council for the purposes of this subsection; and
 - (b) any other prescribed persons.
- (6) The auditor must provide the Minister and the Council with a copy of the report on the performance statement as soon as is reasonably practicable.

PROPOSAL

The 2018/19 Financial Statements have been prepared in accordance with the requirements of the Local Government Act, Local Government (Planning and Reporting) Regulations 2014 and Australian Accounting Standards.

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 "in 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 2018/19:

1. Financial Statements: reflect the comparative performance to the previous financial year.
 - Comprehensive Income Statement – The result reflects a total comprehensive gain of \$82.147 million. Included within this result are the following significant items:
 - \$4.124 million increase in 'Contributions - Monetary' due to the timing of significant developer contributions received in 2018/19.
 - \$4.943 million increase in 'Contributions - Non-Monetary' due a substantial amount of development throughout the Shire. Assets

- constructed by developers and handed over to Council total \$10.443 million in 2018/19.
- \$56.613 million increase in 'Net Asset Revaluation Increment/(Decrement)' which mainly relates to the increment for Road Infrastructure (\$38.810 million). Other Infrastructure Assets revalued during 2018/19 include; Drainage, Kerbs and Footpaths.
 - \$1.779 million increase in 'Rates and charges' mainly due to significant growth in rating assessments during the 2018/19 financial year.
- Balance Sheet – The movement in net assets reflects the total operating gain of \$82.147 million. Included within this result are the following significant items:
 - \$75.649 million increase in 'Property, Infrastructure, Plant and Equipment' mainly due to the Capital Improvement Program and Asset Revaluations.
 - \$5.712 million increase in 'Cash and cash equivalents' mainly due Councils improvement in recent years in reducing underlying deficits. Also, the impact of some Capital Works being deferred to the 2019/20 financial year.
 - A net \$1.121 million decrease in 'Interest-Bearing Loans and Borrowings' which reflects principal repayments in 2018/19, and the deferral of new borrowings to the 2019/20 financial year.
 - Cash Flow Statement – The movement in cash held at the end of the year is an increase of \$5.711 million. Included within this result are the following significant items:
 - Net cash flows from operating activities increased by \$3.711 million from last year to \$22.591 million. This is mainly due to Council receiving a significant amount of cash developer contributions in 2018/19.
 - Net cash used in investing activities has increased by \$3.846 million to \$15.176 million. This is due to the 2018/19 financial year containing a significantly larger Capital Improvement Program.
 - Statement of Capital Works – In comparison to the 2017/18 financial year, overall capital expenditure for 2018/19 is \$3.957 million more than the previous year, made up of the following items;
 - Capital expenditure on 'Roads' in 2018/19 was \$1.321 million more than 2017/18 mainly due to substantial works on Bacchus Marsh-Ballieng Road and Ormond Road.
 - Expenditure on 'Footpaths and Cycleways' was \$0.702 million more than the previous year due to the continuation of works at Inglis Street, Ballan.
 - Expenditure on 'Recreational, Leisure and Community Facilities' was \$1.880 million more than 2017/18, mainly due to the continuation of works at Bacchus Marsh Racecourse and Recreation Reserve.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership**Context 1C: Our Business and Systems**

The 2018/19 financial statements are consistent with the 2017-2021 Council Plan.

FINANCIAL IMPLICATIONS

The financial statements detail Council's financial performance and position for 2018/19. They demonstrate that over time Council has steadily improved its financial position, but indicates that there are still numerous financial challenges that lay ahead which will require responsible fiscal stewardship.

COMMUNICATIONS & CONSULTATION STRATEGY

The Annual Financial Statements and Performance Statements are reported to Council to adopt "in 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 & 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 – Derek Madden

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

Author – Steve Ivelja

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

CONCLUSION

The attached Financial Statements for 2018/19 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.

**MOORABOOL SHIRE COUNCIL
ANNUAL FINANCIAL REPORT**

For the Year Ended 30 June 2019

Moorabool Shire Council
2018/2019 Financial Report
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FINANCIAL REPORT

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 Victorian Auditor-General's Office Report

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Moorabool Shire Council
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Certification of the Financial Statements 2018/19

In my opinion the accompanying financial statements have been prepared in accordance with the *Local Government Act 1989*, the *Local Government (Planning and Reporting) Regulations 2014*, Australian Accounting Standards and other mandatory professional reporting requirements.

Steven Ivelja CPA
Principal Accounting Officer

Dated: 5 September 2019
Bailan

In our opinion the accompanying financial statements present fairly the financial transactions of Moorabool Shire Council for the year ended 30 June 2019 and the financial position of the Council as at that date.

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

We have been authorised by the Council and by the *Local Government (Planning and Reporting) Regulations 2014* to certify the financial statements in their final form.

Tonia Dudzik
Councillor

Dated: 5 September 2019
Bailan

Paul Tatchell
Councillor

Dated: 5 September 2019
Bailan

Derek Madden
Chief Executive Officer

Dated: 5 September 2019
Bailan

*Moorabool Shire Council
2018/2019 Financial Report*

Victorian Auditor-General's Office Report 2018/19

Insert VAGO Report here

Moorabool Shire Council
2018/2019 Financial Report

**Comprehensive Income Statement
For the Year Ended 30 June 2019**

	Note	2019 \$'000	2018 \$'000
Income			
Rates and charges	3.1	34,138	32,359
Statutory fees and fines	3.2	899	763
User fees	3.3	3,200	2,536
Grants - operating	3.4(a)	10,850	9,650
Grants - capital	3.4(b)	3,584	3,983
Contributions - monetary	3.5	4,292	168
Contributions - non-monetary	3.5	10,443	5,600
Other income	3.7	3,803	3,730
Total Income		71,218	58,689
Expenses			
Employee costs	4.1	(20,074)	(18,464)
Materials and services	4.2	(17,878)	(17,541)
Depreciation and amortisation	4.3	(9,109)	(8,625)
Bad and doubtful debts	4.4	(9)	(156)
Borrowing costs	4.5	(583)	(683)
Net loss on disposal of property, infrastructure, plant and equipment and investment properties	3.6	(952)	(1,396)
Other expenses	4.6	(559)	(697)
Total Expenses		(49,162)	(47,562)
Surplus for the year		22,056	11,127
Other comprehensive income			
Items that will not be reclassified to surplus or deficit in future periods			
Net asset revaluation increment	6.1	60,091	3,478
Total comprehensive result		82,147	14,605

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

Moorabool Shire Council
2018/2019 Financial Report

Balance Sheet
As at 30 June 2019

	Note	2019 \$'000	2018 \$'000
Assets			
Current assets			
Cash and cash equivalents	5.1(a)	22,290	16,578
Trade and other receivables	5.1(b)	6,171	4,864
Inventories	5.2	30	18
Other assets	5.2	1,163	1,008
Total current assets		29,653	22,468
Non-current assets			
Trade and other receivables	5.1(b)	85	145
Property, infrastructure, plant and equipment	6.1	564,165	488,516
Total non-current assets		564,250	488,661
Total assets		593,904	511,129
Liabilities			
Current liabilities			
Trade and other payables	5.3(a)	5,953	4,975
Trust funds and deposits	5.3(b)	1,630	1,197
Provisions	5.4	4,389	4,370
Interest-bearing loans and borrowings	5.5	1,120	1,121
Total current liabilities		13,092	11,663
Non-current liabilities			
Provisions	5.4	807	488
Interest-bearing loans and borrowings	5.5	10,007	11,127
Total non-current liabilities		10,814	11,615
Total liabilities		23,906	23,278
Net assets		569,998	487,851
Equity			
Accumulated surplus		180,888	161,446
Reserves	9.1	389,110	326,405
Total Equity		569,998	487,851

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

Statement of Changes in Equity
For the Year Ended 30 June 2019

	Note	Total \$'000	Accumulated Surplus \$'000	Revaluation Reserve \$'000	Other Reserves \$'000
2019					
Balance at beginning of the financial year		487,851	161,446	318,159	8,246
Surplus/(deficit) for the year		22,056	22,056	-	-
Net asset revaluation increment/(decrement)		60,091	-	60,091	-
Transfers to other reserves		-	(7,220)	-	7,220
Transfers from other reserves		-	4,606	-	(4,606)
Balance at end of the financial year		569,998	180,888	378,249	10,861

	Note	Total \$'000	Accumulated Surplus \$'000	Revaluation Reserve \$'000	Other Reserves \$'000
2018					
Balance at beginning of the financial year		473,246	151,333	314,680	7,232
Surplus/(deficit) for the year		11,127	11,127	-	-
Net asset revaluation increment/(decrement)		3,478	-	3,478	-
Transfers to other reserves		-	(3,100)	-	3,100
Transfers from other reserves		-	2,086	-	(2,086)
Balance at end of the financial year		487,851	161,446	318,159	8,246

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

Statement of Cash Flows
For the Year Ended 30 June 2019

		2019	2018
		Inflows/ (Outflows)	Inflows/ (Outflows)
	Note	\$'000	\$'000
Cash flows from operating activities			
Rates and charges		33,641	32,354
Statutory fees and fines		899	763
User fees (inclusive of GST)		3,083	3,072
Grants - operating		10,850	9,650
Grants - capital		3,594	3,983
Contributions - monetary		4,292	168
Interest received		673	479
Trust funds and deposits taken		704	732
Other receipts (inclusive of GST)		3,166	3,520
Net GST refund/payment		2,349	2,727
Employee costs		(19,737)	(18,227)
Materials and services (inclusive of GST)		(20,084)	(19,212)
Trust funds and deposits repaid		(271)	(271)
Other payments		(567)	(858)
Net cash provided by operating activities	9.2	22,591	18,880
Cash flows from investing activities			
Payments for property, infrastructure, plant and equipment	6.1	(15,621)	(11,664)
Proceeds from sale of property, infrastructure, plant and equipment		445	334
Net cash (used in) investing activities		(15,176)	(11,330)
Cash flows from financing activities			
Finance costs	4.5	(583)	(683)
Proceeds from borrowings		-	-
Repayment of borrowings		(1,121)	(1,364)
Net cash (used in) financing activities		(1,703)	(2,047)
Net increase (decrease) in cash and cash equivalents		5,711	5,503
Cash and cash equivalents at the beginning of the financial year		16,578	11,075
Cash and cash equivalents at the end of the financial year	5.1	22,290	16,578
Financing arrangements	5.6		
Restrictions on cash assets	5.1		

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

Moorabool Shire Council
2018/2019 Financial Report

Statement of Capital Works
For the Year Ended 30 June 2019

	Note	2019 \$'000	2018 \$'000
Property			
Land		50	50
Buildings		227	431
Total property		277	481
Plant and equipment			
Plant, machinery and equipment		1,639	1,096
Computers and telecommunications		553	24
Library books		97	89
Total plant and equipment		2,349	1,209
Infrastructure			
Roads		7,866	6,545
Bridges		297	1,093
Footpaths and cycleways		1,425	723
Recreational, leisure and community facilities		3,251	1,371
Parks, open space and streetscapes		18	-
Other infrastructure		138	242
Total infrastructure		12,995	9,974
Total capital works expenditure		15,621	11,664
Represented by:			
New asset expenditure		2,938	2,695
Asset renewal expenditure		11,332	7,784
Asset upgrade expenditure		1,351	1,185
Total capital works expenditure		15,621	11,664

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

OVERVIEW**Introduction**

Moorabool Shire Council was established by an Order of the Governor in Council on Friday, 6 May 1994 and is a body corporate. The Council's main office is located at 15 Stead Street, Ballan.

Statement of Compliance

These financial statements are a general purpose financial report that consists of a Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows, Statement of Capital Works and notes accompanying these financial statements. The general purpose financial report complies with Australian Accounting Standards, other authoritative pronouncements of the Australian Accounting Standards Board, the *Local Government Act 1989*, and the *Local Government (Planning and Reporting) Regulations 2014*.

Significant accounting policies**(a) Basis of accounting**

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

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

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

- the fair value of land, buildings, infrastructure, plant and equipment (refer to note 6.1)
- the determination of depreciation for buildings, infrastructure, plant and equipment (refer to note 6.1)
- the determination of employee provisions (refer to note 5.4 (a))
- the determination of quarry restoration provisions (refer to note 5.4 (b))

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

(b) Committees of management

All entities controlled by Council that have material revenues, expenses, assets or liabilities, such as committees of management, have been included in this financial report. Any transactions between these entities and Council have been eliminated in full.

Significant accounting policies (cont.)

(c) Goods and services tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office. In these circumstances, the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the balance sheet are shown inclusive of GST.

Cash flows are presented in the Statement of Cash Flows on a gross basis, except for the GST component of investing and financing activities, which are disclosed as operating cash flows.

(d) Rounding

Unless otherwise stated, amounts in the financial report have been rounded to the nearest thousand dollars. Figures in the financial statements may not equate due to rounding.

Note 1 Performance against budget

The budget comparison note compares Council's financial plan, expressed through its annual budget, with actual performance. The *Local Government (Planning and Reporting) Regulations 2014* requires explanation of any material variances. Council has adopted a materiality threshold of the lower of 10 percent or \$1,000,000 where further explanation is warranted. Explanations have not been provided for variations below the materiality threshold unless the variance is considered to be material because of its nature.

The budget figures detailed below are those adopted by Council on 27 June 2018. The Budget was based on assumptions that were relevant at the time of adoption of the Budget. Council sets guidelines and parameters for revenue and expense targets in this budget in order to meet Council's planning and financial performance targets for both the short and long-term. The budget did not reflect any changes to equity resulting from asset revaluations, as their impacts were not considered predictable.

These notes are prepared to meet the requirements of the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*.

	Budget 2019 \$'000	Actual 2019 \$'000	Variance 2019 \$'000	Variance %	Ref
1.1 Income and Expenditure					
Income					
Rates and charges	33,889	34,138	249	1%	
Statutory fees and fines	885	899	14	2%	
User fees	2,895	3,200	305	11%	1
Grants - operating	9,791	10,850	1,059	11%	2
Grants - capital	2,310	3,594	1,284	56%	3
Contributions - monetary	3,990	4,292	302	8%	
Contributions - non monetary	4,739	10,443	5,704	120%	4
Interest received	565	673	108	19%	5
Other income	990	3,130	2,140	216%	6
Total income	60,054	71,218	11,164	19%	
Expenses					
Employee costs	(20,092)	(20,074)	18	(0%)	
Materials and services	(15,318)	(17,878)	(2,560)	17%	7
Depreciation and amortisation	(9,842)	(9,109)	733	(7%)	
Bad and doubtful debts	-	(9)	(9)	0%	
Borrowing costs	(785)	(583)	202	(26%)	8
Loss on disposal of property, infrastructure, plant and equip.	(1,573)	(952)	621	(39%)	9
Other expenses	(541)	(559)	(18)	3%	
Total expenses	(48,151)	(49,162)	(1,011)	2%	
Surplus/(deficit) for the year	11,903	22,056	10,153	85%	
<i>(Explanation of material variations on next page)</i>					

Note 1 Performance against budget (cont.)

1.1.1 Explanation of material variations

Ref	Item	Explanation
1	User fees	The favourable variance is mainly due to significant growth in Subdivision Certification fees (\$169k), which reflects the increased development within the Shire. The other major favourable variance is an increase in Active Ageing and Community Access Brokerage services (\$130k).
2	Grants - operating	Operating grants have increased mainly due to Council receiving new or additional funding since the adoption of the budget. This includes; Grants Commission (\$227k), Youth Engagement Support Project (\$118k), Parwan Precinct Structure Plan (\$100k), Maternal and Child Health (\$77k), Mineral Springs Improvement Project (\$65k), Free From Violence Initiative (\$52k), and Roadside Weeds and Pest Management Program (\$36k).
3	Grants - capital	Capital grants are greater due to new funding received for projects that were not included in the adopted budget. Some of the larger ones include; Bacchus Marsh-Balliang Road (\$630k), Woolpack Road (\$291k), Gordon Netball Facilities Upgrade (\$225k), and E-Waste Sheds (\$129k).
4	Contributions - non monetary	The increase of \$5,704k relates to the significant level of growth in subdivision development within the Shire in 2018/19. Assets gifted to Council mainly relate to developments in Bacchus Marsh at Stonehill, Bellevue Tops and Underbank Estates. The larger value of assets handed over by developers include Land, Roads and Drainage.
5	Interest received	Greater than budget mainly due to a higher level of cash reserves on hand, which enabled Council to invest more in Term Deposits (\$66k) than what was originally budgeted. There is also an increase in interest on Rates and Garbage Charges (\$43k).
6	Other income	This favourable variance primarily relates to reimbursements for the Blackwood Localised Septic Program (\$1,070k). Council is conducting the work for this project with costs being reimbursed from the Central Highlands Regional Water Authority. Both the income and expenditure were not included in the original budget. Other increases relate to Wind Farm Dilapidation Deeds (\$96k), Workcover Reimbursements (\$77k), and Royalty Income (\$63k).
7	Materials and services	Unfavourable mainly due to costs incurred for the Blackwood Localised Septic Project (\$1,058k) and the Flood/Storm events of September 2016 and December 2018 (\$495k). Other significant variances include capital expenditure being transferred to operating expense (\$274k - relates to costs not deemed to be capital in nature), and the continuation/completion of Council approved new initiatives or grant funded projects from prior financial years.

Note 1 Performance against budget (cont.)

Ref	Item	Explanation
8	Borrowing costs	The favourable variance is due to the deferral of \$5.966 million in loan borrowings from the 2018/19 budget. These borrowings have been deferred to 2019/20 and has resulted in a saving of \$202k in interest repayments during the 2018/19 financial year.
9	Loss on disposal of property, infrastructure, plant and equip.	Favourable by \$621k mainly due to an overestimation in the budget for the Written Down Value of Infrastructure Assets replaced during the 2018/19 year. This mainly relates to a number of capital works jobs on Road Infrastructure assets being incomplete at year end.

Note 1 Performance against budget (cont.)

1.2 Capital Works	Budget 2019 \$'000	Actual 2019 \$'000	Variance 2019 \$'000	Variance %	Ref
Property					
Land	-	50	50	0%	
Buildings	657	227	(430)	(65%)	1
Total property	657	277	(380)	(58%)	
Plant and equipment					
Plant, machinery and equipment	1,960	1,699	(261)	(13%)	2
Computers and telecommunications	529	553	24	5%	
Library books	105	97	(8)	(8%)	
Total plant and equipment	2,594	2,349	(245)	(9%)	
Infrastructure					
Roads	9,019	7,866	(1,153)	(13%)	3
Bridges	326	297	(29)	(9%)	
Footpaths and cycleways	638	1,425	787	123%	4
Recreational, leisure and community facilities:	5,779	3,251	(2,528)	(44%)	5
Parks, open space and streetscapes	18	18	-	0%	
Other infrastructure	20	138	118	590%	6
Total infrastructure	15,800	12,994	(2,806)	(18%)	
Total capital works expenditure	19,051	15,621	(3,430)	(18%)	
Represented by:					
New asset expenditure	7,369	2,938	(4,431)	(60%)	
Asset renewal expenditure	10,602	11,332	730	7%	
Asset upgrade expenditure	1,081	1,351	270	25%	
Total capital works expenditure	19,051	15,621	(3,430)	(18%)	

(Explanation of material variations on next page)

Note 1 Performance against budget (cont.)

1.2.1 Explanation of material variations

Ref	Item	Explanation
1	Buildings	Capital expenditure on buildings was \$430k less than budget due to some projects being incomplete at year end and will be completed during the 2019/20 financial year. These include; Ballan Depot Relocation and LED Lighting Upgrade to Council Offices (design phase has been completed and installation works are forecast to begin in December 2019).
2	Plant, machinery and equipment	Actual expenditure was less than budget by \$261k, due to the deferral of a number of large plant purchases to the 2019/20 year.
3	Roads	Actual expenditure was less than budget by \$1,153k due to some projects being incomplete at year end and will be completed in the 2019/20 financial year. Reasons for the hold-up in works include unfavourable weather conditions and traffic volumes. These projects include; McCormack's Road Roundabout, Weribee Vale Road, and Woolpack Road.
4	Footpaths and cycleways	Overall capital spend on footpaths was \$787k greater than budget mainly due to works carried over from 2017/18. These include; Inglis Street, Ballan and Bacchus Marsh Road Bus Bay.
5	Recreational, leisure and community facilities	Actual spend was less than budget by \$2,528k due to some larger projects being incomplete at year end. These projects include; Bacchus Marsh Racecourse and Recreation Reserve, Darley Park Oval Lighting and Maddingley Park Tennis Courts. The Bacchus Marsh Racecourse and Recreation Reserve is a major project that will continue over a number of financial years.
6	Other infrastructure	Greater than budget by \$118k due to the completion a new portable toilet (Marveloo). This was a project carried over from 2017/18.

Note 2 Analysis of Council results by program

2.1 (a) Council delivers its functions and activities through the following programs.

CEO's Office & Governance

CEO Office & Governance is responsible for providing strategic and operational services to business units and to the Council as a whole. This division includes:

CEO Office	Finance and Corporate Services
People and Culture	Procurement and Contracts
Governance	Communication and Public Affairs

Community Development

Community Development provides a diverse range of high quality services to meet the needs of families with children from birth to old age. This division includes:

Family, Youth and Children's Services	Libraries and Education Services
Aged & Disability Services	Recreation and Leisure

Community Planning

Community Planning is responsible for planning and delivery of major festivals and events as well as the development, implementation and management of strategies and programs. This division includes:

Strategic and Sustainable Department	Community Safety
Information Services	Environmental Health
Planning and Building	Emergency Management

Community Assets & Infrastructure

Community Assets & Infrastructure facilitates the provision of suitable community buildings for the delivery of services and fulfil the requirements of the community now and into the future. This division includes:

Assets	Capital Works
Operations	Engineering Services
Waste Management	

Note 2 Analysis of Council results by program (cont.)

2.1 (b) Summary of revenues, expenses, grants and assets by program

	Income	Expenses	Surplus/ (Deficit)	Grants included in income	Total assets
	\$'000	\$'000	\$'000	\$'000	\$'000
2019					
CEO's Office & Governance	41,843	4,516	37,327	(6,842)	54,562
Community Development	4,990	9,775	(4,786)	(3,430)	118,093
Community Planning	3,750	10,064	(6,314)	(645)	121,578
Community Assets & Infrastructure	20,635	24,806	(4,171)	(3,527)	299,670
	71,218	49,162	22,056	(14,443)	593,904
	Income	Expenses	Surplus/ (Deficit)	Grants Included in income	Total assets
	\$'000	\$'000	\$'000	\$'000	\$'000
2018					
CEO's Office & Governance	35,489	4,427	31,061	(6,346)	47,578
Community Development	4,288	9,596	(5,308)	(2,980)	103,127
Community Planning	3,545	9,406	(5,861)	(446)	101,078
Community Assets & Infrastructure	15,367	24,133	(8,766)	(3,861)	259,346
	58,689	47,562	11,127	(13,633)	511,129

*Assets have been attributed to functions/activities based on the control and/or custodianship of specific assets.

Moorabool Shire Council Notes to the Financial Report
 2018/2019 Financial Report For the Year Ended 30 June 2019

2019 **2018**
\$'000 **\$'000**

Note 3 Funding for the delivery of our services

3.1 Rates and charges

Council uses Capital Improved Value (CIV) as the basis of valuation of all properties within the municipal district. The CIV of a property is the market value of the land and all improvements to that land as assessed by a Council appointed valuer.

The valuation base used to calculate general rates for 2018/2019 was \$7.095 million (2017/2018: \$6,308 million).

General Rates	29,024	27,662
Waste / Garbage Charges	4,592	4,256
Supplementary rates and rate adjustments	522	441
Total rates and charges	34,138	32,359

The date of the latest general revaluation of land for rating purposes within the municipal district was 01 June 2019 and the valuation was first applied in the rating year commencing 01 July 2019.

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

3.2 Statutory fees and fines

Infringements and costs	237	176
Court recoveries	-	7
Town planning fees	536	498
Land information certificates	36	44
Permits	88	37
Freedom of Information	1	1
Total statutory fees and fines	899	763

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

Moorabool Shire Council **Notes to the Financial Report**
2018/2019 Financial Report **For the Year Ended 30 June 2019**

	2019	2018
	\$'000	\$'000

Note3 Funding for the delivery of our services (Cont.)

3.3 User fees

Aged and health services	748	687
Leisure centre and recreation	232	194
Child care/children's programs	70	67
Registrations and other permits	858	677
Building services	694	396
Waste management services	474	402
Other fees and charges	125	114
Total user fees	3,200	2,536

User fees are recognised as revenue when the service has been provided or Council has otherwise earned the income, whichever first occurs.

3.4 Funding from other levels of government

Grants were received in respect of the following :

Summary of grants

Commonwealth funded grants	8,812	9,661
State funded grants	5,502	3,862
Others	129	110
Total grants received	14,443	13,633

(a) Operating Grants

Recurrent - Commonwealth Government

Victoria Grants Commission	6,717	6,263
Commonwealth Home Support Program	1,569	1,641

Recurrent - State Government

Aged care	311	167
School crossing supervisors	111	111
Libraries	264	259
Maternal and child health	652	535
Other	158	293
Total recurrent operating grants	9,782	9,270

Moorabool Shire Council Notes to the Financial Report
 2018/2019 Financial Report For the Year Ended 30 June 2019

	2019	2018
	\$'000	\$'000
Note 3 Funding for the delivery of our services (Cont.)		
<i>Non-recurrent - State Government</i>		
Emergency management	135	135
Valuations	76	-
Strategic planning and tourism	130	31
Families and youth	271	17
Environment and health	187	66
Community development	95	3
Disability access	175	128
Total non-recurrent operating grants	1,068	380
Total operating grants	10,850	9,650
(b) Capital Grants		
<i>Recurrent - Commonwealth Government</i>		
Roads to recovery	526	1,757
Total recurrent capital grants	526	1,757
<i>Non-recurrent - State Government</i>		
Community and recreational facilities	1,079	681
Local roads	1,860	1,435
<i>Non-recurrent - Other sources</i>		
Sundry capital grants	129	110
Total non-recurrent capital grants	3,068	2,226
Total capital grants	3,594	3,983

Grant income is recognised when Council obtains control of the contribution. This is normally obtained upon their receipt (or acquittal) or upon earlier notification that a grant has been secured, and are valued at their fair value at the date of transfer.

<i>Moorabool Shire Council</i>	Notes to the Financial Report
<i>2018/2019 Financial Report</i>	For the Year Ended 30 June 2019

	2019	2018
	\$'000	\$'000

Note 3 Funding for the delivery of our services (cont.)
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(c) Unspent grants received on condition that they be spent in a specific manner

Balance at start of year	422	100
Received during the financial year and remain unspent at balance date	588	1,331
Received in prior years and spent during the financial year	(111)	(1,009)
Balance at year end	899	422

3.5 Contributions

Monetary	4,292	168
Non-monetary	10,443	5,500
Total contributions	14,735	5,668

Contributions of non-monetary assets were received in relation to the following asset classes.

Land	3,063	664
Buildings	204	-
Infrastructure	7,175	4,835
Total non-monetary contributions	10,443	5,500

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

3.6 Net loss on disposal of property, infrastructure, plant and equipment

Proceeds of sale	445	334
Written down value of assets disposed	(1,396)	(1,730)
Total net loss on disposal of property, infrastructure, plant and equipment	(952)	(1,396)

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

Moorabool Shire Council
2018/2019 Financial Report

Notes to the Financial Report
For the Year Ended 30 June 2019

	2019 \$'000	2018 \$'000
Note 3 Funding for the delivery of our services (cont.)		
3.7 Other income		
Interest	673	479
Reimbursements, rebates and recoveries	2,273	2,398
Recycling income	47	161
Other rent	174	161
Royalties	118	15
Peri-Urban contributions	75	90
Insurance claims	6	6
Sales	61	58
Other	377	362
Total other income	3,803	3,730

Income is recognised when the Council obtains control of the contribution or the right to receive the contribution, it is probable that the economic benefits comprising the contribution will flow to the Council and the amount of the contribution can be measured reliably.

Interest

Interest is recognised as it is earned.

Dividends

Dividend revenue is recognised when the Council's right to receive

Other Income

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

Note 4 The cost of delivering services

4.1 (a) Employee costs		
Wages and salaries	17,387	15,961
WorkCover	381	372
Casual staff	695	651
Superannuation	1,589	1,478
Fringe benefits tax	22	2
Total employee costs	20,074	18,464

(b) Superannuation

Council made contributions to the following funds:

Defined benefit fund

Employer contributions to Local Authorities Superannuation Fund (Vision Super) at 9.5%	62	85
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Employer contributions payable at reporting date	-	-
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Moorabool Shire Council Notes to the Financial Report
 2018/2019 Financial Report For the Year Ended 30 June 2019

	2019	2018
	\$'000	\$'000
Note 4 The cost of delivering services (cont.)		
Accumulation funds		
Employer contributions to Local Authorities Superannuation Fund (Vision Super) at 9.5%	862	872
Employer contributions to other funds at 9.5%	705	558
	1,567	1,430
Employer contributions payable at reporting date	-	-
Refer to note 9.3 for further information relating to Council's super obligations.		
4.2 Materials and services		
Materials and services	3,139	2,936
Contract payments	7,910	7,768
Building maintenance	547	545
General maintenance	1,017	1,245
Utilities	708	584
Office administration	664	613
Information technology	1,253	827
Insurance	571	535
Consultants	1,104	1,499
Agency staff	232	291
Community grants and advances	731	698
Total materials and services	17,878	17,541
4.3 Depreciation and amortisation		
Property	814	817
Plant and equipment	1,070	967
Infrastructure	7,225	6,841
Total depreciation and amortisation	9,109	8,625
Refer to note 6.1 for a more detailed breakdown of depreciation and amortisation charges and accounting policy.		
4.4 Bad and doubtful debts		
Parking fine debtors	1	13
Other debtors	8	143
Total bad and doubtful debts	9	156

Moorabool Shire Council **Notes to the Financial Report**
2018/2019 Financial Report **For the Year Ended 30 June 2019**

	2019	2018
	\$'000	\$'000
Note 4 The cost of delivering services (cont.)		
Movement in provisions for doubtful debts		
Balance at the beginning of the year	106	51
New provisions recognised during the year	75	80
Amounts already provided for and written off as uncollectible	(85)	(25)
Amounts provided for but recovered during the year	-	-
Balance at end of year	96	106

Provision for doubtful debt is recognised based on an expected credit loss model. This model considers both historic and forward looking information in determining the level of impairment.

4.5 Borrowing costs

Interest - Borrowings	583	683
Total borrowing costs	583	683

Borrowing costs are recognised as an expense in the period in which they are incurred, except where they are capitalised as part of a qualifying asset constructed by Council. Except where specific borrowings are obtained for the purpose of specific asset acquisition, the weighted average interest rate applicable to borrowings at balance date, excluding borrowings associated with superannuation, is used to determine the borrowing costs to be capitalised.

Borrowing costs include interest on bank overdrafts, interest on borrowings and finance lease charges.

4.6 Other expenses

Auditors' remuneration - VAGO - audit of the financial statements, performance statement and grant acquittals	48	45
Auditors' remuneration - Internal	40	33
Auditors' remuneration - Other	2	2
Councillors' allowances	249	246
Operating lease rentals	83	257
Bank fees	53	54
Other	83	60
Total other expenses	559	697

Moorabool Shire Council Notes to the Financial Report
 2018/2019 Financial Report For the Year Ended 30 June 2019

2019 **2018**
\$'000 **\$'000**

Note 5 Our financial position

5.1 Financial assets

(a) Cash and cash equivalents

Cash on hand	3	3
Cash at bank	6,287	8,576
Term deposits	16,000	8,000
Total cash and cash equivalents	22,290	16,578

Council's cash and cash equivalents are subject to external restrictions that limit amounts available for discretionary use. These include:

- Trust funds and deposits (Note 5.3b)	1,630	1,197
- Statutory reserves (Note 9.1)	1,643	1,863
Total restricted funds	3,274	3,060
Total unrestricted cash and cash equivalents	19,016	13,518

Intended allocations

Although not externally restricted the following amounts have been allocated for specific future purposes by Council:

- Cash held to fund carried forward capital works and projects	6,050	4,365
- Recreation facilities reserve	583	818
Total funds subject to intended allocations	6,633	5,183

Cash and cash equivalents include cash on hand, deposits at call, and other highly liquid investments with original maturities of 90 days or less, net of outstanding bank overdrafts.

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

(b) Trade and other receivables

Current

Statutory receivables

Rates debtors	3,723	3,168
Special rate assessment	39	38
Infringement debtors	335	279
Provision for doubtful debts - infringements	(50)	(46)
Net GST receivable	634	514

Non-statutory receivables

Other debtors	1,536	970
Provision for doubtful debts - other debtors	(47)	(60)
Total current trade and other receivables	6,171	4,864

Moorabool Shire Council
2018/2019 Financial Report

Notes to the Financial Report
For the Year Ended 30 June 2019

	2019	2018
	\$'000	\$'000

Note 5 Our financial position (Cont.)

Non-current

Statutory receivables

Special rate assessment	85	145
Total non-current trade and other receivables	85	145
Total trade and other receivables	6,256	5,009

Receivables are carried at invoice amount as amortised cost using the effective interest rate method. A provision for doubtful debts is recognised when there is objective evidence that an impairment has occurred.

(c) Ageing of receivables

At balance date other debtors representing financial assets were past due but not impaired. The ageing of the Council's trade & other receivables (excluding statutory receivables) was:

Current (not yet due)	733	461
Past due by up to 30 days	591	268
Past due between 31 and 60 days	71	136
Past due between 61 and 90 days	12	1
Past due by more than 90 days	129	105
Total trade and other receivables	1,536	970

(d) Ageing of individually impaired receivables

At balance date, other debtors representing financial assets with a nominal value of \$178,422 (2018: \$98,205) were impaired. The amount of the provision raised against these debtors was \$96,235 (2018: \$98,205). They have been impaired as a result of their doubtful collection. Many of the long outstanding past due amounts have been lodged with Council's debt collectors or are on payment arrangements.

The ageing of receivables that have been individually determined as impaired at reporting date was:

Current (not yet due)	-	-
Past due by up to 30 days	-	-
Past due between 31 and 60 days	-	-
Past due between 61 and 90 days	-	-
Past due by more than 90 days	178	98
Total trade and other receivables	178	98

	2019	2018
	\$'000	\$'000

Note 5 Our financial position (cont.)

5.2 Non-financial assets

(a) Inventories

Inventories held for distribution	30	18
Total inventories	30	18

Inventories held for distribution are measured at cost, adjusted when applicable for any loss of service potential. All other inventories, including land held for sale, are measured at the lower of cost and net realisable value. Where inventories are acquired for no cost or nominal consideration, they are measured at current replacement cost at the date of acquisition.

(b) Other assets

Prepayments	216	185
Accrued income	947	823
Total other assets	1,163	1,008

5.3 Payables

(a) Trade and other payables

Trade payables	1,462	2,256
Accrued expenses	4,491	2,718
Total trade and other payables	5,953	4,975

(b) Trust funds and deposits

Refundable building deposits	1,327	931
Refundable contract deposits	12	12
Refundable civic facilities deposits	29	13
Retention amounts	44	60
Fire services levy	61	21
Other refundable deposits	156	159
Total trust funds and deposits	1,630	1,197

Amounts received as deposits and retention amounts controlled by Council are recognised as Trust funds until they are returned, transferred in accordance with the purpose of the receipt, or forfeited. Trust funds that are forfeited, resulting in council gaining control of the funds, are to be recognised as revenue at the time of forfeit.

Note 5 Our financial position (cont.)

Purpose and nature of items

Refundable deposits - Deposits are taken by Council as a form of surety in a number of circumstances, including in relation to building works, tender deposits, contract deposits and the use of civic facilities.

Fire service levy - Council is the collection agent for fire services levy on behalf of the State Government. Council remits amounts received on a quarterly basis. Amounts disclosed here will be remitted to the state government in line with that process.

Retention amounts - Council has a contractual right to retain certain amounts until a contractor has met certain requirements or a related warrant or defect period has elapsed. Subject to the satisfactory completion of the contractual obligations, or the elapsing of time, these amounts will be paid to the relevant contractor in line with Council's contractual obligations.

5.4 Provisions

	Quarry restoration \$ '000	Employee \$ '000	Total \$ '000
2019			
Balance at beginning of the financial year	248	4,611	4,859
Additional provisions	4	2,555	2,559
Amounts used	-	(2,222)	(2,222)
Balance at the end of the financial year	252	4,944	5,196
2018			
Balance at beginning of the financial year	243	4,379	4,622
Additional provisions	5	2,071	2,075
Amounts used	-	(1,839)	(1,839)
Balance at the end of the financial year	248	4,611	4,859
		2019	2018
(a) Employee provisions		\$'000	\$'000
Current provisions expected to be wholly settled within 12 months			
Annual leave		1,074	1,083
Long service leave		289	260
Rostered days off / Time in lieu		175	169
		1,538	1,512
Current provisions expected to be wholly settled after 12 months			
Annual leave		-	271
Long service leave		2,600	2,340
		2,600	2,611
Total current employee provisions		4,138	4,123

Moorabool Shire Council
2019/2019 Financial Report

Notes to the Financial Report
For the Year Ended 30 June 2019

	2019	2018
	\$'000	\$'000
Note 5 Our financial position (cont.)		
Non-current		
Long service leave	492	488
Annual leave	315	-
Total non-current employee provisions	807	488
Aggregate carrying amount of employee provisions:		
Current	4,138	4,123
Non-current	807	488
Total aggregate carrying amount of employee provisions:	4,944	4,611

The calculation of employee costs and benefits includes all relevant on-costs and are calculated as follows at reporting date:

Wages and salaries and annual leave

Liabilities for wages and salaries, including non-monetary benefits, annual leave and accumulated sick leave expected to be wholly settled within 12 months of the reporting date are recognised in the provision for employee benefits in respect of employee services up to the reporting date, classified as current liabilities and measured at their nominal values.

Liabilities that are not expected to be wholly settled within 12 months of the reporting date are recognised in the provision for employee benefits as current liabilities, measured at the present value of the amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

Long service leave

Liability for long service leave (LSL) is recognised in the provision for employee benefits.

Current Liability - unconditional LSL is disclosed as a current liability even when the Council does not expect to settle the liability within 12 months because it will not have the unconditional right to defer settlement of the entitlement should an employee take leave within 12 months.

The components of this current liability are measured at :

- present value - component that is not expected to be wholly settled within 12 months.
- nominal value - component that is expected to be wholly settled within 12 months.

Non-current liability - conditional LSL that has been accrued, where an employee is yet to reach a qualifying term of employment, is disclosed as a non-current liability. There is an unconditional right to defer settlement of the entitlement until the employee has completed the requisite years of service.

This non-current LSL liability is measured at present value.

Key assumptions:

- discount rate (12 Years average)	1.32%	2.36%
- inflation rate	4.31%	3.88%

	2019	2018
	\$'000	\$'000

Note 5 Our financial position (cont.)

Retirement Gratuity

Retirement gratuities were provided to certain employees who were employed by the former Shire of Bacchus Marsh. The liability represents a set proportion of accumulated sick leave that is payable on retirement. At balance date, the liability is measured at the nominal value of 14 March 1996.

(b) Quarry restoration

Current	252	248
Non-current	-	-
	<u>252</u>	<u>248</u>

Council is obligated to restore quarry sites to a particular standard. The forecast life of the sites are based on current estimates of remaining capacity and the forecast rate of infill. The provision for quarry restoration has been calculated based on the present value of the expected cost of works to be undertaken. The expected cost of works has been estimated based on current understanding of work required to reinstale the site to a suitable standard. Accordingly, the estimation of the provision required is dependent on the accuracy of the forecast timing of the work, work required and related costs.

Key assumptions:

- inflation rate	1.80%	1.90%
- estimated cost to rehabilitate	252	248

5.5 Interest-bearing loans and borrowings

Current

Borrowings - Secured	1,120	1,121
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Non-current

Borrowings - Secured	10,007	11,127
	<u>10,007</u>	<u>11,128</u>

Total interest-bearing loans and borrowings

	<u>11,127</u>	<u>12,248</u>
--	---------------	---------------

(a) The maturity profile for Council's borrowings is:

Not later than one year	1,120	1,121
Later than one year and not later than five years	5,531	6,651
Later than five years	4,476	4,476
	<u>11,127</u>	<u>12,248</u>

	2019	2018
	\$'000	\$'000

Note 5 Our financial position (cont.)

Borrowings are initially measured at fair value, being the cost of the interest bearing liabilities, net of transaction costs. The measurement basis subsequent to initial recognition depends on whether the Council has categorised its interest-bearing liabilities as either financial liabilities designated at fair value through the profit and loss, or financial liabilities at amortised cost. Any difference between the initial recognised amount and the redemption value is recognised in net result over the period of the borrowing using the effective interest method.

The classification depends on the nature and purpose of the interest bearing liabilities. The Council determines the classification of its interest bearing liabilities at initial recognition.

Borrowings are secured by a charge against rate revenue.

5.6 Financing arrangements

The Council has the following funding arrangements in place as at 30th June 2019.

Bank overdraft	750	750
Credit card facilities	200	200
Total facilities	950	950
Used facilities	30	-
Unused facilities	920	950

Note 5 Our financial position (cont.)

5.7 Commitments

The Council has entered into the following commitments. Commitments are not recognised in the Balance Sheet. Commitments are disclosed at their nominal value and presented inclusive of the GST payable.

2019	Not later than 1 year \$'000	Later than 1 year and not later than 2 years \$'000	Later than 2 years and not later than 5 years \$'000	Later than 5 years \$'000	Total \$'000
Operating					
Waste collection	4,006	4,086	8,419	-	16,511
Sceptic program	359	-	-	-	359
Leisure facilities	99	-	-	-	99
Maintenance services	553	328	342	-	1,223
Financial and organisational services	626	569	273	-	1,468
Total	5,643	4,983	9,034	-	19,660
Capital					
Roads	2,669	-	-	-	2,669
Footpaths and cycleways	2	-	-	-	2
Recreational, leisure and community	3,177	-	-	-	3,177
Total	5,848	-	-	-	5,848
Total	11,491	4,983	9,034	-	25,508

Note 5 Our financial position (cont.)

5.7 Commitments (Continued)

2018	Not later than 1 year \$'000	Later than 1 year and not later than 2 years \$'000	Later than 2 years and not later than 5 years \$'000	Later than 5 years \$'000	Total \$'000
Operating					
Waste collection	2,794	-	-	-	2,794
Sceptic program	387	-	-	-	387
Leisure facilities	186	186	-	-	372
Maintenance services	362	84	-	-	446
Financial and organisational services	149	119	124	-	393
Total	3,878	389	124	-	4,392
Capital					
Roads	1,310	-	-	-	1,310
Footpaths and cycleways	870	-	-	-	870
Recreational, leisure and community	577	-	-	-	577
Total	2,757	-	-	-	2,757
Total	6,635	389	124	-	7,149

Operating lease commitments	2019	2018
	\$'000	\$'000
At the reporting date, the Council had the following obligations under non-cancellable operating leases for the lease of equipment and land and buildings for use within Council's activities (these obligations are not recognised as liabilities):		
Not later than one year	51	62
Later than one year and not later than five years	79	130
Later than five years	-	-
	<u>130</u>	<u>192</u>

Lease payments for operating leases are required by the accounting standard to be recognised on a straight line basis, rather than expensed in the years in which they are incurred.

Note 6 Assets we manage

6.1 Property, infrastructure, plant and equipment

Summary of property, infrastructure, plant and equipment

	<i>At Fair Value 30 June 2018</i>	<i>Acquisitions</i>	<i>Contributions</i>	<i>Revaluation</i>	<i>Depreciation</i>	<i>Disposal</i>	<i>Transfers</i>	<i>At Fair Value 30 June 2019</i>
	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>	<i>\$'000</i>
Land	46,516	-	3,063	-	-	(7)	-	49,571
Buildings	27,897	63	204	-	(814)	(44)	110	27,416
Plant and Equipment	5,227	2,339	-	-	(1,070)	(357)	-	6,140
Infrastructure	401,411	3,004	7,175	60,091	(7,225)	(610)	4,157	468,004
Work in progress	7,466	10,215	-	-	-	(379)	(4,267)	13,035
Total	488,516	15,621	10,443	60,091	(9,109)	(1,396)	-	564,165

Summary of Work in Progress

	<i>Opening WIP</i>	<i>Additions</i>	<i>Transfers</i>	<i>Write Offs</i>	<i>Closing WIP</i>
Buildings	1,081	415	(110)	(379)	1,007
Infrastructure	6,385	9,800	(4,157)	-	12,028
Total	7,466	10,215	(4,267)	(379)	13,035

Note 6 Assets we manage (Cont.)

(a) Property

	Land - specialised \$'000	Land - non specialised \$'000	Land improvements \$'000	Total Land \$'000	Heritage Buildings \$'000	Buildings - specialised \$'000	Buildings - non specialised \$'000	Total Buildings \$'000	Work In Progress \$'000	Total Property \$'000
At fair value 1 July 2018	2,513	44,002	-	46,515	-	31,096	14,488	45,595	1,081	93,190
Accumulated depreciation at 1 July 2018	-	-	-	-	-	(16,873)	(825)	(17,698)	-	(17,698)
	2,513	44,002	-	46,515	-	14,224	13,673	27,897	1,081	75,492
Movements in fair value										
Acquisition of assets at fair value	-	-	-	-	-	63	-	63	415	478
Contributed assets	588	2,475	-	3,063	-	204	-	204	-	3,267
Revaluation increments/decrements	-	-	-	-	-	-	-	-	-	-
Fair value of assets disposed	(7)	-	-	(7)	-	(55)	-	(55)	(379)	(441)
Transfers	-	-	-	-	-	110	-	110	(110)	-
	581	2,475	-	3,056	-	322	-	322	(74)	3,304
Movements in accumulated depreciation										
Depreciation and amortisation	-	-	-	-	-	(522)	(292)	(814)	-	(814)
Revaluation increments/decrements	-	-	-	-	-	-	-	-	-	-
Accumulated depreciation of disposals	-	-	-	-	-	11	-	11	-	11
Transfers	-	-	-	-	-	-	-	-	-	-
	-	-	-	-	-	(510)	(282)	(803)	-	(803)
At fair value 30 June 2019	3,094	46,477	-	49,571	-	31,418	14,488	45,916	1,008	96,494
Accumulated depreciation at 30 June 2019	-	-	-	-	-	(17,383)	(1,118)	(18,501)	-	(18,501)
	3,094	46,477	-	49,571	-	14,035	13,381	27,416	1,008	77,993

Note 6 Assets we manage (Cont.)

(b) Plant and Equipment

	Plant, machinery and equipment	Computers and telecomms	Library books	Work In Progress	Total plant and equipment
	\$'000	\$'000	\$'000	\$'000	\$'000
At fair value 1 July 2018	8,541	345	588	-	9,474
Accumulated depreciation at 1 July 2018	(3,706)	(246)	(295)	-	(4,248)
	<u>4,835</u>	<u>99</u>	<u>293</u>	<u>-</u>	<u>5,227</u>
Movements in fair value					
Acquisition of assets at fair value	1,699	543	97	-	2,339
Contributed assets	-	-	-	-	-
Revaluation increments/decrements	-	-	-	-	-
Fair value of assets disposed	(1,113)	(81)	(100)	-	(1,294)
Transfers	-	-	-	-	-
	<u>586</u>	<u>462</u>	<u>(3)</u>	<u>-</u>	<u>1,045</u>
Movements in accumulated depreciation					
Depreciation and amortisation	(885)	(126)	(58)	-	(1,070)
Accumulated depreciation of disposals	767	81	90	-	938
Transfers	-	-	-	-	-
	<u>(118)</u>	<u>(45)</u>	<u>32</u>	<u>-</u>	<u>(132)</u>
At fair value 30 June 2019	9,127	807	585	-	10,519
Accumulated depreciation at 30 June 2019	(3,825)	(292)	(263)	-	(4,380)
	<u>5,303</u>	<u>516</u>	<u>321</u>	<u>-</u>	<u>6,140</u>

Note 6 Assets we manage (Cont.)

(c) Infrastructure

	Roads	Bridges	Footpaths and cyceways	Drainage	Recreational, leisure and Community	Waste Management	Parks open spaces and streetscapes	Other Infrastructure	Work in Progress	Total Infrastructure
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
At fair value 1 July 2018	349,013	37,182	18,947	76,109	2,982	-	4,547	2,133	6,385	497,278
Accumulated depreciation at 1 July 2018	(53,889)	(8,276)	(8,324)	(18,253)	(1,417)	-	(808)	(515)	-	(89,481)
	295,123	30,906	10,623	57,856	1,565	-	3,740	1,618	6,385	407,797
Movements in fair value										
Acquisition of assets at fair value	2,226	249	266	141	(328)	-	449	-	9,800	12,804
Contributed assets	2,581	644	1,020	2,711	-	-	220	-	-	7,175
Revaluation increments/decrements	33,274	-	1,883	18,445	-	-	-	-	-	54,582
Fair value of assets disposed	(197)	(342)	(7)	(150)	-	-	(4)	-	-	(701)
Transfers	2,808	901	-	110	338	-	-	-	(4,157)	-
	40,692	1,452	3,142	22,256	10	-	685	-	5,643	73,860
Movements in accumulated depreciation										
Depreciation and amortisation	(5,033)	(531)	(443)	(779)	(148)	-	(207)	(83)	-	(7,225)
Revaluation increments/decrements	8,579	-	(7)	(3,053)	-	-	-	-	-	5,509
Accumulated depreciation of disposals	15	60	4	13	-	-	-	-	-	91
Transfers	-	-	-	-	-	-	-	-	-	-
	3,561	(472)	(446)	(3,830)	(148)	-	(207)	(83)	-	(1,624)
At fair value 30 June 2019	339,704	31,887	13,319	76,282	1,408	-	4,197	1,535	12,029	480,033
Accumulated depreciation at 30 June 2019	(50,328)	(8,747)	(8,770)	(22,083)	(1,565)	-	(1,015)	(598)	-	(81,106)
	339,377	31,887	13,319	76,282	1,408	-	4,197	1,535	12,029	480,033

Note 6 Assets we manage (Cont.)

Acquisition

The purchase method of accounting is used for all acquisitions of assets, being the fair value of assets provided as consideration at the date of acquisition plus any incidental costs attributable to the acquisition. Fair value is the price that would be received to sell an asset (or paid to transfer a liability) in an orderly transaction between market participants at the measurement date.

Where assets are constructed by Council, cost includes all materials used in construction, direct labour, borrowing costs incurred during construction, and an appropriate share of directly attributable variable and fixed overheads.

In accordance with Council's policy, the threshold limits have applied when recognising assets within an applicable asset class and unless otherwise stated are consistent with the prior year.

<i>Asset recognition thresholds and depreciation</i>	Depreciation Period	Threshold Limit \$'000
Property		
Land	-	5
Land improvements	-	5
Buildings		
Buildings	50-80 years	5
Plant and Equipment		
Plant, machinery and equipment	5-10 years	5
Fixtures, fittings and furniture	3-10 years	5
Computers and telecommunications	1-5 years	5
Library books	10 years	n/a
Infrastructure		
Roads		
- Formation and earthworks	-	5
- Pavement and seals	20-80 years	5
- Substructure	15-30 years	5
- Road kerb, channel and minor culverts	40-70 years	5
Footpaths and cycleways	10-50 years	5
Drainage	25-100 years	5
Bridges		
- Bridges deck	80 years	5
- Bridges substructure	80 years	5
- Major culverts	80 years	5
Recreational, leisure and community facilities	15-40 years	5
Parks, open space and streetscapes	20-100 years	5

Note 6 Assets we manage (Cont.)***Land under roads***

Council recognises land under roads it controls at fair value. Council does not recognise land under roads that it controlled prior to 1 July 2008 in its financial report.

Depreciation and amortisation

Buildings, land improvements, plant and equipment, infrastructure, and other assets having limited useful lives are systematically depreciated over their useful lives to the Council in a manner which reflects consumption of the service potential embodied in those assets. Estimates of remaining useful lives and residual values are made on a regular basis with major asset classes reassessed annually. Depreciation rates and methods are reviewed annually.

Where assets have separate identifiable components that are subject to regular replacement, these components are assigned distinct useful lives and residual values and a separate depreciation rate is determined for each component.

Road earthworks are not depreciated on the basis that they are assessed as not having a limited useful life.

Straight line depreciation is charged based on the residual useful life as determined each year.

Repairs and maintenance

Routine maintenance, repair costs and minor renewal costs are expensed as incurred. Where the repair relates to the replacement of a component of an asset and the cost exceeds the capitalisation threshold the cost is capitalised and depreciated. The carrying value of the replaced asset is expensed.

Valuation of land and buildings

Valuation of land and buildings were undertaken by a qualified independent valuer (Preston Rowe Paterson (Warrnambool) Pty. Ltd.). The valuation of land and buildings is at fair value, being market value based on highest and best use permitted by relevant land planning provisions. Where land use is restricted through existing planning provisions the valuation is reduced to reflect this limitation. This adjustment is an unobservable input in the valuation. The adjustment has no impact on the comprehensive income statement.

Note 6 Assets we manage (Cont.)

Specialised land is valued at fair value using site values adjusted for englobo (undeveloped and/or unserviced) characteristics, access rights and private interests of other parties and entitlements of infrastructure assets and services. This adjustment is an unobservable input in the valuation. The adjustment has no impact on the comprehensive income statement.

Any significant movements in the unobservable inputs for land and land under roads will have a significant impact on the fair value of these assets.

The date of the current valuation is detailed in the following table.

Details of the Council's land and buildings and information about the fair value hierarchy as at 30 June 2019 are as follows:

	Level 1	Level 2	Level 3	Valuation Date
Land	-	46,477	-	30/06/2018
Specialised land	-	-	3,094	30/06/2018
Buildings	-	13,381	14,035	30/06/2018
Total	-	59,858	17,129	

Valuation of infrastructure

Valuation of infrastructure assets has been determined in accordance with valuations undertaken by Council staff and expert contractors. The valuation is at fair value based on replacement cost less accumulated depreciation as at the date of valuation.

Details of the Council's infrastructure and information about the fair value hierarchy as at 30 June 2019 are as follows:

	Level 1	Level 2	Level 3	Valuation Date
Roads	-	-	339,377	30/06/2019
Bridges	-	-	31,887	30/06/2016
Footpaths and cycleways	-	-	13,319	30/06/2019
Drainage	-	-	76,282	30/06/2019
Recreational, leisure and community facilities	-	-	1,408	30/06/2018
Parks, open space and streetscapes	-	-	4,197	30/06/2018
Other infrastructure	-	-	1,535	30/06/2018
Total	-	-	468,005	

Note 6 Assets we manage (Cont.)

Description of significant unobservable inputs into level 3 valuations

Specialised land and land under roads is valued using a market based direct comparison technique. Significant unobservable inputs include the extent and impact of restriction of use and the market cost of land per square metre. The extent and impact of restrictions on use varies and results in a reduction to surrounding land values between 5% and 95%. The market value of land varies significantly depending on the location of the land and the current market conditions. Currently land values range between \$1 and \$27 per square metre.

Specialised buildings are valued using a depreciated replacement cost technique. Significant unobservable inputs include the current replacement cost and remaining useful lives of buildings. Current replacement costs is calculated on a square metre basis and ranges from \$1,500 to \$3,000 per square metre. The remaining useful lives of buildings are determined on the basis of the current condition of buildings and vary from 6 years to 75 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of buildings are sensitive to changes in expectations or requirements that could either shorten or extend the useful lives of buildings.

Infrastructure assets are valued based on the depreciated replacement cost. Significant unobservable inputs include the current replacement cost and remaining useful lives of infrastructure. The remaining useful lives of infrastructure assets are determined on the basis of the current condition of the asset and vary from 1 year to 100 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of infrastructure are sensitive to changes in use, expectations or requirements that could either shorten or extend the useful lives of infrastructure assets.

	2019	2018
	\$'000	\$'000
Reconciliation of specialised land		
Land under roads	3,094	2,513
Total specialised land	<u>3,094</u>	<u>2,513</u>

Note 7 People and relationships

7.1 Council and Key Management Personnel

	2019	2018
	No.	No.

(a) Key Management Personnel

Details of persons holding the position of Councillor or other members of key management personnel at any time during the year are:

- Councillors**
- Councillor Paul Tatchell (Mayor)
 - Councillor Tonia Dudzik
 - Councillor David Edwards
 - Councillor Tom Sullivan
 - Councillor Pat Toohy
 - Councillor John Keogh
 - Councillor Jarrod Bingham

Chief Executive Officer and other Key Management Personnel

- Robert Croxford - Chief Executive Officer (up to 19/10/2018)
- Derek Madden - Chief Executive Officer (since 29/10/2018)
- Philip Jeffrey - General Manager Community Assets and Infrastructure
- Sally Jones - General Manager Community Development (since 03/06/2019)
- Satwinder Singh Sandhu - General Manager Community Planning
- Danny Colgan - General Manager Community Development

Total Number of Councillors	7	7
Total of Chief Executive Officer and other Key Management Personnel	6	4
Total Number of Key Management Personnel	13	11

(b) Remuneration of Key Management Personnel

	2019	2018
	\$'000	\$'000

Total remuneration of key management personnel was as follows:

Short-term benefits	1,334	1,071
Long-term benefits (Long Service Leave and Annual Leave accruals in the current reporting period)	79	22
Termination benefits	204	-
Total	1,617	1,093

Note 7 People and relationships (Cont.)

The numbers of key management personnel whose total remuneration from Council and any related entities, fall within the following bands:

	2019	2018
Income Range:	No.	No.
\$20,000 - \$29,999	6	5
\$40,000 - \$49,999	-	1
\$60,000 - \$69,999	-	1
\$80,000 - \$89,999	1	-
\$180,000 - \$189,999	-	2
\$190,000 - \$199,999	1	1
\$200,000 - \$209,999	1	-
\$210,000 - \$219,999	2	-
\$250,000 - \$259,999	1	1
\$260,000 - \$269,999	1	-
	13	11

(c) Senior Officer Remuneration

A Senior Officer is an officer of Council, other than Key Management Personnel, who:

- a) has management responsibilities and reports directly to the Chief Executive; or
- b) whose total annual remuneration exceeds \$148,000 (2018 - \$145,000)

The number of Senior Officers, other than the Responsible Persons, are shown below in their relevant income bands:

	2019	2018
Income Range:	No.	No.
\$150,000 - \$159,999	2	1
\$160,000 - \$169,999	1	1
	3	2
	\$'000	\$'000
Total Remuneration for the reporting year for Senior Officers included above, amounted to:	468	299

Note 7 People and relationships (Cont.)

7.2 Related party disclosure

(a) Transactions with related parties

During the period Council entered into the following transactions with related parties:

Responsible Person / Related Party	2019 \$'000	2018 \$'000
Helen Tatchell - The Moorabool News (Ballan News Pty Ltd)		
- Payment for Moorabool News subscription and advertising *	37	34
Tonia Dudzik - Bacchus Marsh Community Radio		
- Income on lease of Building to Bacchus Marsh Community Radio **	5	6
- Payment for Community training workshop	4	3

* Moorabool Shire utilises services provided by the Moorabool News Pty Ltd. A public sector tender process was undertaken for the provision of media services and a contract is in place between the two entities. All transactions entered into between the two entities are in accordance with the terms and conditions of the contract.

** Moorabool Shire Council has a contract in place with Bacchus Marsh Community Radio for the lease of office space at the Darley Civic and Community Hub. The lease has been provided as per the terms of the original agreement when the building was purchased by Council. The lease is for a term of 3 years with an option to renew for a further 2 years.

(b) Outstanding balances with related parties

There was no outstanding balance with related parties at balance date.

(c) Loans to/from related parties

No loans have been made, guaranteed or secured by the Council to a Responsible Person during the reporting year.

(d) Commitments to/from related parties

There were no commitments in existence at balance date that have been made, guaranteed or secured by the Council to/from a related party.

Note 8 Managing uncertainties**8.1 Contingent assets and liabilities**

Contingent assets and contingent liabilities are not recognised in the Balance Sheet, but are disclosed by way of a note and, if quantifiable, are measured at nominal value. Contingent assets and liabilities are presented inclusive of GST receivable or payable respectively. Please refer to Note 8.1

Commitments are not recognised in the Balance Sheet. Commitments are disclosed at their nominal value by way of note and presented inclusive of the GST payable.

(a) Contingent assets

Infrastructure assets from new subdivisions (constructed by developers) expected to be accounted for by Council in 2019/2020 total \$4.858 million (actual 2018/2019 \$10.443 million).

Operating lease receivables

The Council has entered into commercial property leases on its investment property. These properties held under operating leases have remaining non-cancellable lease terms of between 1 and 10 years. Most leases include a CPI based revision of the rental charge annually.

Lease payments for operating leases are required by the accounting standard to be recognised on a straight line basis, rather than expensed in the years in which they are incurred.

Future minimum rentals receivable under non-cancellable operating leases are as follows:

	2019	2018
	\$'000	\$'000
Not later than one year	190	171
Later than one year and not later than five years	372	411
Later than five years	531	528
	<u>1,093</u>	<u>1,110</u>

Guarantees for loans to other entities

Council has a bank guarantee to the value of \$15,000 in favour of the Department of Environment and Primary Industries. This guarantee is for an extractive mining licence in relation to the Allen's Gravel Pit.

(b) Contingent liabilities**Superannuation**

Council has obligations under a defined benefit superannuation scheme that may result in the need to make additional contributions to the scheme, matters relating to this potential obligation are outlined in Note 9.3. As a result of the volatility in financial markets the likelihood of making such contributions in future periods exists. At this point in time it is not known if additional contributions will be required, their timing or potential amount.

Note 8 Managing uncertainties (Cont.)

Future superannuation contributions

In addition to the disclosed contributions, Council has paid unfunded liability payments to Vision Super totalling \$61,831 (2017/18 \$60,168). There were no contributions outstanding and no loans issued from or to the above schemes as at 30 June 2019. The expected contributions to be paid to the Defined Benefit category of Vision Super for the year ending 30 June 2020 are \$63,000.

(c) Financial guarantees

Financial guarantee contracts are not recognised as a liability in the balance sheet unless the lender has exercised their right to call on the guarantee or Council has other reasons to believe that it is probable that that right will be exercised. Details of guarantees that Council has provided, that are not recognised in the balance sheet are disclosed at Note 8.1 Contingent Liabilities and Contingent Assets.

(d) Building Cladding

Council has not identified any potential contingents that may exist in relation to rectification works or other matters associated with building cladding.

Note 8 Managing uncertainties (Cont.)

8.2 Change in accounting standards

The following new AAS's have been issued that are not mandatory for the 30 June 2019 reporting period. Council has assessed these pending standards and has identified the following potential impacts will flow from the application of these standards in future reporting periods.

Revenue from contracts with customers (AASB 15) (applies 2019/20 for LG sector)

The standard shifts the focus from the transaction-level to a contract-based approach. Recognition is determined based on what the customer expects to be entitled to (rights and obligations), while measurement encompasses estimation by the entity of the amount expected to be entitled for performing under the contract. The full impact of this standard is not known however it is most likely to impact where contracts extend over time, where there are rights and obligations that may vary the timing or amount of the consideration, or where there are multiple performance elements. This has the potential to impact on the recognition of certain grant income.

Amendments to Australian Accounting Standards – Deferral of AASB 15 for Not-for-Profit Entities (AASB 2016-7) (applies 2019/20).

This Standard defers the mandatory effective date of AASB 15 for not-for-profit entities from 1 January 2018 to 1 January 2019.

Leases (AASB 16) (applies 2019/20)

The classification of leases as either finance leases or operating leases is eliminated for lessees. Leases will be recognised in the Balance Sheet by capitalising the present value of the minimum lease payments and showing a 'right-of-use' asset, while future lease payments will be recognised as a financial liability. The nature of the expense recognised in the profit or loss will change. Rather than being shown as rent, or as leasing costs, it will be recognised as depreciation on the 'right-of-use' asset, and an interest charge on the lease liability. The interest charge will be calculated using the effective interest method, which will result in a gradual reduction of interest expense over the lease term.

Council has elected to adopt the modified retrospective approach to the transition to the new lease standard. This will mean that only existing operating leases for non low value assets, with remaining terms greater than 12 months, will be recognised on transition (1 July 2019). Based on our current lease commitments and an assumption of a continuation of the current leasing arrangements, Council expects that the transition to the new standard will see the initial recognition of \$94,997 in lease related assets and an equivalent liability.

Income of Not-for-Profit Entities (AASB 1058) (applies 2019/20)

This standard is expected to apply to certain transactions currently accounted for under AASB 1004 Contributions and establishes revenue recognition principles for transactions where the consideration to acquire an asset is significantly less than fair value to enable a not-for-profit entity to further its objectives.

Note 8 Managing uncertainties (Cont.)

8.3 Financial instruments**(a) Objectives and policies**

The Council's principal financial instruments comprise cash assets, term deposits, receivables (excluding statutory receivables), payables (excluding statutory payables) and bank borrowings. Details of the significant accounting policies and methods adopted, including the criteria for recognition, the basis of measurement and the basis on which income and expenses are recognised, in respect of each class of financial asset, financial liability and equity instrument is disclosed in the Notes of the financial statements. Risk management is carried out by senior management under policies approved by the Council. These policies include identification and analysis of the risk exposure to Council and appropriate procedures, controls and risk minimisation.

(b) Market risk

Market risk is the risk that the fair value or future cash flows of our financial instruments will fluctuate because of changes in market prices. The Council's exposures to market risk is primarily through interest rate risk with only insignificant exposure to other price risks and no exposure to foreign currency risk.

Interest rate risk

Interest rate risk refers to the risk that the value of a financial instrument or cash flows associated with the instrument will fluctuate due to changes in market interest rates. Council does not hold any interest bearing financial instruments that are measured at fair value, and therefore has no exposure to fair value interest rate risk. Cash flow interest rate risk is the risk that the future cash flows of a financial instrument will fluctuate because of changes in market interest rates. Council has minimal exposure to cash flow interest rate risk through its cash and deposits that are at floating rates.

Investment of surplus funds is made with approved financial institutions under the *Local Government Act 1989*. We manage interest rate risk by adopting an investment policy that ensures:

- diversification of investment product,
- monitoring of return on investment,
- benchmarking of returns and comparison with budget.

There has been no significant change in the Council's exposure, or its objectives, policies and processes for managing interest rate risk or the methods used to measure this risk from the previous reporting period.

Interest rate movements have not been sufficiently significant during the year to have an impact on the Council's year end result.

Note 8 Managing uncertainties (Cont.)**(c) Credit risk**

Credit risk is the risk that a contracting entity will not complete its obligations under a financial instrument and cause Council to make a financial loss. Council have exposure to credit risk on some financial assets included in the balance sheet. Particularly significant areas of credit risk exist in relation to outstanding fees and fines as well as loans and receivables from sporting clubs and associations. To help manage this risk:

- we have a policy for establishing credit limits for the entities we deal with;
- we may require collateral where appropriate; and
- we only invest surplus funds with financial institutions which have a recognised credit rating specified in our investment policy.

Receivables consist of a large number of customers, spread across the ratepayer, business and government sectors. Credit risk associated with the Council's financial assets is minimal because the main debtor is secured by a charge over the rateable property.

There are no material financial assets which are individually determined to be impaired.

We may also be subject to credit risk for transactions which are not included in the balance sheet, such as when we provide a guarantee for another party. Details of our contingent liabilities are disclosed in Note 8.1 (b).

The maximum exposure to credit risk at the reporting date to recognised financial assets is the carrying amount, net of any provisions for impairment of those assets, as disclosed in the balance sheet and notes to the financial statements. Council does not hold any collateral.

(d) Liquidity risk

Liquidity risk includes the risk that as a result of our operational liquidity requirements we will not have sufficient funds to settle a transaction when required or we will be forced to sell a financial asset at below value or may be unable to settle or recover a financial asset.

To help reduce these risks Council:

- have readily accessible standby facilities and other funding arrangements in place;
- have a liquidity portfolio structure that requires surplus funds to be invested within various bands of liquid instruments;
- monitor budget to actual performance on a regular basis; and
- set limits on borrowings relating to the percentage of loans to rate revenue and percentage of loan principal repayments to rate revenue.

The Council's maximum exposure to liquidity risk is the carrying amounts of financial liabilities as disclosed in the face of the balance sheet and the amounts related to financial guarantees disclosed in Note 8.1, and is deemed insignificant based on prior periods' data and current assessment of risk.

There has been no significant change in Council's exposure, or its objectives, policies and processes for managing liquidity risk or the methods used to measure this risk from the previous reporting period.

With the exception of borrowings, all financial liabilities are expected to be settled within normal terms of trade. Details of the maturity profile for borrowings are disclosed at Note 5.5.

Unless otherwise stated, the carrying amount of financial instruments reflect their fair value.

Note 8 Managing uncertainties (Cont.)**(f) Sensitivity disclosure analysis**

Taking into account past performance, future expectations, economic forecasts, and management's knowledge and experience of the financial markets, Council believes the following movements are 'reasonably possible' over the next 12 months:

- A parallel shift of +1% and -1% in market interest rates (AUD) from year-end rates of 2.5%.

These movements will not have a material impact on the valuation of Council's financial assets and liabilities, nor will they have a material impact on the results of Council's operations.

8.4 Fair value measurement*Fair value hierarchy*

Council's financial assets and liabilities are not valued in accordance with the fair value hierarchy, Council's financial assets and liabilities are measured at amortised cost.

Council measures certain assets and liabilities at fair value where required or permitted by Australian Accounting Standards. AASB 13 Fair value measurement, aims to improve consistency and reduce complexity by providing a definition of fair value and a single source of fair value measurement and disclosure requirements for use across Australian Accounting Standards.

AASB 13 defines fair value as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. Fair value under AASB 13 is an exit price regardless of whether that price is directly observable or estimated using another valuation technique.

All assets and liabilities for which fair value is measured or disclosed in the financial statements are categorised within a fair value hierarchy, described as follows, based on the lowest level input that is significant to the fair value measurement as a whole:

Level 1 — Quoted (unadjusted) market prices in active markets for identical assets or liabilities

Level 2 — Valuation techniques for which the lowest level input that is significant to the fair value measurement is directly or indirectly observable; and

Level 3 — Valuation techniques for which the lowest level input that is significant to the fair value measurement is unobservable.

For the purpose of fair value disclosures, Council has determined classes of assets and liabilities on the basis of the nature, characteristics and risks of the asset or liability and the level of the fair value hierarchy as explained above.

In addition, Council determines whether transfers have occurred between levels in the hierarchy by re-assessing categorisation (based on the lowest level input that is significant to the fair value measurement as a whole) at the end of each reporting period.

Note 8 Managing uncertainties (Cont.)*Revaluation*

Subsequent to the initial recognition of assets, non-current physical assets, other than plant and equipment, are measured at their fair value, being the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. At balance date, the Council reviewed the carrying value of the individual classes of assets measured at fair value to ensure that each asset materially approximated its fair value. Where the carrying value materially differed from the fair value at balance date, the class of asset was revalued.

Fair value valuations are determined in accordance with a valuation hierarchy. Changes to the valuation hierarchy will only occur if an external change in the restrictions or limitations of use on an asset result in changes to the permissible or practical highest and best use of the asset. Further details regarding the fair value hierarchy are disclosed at Note 6 Property, infrastructure, plant and equipment, and infrastructure.

In addition, Council undertakes a formal revaluation of land, buildings, and infrastructure assets on a regular basis up to every 5 years. The valuation is performed either by experienced Council officers or independent experts.

Where the assets are revalued, the revaluation increments are credited directly to the asset revaluation reserve except to the extent that an increment reverses a prior year decrement for that class of asset that had been recognised as an expense in which case the increment is recognised as revenue up to the amount of the expense. Revaluation decrements are recognised as an expense except where prior increments are included in the asset revaluation reserve for that class of asset in which case the decrement is taken to the reserve to the extent of the remaining increments. Within the same class of assets, revaluation increments and decrements within the year are offset.

Impairment of assets

At each reporting date, the Council reviews the carrying value of its assets to determine whether there is any indication that these assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs of disposal and value in use, is compared to the assets carrying value. Any excess of the assets' carrying value over its recoverable amount is expensed to the Comprehensive Income Statement, unless the asset is carried at the revalued amount in which case, the impairment loss is recognised directly against the revaluation surplus in respect of the same class of asset to the extent that the impairment loss does not exceed the amount in the revaluation surplus for that same class of asset.

8.5 Events occurring after balance date

No matters have occurred after balance date that require disclosure in the financial report.

Note 9 Other matters

	Balance at beginning of reporting period \$'000	Increment (decrement) \$'000	Balance at end of reporting period \$'000
9.1 Reserves			
(a) Asset revaluation reserves			
2019			
Property			
Land	26,482	-	26,482
Land under roads	447	-	447
Buildings	603	-	603
	<u>27,531</u>	<u>-</u>	<u>27,531</u>
Infrastructure			
Roads	239,955	38,810	278,766
Bridges	18,063	-	18,063
Drainage	27,483	16,382	43,865
Recreation, leisure and community facilities	5,065	2,169	7,234
Kerb & channel	62	2,730	2,791
	<u>290,627</u>	<u>60,091</u>	<u>350,718</u>
Total Asset revaluation reserves	<u>318,159</u>	<u>60,091</u>	<u>378,249</u>
2018			
Property			
Land	24,859	1,622	26,482
Land under roads	258	189	447
Buildings	611	(8)	603
	<u>25,728</u>	<u>1,803</u>	<u>27,531</u>
Infrastructure			
Roads	239,955	-	239,955
Bridges	18,063	-	18,063
Drainage	27,483	-	27,483
Recreation, leisure and community facilities	3,390	1,675	5,065
Kerb & channel	62	-	62
	<u>288,952</u>	<u>1,675</u>	<u>290,627</u>
Total Asset revaluation reserves	<u>314,680</u>	<u>3,478</u>	<u>318,159</u>

The asset revaluation reserve is used to record the increased (net) value of Council's assets over time.

Note 9 Other matters (Cont.)

	Balance at beginning of reporting period \$'000	Transfer from accumulated surplus \$'000	Transfer to accumulated surplus \$'000	Balance at end of reporting period \$'000
(b) Other reserves				
2019				
Car park reserve	78	15	-	93
Recreation facilities	818	138	(371)	583
Industrial estate	1,631	-	-	1,631
Social infrastructure reserve	6	-	(6)	-
Storm water management	73	-	-	73
Closed landfill	817	100	(99)	818
Defined benefits	318	73	-	392
Community seed funding	270	73	(4)	339
Capital works contributions reserve	14	-	-	14
Developer contribution reserve	880	4,101	(4,101)	880
LGFV Loan repayment reserve	3,342	2,560	-	5,902
Maddingley brown coal reserve	-	66	-	66
Wind farm dilapidation deeds reserve	-	96	(25)	71
Total statutory and other reserves	8,246	7,220	(4,606)	10,861
2018				
Car park reserve	43	35	-	78
Recreation facilities	857	133	(172)	818
Development works	1,755	-	(1,755)	-
Industrial estate	-	1,631	-	1,631
Social infrastructure reserve	18	-	(12)	6
Storm water management	73	-	-	73
Closed landfill	728	130	(41)	817
Defined benefits	248	70	-	318
Community seed funding	199	70	-	270
Capital works contributions reserve	14	-	-	14
Developer contribution reserve	987	-	(106)	880
LGFV Loan repayment reserve	2,311	1,031	-	3,342
Total statutory and other reserves	7,232	3,100	(2,086)	8,246

Note 9 Other matters (Cont.)Car park reserve

The purpose of this reserve is to provide improved parking facilities in urban areas.

Recreation facilities reserve

The purpose of this reserve is to provide funding for recreational facilities. Funded from developer contributions this reserve requires that recreation facilities be established within the proximity of the relevant new subdivision.

Industrial estate reserve

The purpose of this reserve is to fund future opportunities for industrial subdivision or economic development activity of a capital nature in and around Bacchus Marsh. This reserve is funded from the net proceeds of land sold in the Council developed Industrial Estate (the final parcel of land sold was in the 2013/14 financial year).

Development works reserve

At the June 2018 Ordinary Meeting of Council it was resolved that this reserve be closed off and the remaining balance (excluding the Industrial Estate portion) be allocated to the 2018/19 Community Grants Program.

Social Infrastructure reserve

The purpose of this reserve is to provide funding for increased social infrastructure requirements arising out of new subdivisions and developments and is funded by a levy on developers.

Storm water management reserve

The purpose of this reserve is to provide funding for future storm water management works which will be required for future subdivisions at the western end of Holts Lane in Darfey.

Closed landfill reserve

The purpose of this reserve is to provide funding for future site remediation works related to closed landfills within Moorabool Shire.

Defined benefits reserve

The purpose of this reserve is to provide funding for future liability calls related to the Defined Benefits Superannuation scheme.

Community seed funding reserve

The purpose of this reserve is to provide a funding platform for the planning and advancement of future capital works projects.

Capital works contributions reserve

The purpose of this reserve is to provide funding for future capital works, such as road works, associated with specific developments funded by contributions from the developer.

Developer contribution reserve

The purpose of this reserve is to provide funding for various agreed infrastructure requirements arising from new developments and is funded from developer contributions.

Local Government Funding Vehicle (LGFV) loan repayment reserve

The purpose of this reserve is to provide funding for the repayment of the principal component of loans held through the LGFV. These loans are interest only until maturity.

Maddingley brown coal reserve

The purpose of this reserve is to provide funding for the maintenance of the local road network between the Maddingley Brown Coal site and the Western Freeway, Bacchus Marsh.

Note 9 Other matters (Cont.)

Wind farm dilapidation deeds reserve

The purpose of this reserve is to provide for remediation works for Council assets that have had accelerated deterioration in their condition as a result of construction activity at Wind Farms.

9.2 Reconciliation of cash flows from operating activities to surplus/(deficit)

	2019	2018
	\$'000	\$'000
Surplus/(deficit) for the year	22,056	11,127
Depreciation/amortisation	9,109	8,625
Loss on disposal of property, infrastructure, plant and equipment	952	1,396
Contributions - non-monetary assets	(10,443)	(5,500)
Interest expense - borrowing cost	583	683
<i>Change in assets and liabilities:</i>		
(Increase)/decrease in trade and other receivables	(1,247)	641
(Increase)/decrease in prepayments	(30)	46
(Increase)/decrease in accrued income	(124)	1,856
Increase/(decrease) in trade and other payables	1,411	(238)
(Increase)/decrease in inventories	(12)	6
Increase/(decrease) in provisions	337	237
Net cash provided by/(used in) operating activities	22,591	18,880

9.3 Superannuation

Council makes the majority of its employer superannuation contributions in respect of its employees to the Local Authorities Superannuation Fund (the Fund). This Fund has two categories of membership, accumulation and defined benefit, each of which is funded differently. Obligations for contributions to the Fund are recognised as an expense in the Comprehensive Income Statement when they are made or due.

Accumulation

The Fund's accumulation categories, Vision MySuper/Vision Super Saver, receive both employer and employee contributions on a progressive basis. Employer contributions are normally based on a fixed percentage of employee earnings (for the year ended 30 June 2019, this was 9.5% as required under Superannuation Guarantee legislation).

Note 9 Other matters (Cont.)**Defined Benefit**

Council does not use defined benefit accounting for its defined benefit obligations under the Fund's Defined Benefit category. This is because the Fund's Defined Benefit category is a pooled multi-employer sponsored plan.

There is no proportional split of the defined benefit liabilities, assets or costs between the participating employers as the defined benefit obligation is a floating obligation between the participating employers and the only time that the aggregate obligation is allocated to specific employers is when a call is made. As a result, the level of participation of Council in the Fund cannot be measured as a percentage compared with other participating employers. Therefore, the Fund Actuary is unable to allocate benefit liabilities, assets and costs between employers for the purposes of AASB 119.

Funding arrangements

Council makes employer contributions to the Defined Benefit category of the Fund at rates determined by the Trustee on the advice of the Fund Actuary.

As at 30 June 2018, an interim actuarial investigation was held as the Fund provides lifetime pensions in the Defined Benefit category. The vested benefit index (VBI) of the Defined Benefit category of which Council is a contributing employer was 106.0%. To determine the VBI, the fund Actuary used the following long-term assumptions:

Net investment returns 6.0% pa

Salary information 3.5% pa

Price inflation (CPI) 2.00% pa.

Vision Super has advised that the estimated VBI at June 30 2019 was 107.1%. The VBI is to be used as the primary funding indicator. Because the VBI was above 100%, the 30th June 2019 actuarial investigation determined the Defined Benefit category was in a satisfactory financial position and that no change was necessary to the Defined Benefit category's funding arrangements from prior years.

Employer contributions**Regular contributions**

On the basis of the results of the 2018 interim actuarial investigation conducted by the Fund Actuary, Council makes employer contributions to the Fund's Defined Benefit category at rates determined by the Fund's Trustee. For the year ended 30 June 2019, this rate was 9.5% of members' salaries (9.5% in 2017/2018). This rate will increase in line with any increase to the contribution rate. In addition, Council reimburses the Fund to cover the excess of the benefits paid as a consequence of retrenchment above the funded resignation or retirement benefit.

Note 9 Other matters (Cont.)**Funding calls**

If the Defined Benefit category is in an unsatisfactory financial position at an actuarial investigation or the Defined Benefit category's VBI is below its shortfall limit at any time other than the date of the actuarial investigation, the Defined Benefit category has a shortfall for the purposes of SPS 160 and the Fund is required to put a plan in place so that the shortfall is fully funded within three years of the shortfall occurring. The Fund monitors its VBI on a quarterly basis and the Fund has set its shortfall limit at 97%.

In the event that the Fund Actuary determines that there is a shortfall based on the above requirement, the Fund's participating employers (including Council) are required to make an employer contribution to cover the shortfall. Using the agreed methodology, the shortfall amount is apportioned between the participating employers based on the pre-1 July 1993 and post-30 June 1993 service liabilities of the Fund's Defined Benefit category, together with the employer's payroll at 30 June 1993 and at the date the shortfall has been calculated.

Due to the nature of the contractual obligations between the participating employers and the Fund, and that the Fund includes lifetime pensioners and their reversionary beneficiaries, it is unlikely that the Fund will be wound up. If there is a surplus in the Fund, the surplus cannot be returned to the participating employers. In the event that a participating employer is wound-up, the defined benefit obligations of that employer will be transferred to that employer's successor.

2018 interim actuarial investigation surplus amounts

The Fund's interim actuarial investigation as at 30 June 2018 identified the following in the defined benefit category of which Council is a contributing employer:

- A VBI surplus of \$131.9 million; and
- A total service liability surplus of \$218.3 million.
- A discounted accrued benefits surplus of \$249.1 million

The VBI surplus means that the market value of the fund's assets supporting the defined benefit obligations exceed the vested benefits that the defined benefit members would have been entitled to if they had all exited on 30 June 2018. The total service liability surplus means that the current value of the assets in the Fund's Defined Benefit category plus expected future contributions exceeds the value of expected future benefits and expenses. Council was notified of the 30 June 2018 VBI during August 2018.


2019 interim actuarial investigation

An interim actuarial investigation is being conducted for the Fund's position as at 30 June 2019 as the fund provides lifetime pensions in the Defined Benefit category. It is anticipated that this actuarial investigation will be completed by October 2019.

11.2 ADOPTION “IN PRINCIPLE” OF THE 2018/19 PERFORMANCE STATEMENT FOR SUBMISSION TO THE VICTORIAN AUDITOR-GENERAL FOR CERTIFICATION

Author: Yvonne Hansen, Manager Governance, Risk & Corporate Planning

Authoriser: Sally Jones, General Manager

Attachments: 1. 2018/19 Performance Statement [↓](#) 

PURPOSE

The purpose of this report is to present to Council the 2018/19 Performance Statement for “in principle” adoption and submission to the Auditor-General for certification.

EXECUTIVE SUMMARY

- The 2018/19 Performance Statement has been prepared to meet the requirements of the Local Government Act 1989 and the Local Government (Planning and Reporting) Regulations 2014.

RECOMMENDATION

That Council, in accordance with section 132 of the Local Government Act 1989:

Adopts ‘in principle’ the 2018/19 Performance Statement and submits the Performance Statement, subject to no material change, to the Victorian Auditor General for certification.

2. Authorises Council’s Audit and Risk Advisory Committee representatives, Cr. Dudzik and Cr. Keogh, to certify the 2018/19 Performance Statement in its final form, after any changes recommended, or agreed to by the Auditor, have been made.

BACKGROUND

Since 2014, Councils have been required to report on their performance through their Annual Report to their community.

Pursuant to Section 131(4) of the Local Government Act 1989, the Performance Statement in the Annual Report must –

- a) Contain the following:
 - i) for the services funded in the budget for the financial year reported on, the prescribed indicators of service performance required by the regulations to be reported against in the performance statement and the prescribed measures relating to those indicators;
 - ii) the prescribed indicators of financial performance and the prescribed measures relating to those indicators;
 - iii) the prescribed indicators of sustainable capacity performance and the prescribed measures relating to those indicators;
 - iv) results achieved for that financial year in relation to those performance indicators and measures referred to in subparagraphs (i), (ii) and (iii);
 - v) any other information required by the regulations; and
- b) Be prepared in accordance with the regulations.

PROPOSAL

In accordance with Council's governance practices, the Performance Statement as attached to this report, will have been presented to Council's Audit and Risk Advisory Committee on Tuesday 3 September 2019 for review and recommendation to Council for "in principle" adoption and authorisation by two Audit and Risk Advisory Committee Councillor members, and the Chief Executive Officer to sign the audited statements.

The Performance Statement includes the results of the prescribed sustainable capacity, service performance and financial performance indicators and measures together with a description of the municipal district and an explanation of material variations in the results for the 2018/19 year.

Overall there are 30 performance indicators that have been mandated for an independent audit. Of these indicators six (6) relate to sustainable capacity, twelve (12) relate to service performance and twelve (12) relate to financial performance.

The *Local Government (Planning and Reporting) Regulations 2014* requires explanation of any material variations in the results contained in the Performance Statement. The performance indicator results for 2018/19 will be compared to the results for the previous three financial years.

The forecast figures included in the Performance Statement are those adopted by Council in its Strategic Resource Plan at an Ordinary Meeting of Council on 3 July 2019 and which forms part of the 2019/20 Annual Budget and the Council Plan 2017-2021. The Strategic Resource Plan includes estimates based on key assumptions about the future that were relevant at the time of adoption and aimed at achieving sustainability over the long term.

In relation to the Financial Performance and Sustainable Capacity indicators, some of the major trends include;

1. **E1 Average residential rates per property assessment** – In 2018/19, average residential rates per residential property assessments amounted to \$1,580.05. Average residential rates are forecast to increase at an annual rate of approximately 2.5% per annum in line with Council's projected increase in the rate cap. Average residential rates in Moorabool Shire are significantly lower compared to similar Councils and the state average.
2. **E2 Expenses per property assessment** – In 2018/19, expenses per property assessment were \$2,876.48. Expenses per property assessment are predicted to marginally increase over the next 4 years. In comparative terms, expenses per property assessment are significantly lower in Moorabool Shire than both the state average and that of similar Councils. This reflects a high degree of resource efficiency and responsible financial stewardship over Council resources, but also reflects the ongoing challenge that Moorabool Shire faces in receiving its fair share of recurrent funding from state and federal governments. It is currently noted that Moorabool Shire receives significantly less in recurrent grants than the state average which in turn, reduces the level of investment and expenditure that Council can put back in the community. On top of this, average residential rates in Moorabool Shire are low compared to the state average (and are also subject to the rate cap) and Moorabool Shire has limited sources of other revenue streams. As a result, Moorabool Shire is compelled to manage resources efficiently in the face of these strategic challenges.
3. **E3 Workforce turnover** – In 2018/19, workforce turnover was 10.20%. There was a lower level of workforce turnover in 2018/19 compared to the 2017/18 year (12.90%) and the 2016/17 year (14.98%).
4. **L1 Working Capital** – In 2018/19, Council's working capital ratio of 226.49% was higher compared to previous years. The ratio was favourably impacted by the receipt of significant

levels of Developer Contributions as compared to the 2017/18 year. In addition to this, Council had higher cash levels due to capital works being carried over to the 2019/20 financial year.

5. **L2 Unrestricted cash** – Unrestricted cash levels are at 91.13% as at 30 June 2019, which is a significant improvement from the 2017/18 reporting year. The improvement in this ratio over the last 4 financial years is consistent with Councils Strategic Financial Plan and this ratio is expected to improve and stabilise in future years. In addition to this, Council received significant levels of developer contributions for projects that were funded in prior years resulting in an improvement in this measure. Whilst the ratio was also favourably impacted by the early payment of Financial Assistance Grants in the 2018/19 year, it is noted that Council deferred \$5.966m in loan borrowings which unfavourably impacted this measure.
6. **O1 Asset renewal** – Asset renewal compared to depreciation was 124.41%. The improved result is due to a substantial Capital Improvement Program compared to the prior year. The overall increase in asset renewal spend compared to 2017/18 is \$3.549 million. The outlook for asset renewal expenditure is strong and is indicative of a robust asset management plan and an effective strategic financial plan.
7. **O2 Loans and Borrowings** – As at 30 June 2019, loans and borrowings were 32.59% of rate revenue. This ratio was favourably impacted by the deferral of \$5.966m in loan borrowings to the 2019/20 financial year. Notwithstanding, the level of loan borrowings is forecast to increase in the medium term. In comparative terms, Moorabool Shire has higher loan borrowings than the state average and that of similar size Councils. This is driven by a couple of factors. Firstly, rapid population growth is fuelling community demand for investment in infrastructure. In addition to this, Moorabool Shire receives significantly less in government grants than other Victorian Councils. As a result, it has a higher reliance on loan borrowings than most other Victorian Councils.
8. **OP1 Adjusted underlying result** – As at 30 June 2019, the adjusted underlying surplus was 7.96% of adjusted underlying revenue. The improvement in this ratio is consistent with the Strategic Financial Plan and demonstrates a continued improvement in the financial sustainability of Moorabool Shire. Moorabool Shires strategic financial plan is forecasting a strong underlying surplus in future years. Moorabool Shire continues to outperform the state average in this measure which is a significant achievement considering it has lower average residential rates and receives lower levels of grant funding than the state average, whilst having to service higher levels of debt in comparative terms to other Victorian Councils.
9. **C4 Own-source revenue per head of municipal population** – As at 30 June 2019 this amounted to \$1,230.74. Own source revenue per head of municipal population has increased by 13.0% over the last 3 reporting years. Notwithstanding this, Moorabool Shire generates significantly lower levels of own source revenue per head of municipal population than the Victorian average and similar sized Councils. Own source revenue can come in a variety of forms and can include Council rates, user fees, statutory fees, fees from significant Council businesses (caravan parks, holiday parks, recreation facilities), parking fees and other activities. It is noted that due to a several factors (for e.g. such as geographic factors and low population density) Moorabool Shire does not currently have the same capacity to generate significant revenue from non-rate revenue sources compared to other Victorian Councils. As a result, it has a low level of own source revenue per head of municipal population as compared to the Victorian average and similar sized Councils. In other

instances, where Moorabool Shire has attempted to broaden its revenue base it has been significantly restricted by other legislation from doing so. The most significant example of this has come about with the construction of 3 new windfarms in Moorabool Shire. In each instance, the revenue payable to Moorabool Shire by the windfarms will be governed by the Electricity Act 2000 which has the impact of significantly reducing the revenue that would otherwise be payable to Council. For Moorabool Shire, the annual revenue loss from windfarms due to the Electricity Act is estimated to exceed \$3.0m per annum.

- 10. **C5 Recurrent grants per head of municipal population** – As at 30 June 2019, this amounted to \$301.76. Moorabool Shire receives significantly less grants per head of municipal population than similar Councils and the Victorian average. To overcome this structural disadvantage, Moorabool Shire has a higher reliance on other sources of funding such as loan borrowings as compared to other Victorian Councils. According to the audited results of the 2017/18 Local Government performance reporting, Moorabool Shire receives on average \$3.99m less on an annual basis compared to other Victorian Councils, and \$5.94m less annually than similar size Councils.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1C: Our Business and Systems

The proposal to present the 2018/19 Performance Statement to Council is consistent with the Council Plan 2017-2021.

FINANCIAL IMPLICATIONS

There are no financial implications from this report. The preparation and presentation of the 2018/19 Performance Statement has been performed within the allocated budget.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Inadequate performance by Council	Inability to meet attainable levels of performance	Medium	Systems, processes and measures to provide comprehensive performance information that meets the needs of a number of audiences

COMMUNICATIONS & CONSULTATION STRATEGY

The Performance Statement will be presented to the Victorian Auditor General’s Office for review and certification. The Performance Statement will form part of the Council’s Annual Report which will be lodged with the Minister for Local Government prior to 30 September 2019. The Annual Report will be made publicly available on Council’s website and at all office locations early in October 2019.

VICTORIAN CHARTER OF HUMAN RIGHTS & 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 – Sally Jones

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

Author – Yvonne Hansen

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

CONCLUSION

The 2018/19 Performance Statement has been prepared to meet the requirements of the *Local Government Act 1989* and the Local Government (Planning and Reporting) Regulations 2014 for adoption "in principle" by Council for submission to the Auditor-General for certification.

At the time of printing this document, Council's Performance Statement was included on the Agenda for consideration at the Audit and Risk Advisory Committee Meeting on Tuesday 3 September 2019, with a recommendation that the Audit and Risk Committee recommend that Council adopts the statement "in principle".

Following a resolution, the Performance Statement will then be submitted to the Auditor General for certification. Council is also required to authorise two Councillors to sign the Performance Statement on behalf of Council, as required under the *Local Government Act 1989*.

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

2018-19 Performance Statement

Description of Municipality

Moorabool Shire is a fast growing semi-rural municipality nestled between Melbourne, Geelong and Ballarat. Moorabool’s eastern boundary is located just 40km west of Melbourne’s CBD and extends westwards to the City of Ballarat municipal boundary. The Shire straddles Victoria’s Western Highway and has excellent transport access to Melbourne, Ballarat and Geelong.

Spanning more than 2,110 square kilometres, Moorabool is made up of 64 localities, hamlets and towns. More than 74% of the Shire comprises of water catchments, state forests and national parks.

The population of Moorabool Shire in 2019 is 34,839. More than half the population lives in Bacchus Marsh and surrounds (18,835) (2016). The Shire’s second largest population can be found in and around Ballan (3,052). The population is distributed throughout the large number of small towns, hamlets and farming areas within the Shire.

The population of the Shire is estimated to increase to 77,974 by 2041. The majority of growth during this period will come from the new estates in Maddingley which are forecast to increase during this same period.

Sustainable Capacity Indicators - for the year ended 30 June 2019

LGV Ref	Indicator/measure	Results 2016	Results 2017	Results 2018	Results 2019	Material Variations and Comments
	<i>Population</i>					
C1	<i>Expenses per head of municipal</i> [Total expenses / Municipal population]	\$1,410.85	\$1,400.93	\$1,423.25	\$1,439.25	Expenses per head of municipal population have only marginally increased over the last 3 financial years. In comparative terms, Moorabool Shire spends significantly less than both the state average and that of similar Councils. This reflects a high degree of resource efficiency and responsible financial stewardship over Council resources, but also reflects the ongoing challenge that Moorabool Shire faces in receiving its fair share of recurrent funding from state and federal governments. It is currently noted that Moorabool Shire receives significantly less in recurrent grants than the state average which in turn, reduces the level of investment and expenditure that

2018-19 Performance Statement

					Council can put back in the community. On top of this, average residential rates in Moorabool Shire are low compared to the state average (and are also subject to the rate cap) and Moorabool Shire has limited sources of other revenue streams. As a result, Moorabool Shire is compelled to manage resources efficiently in the face of these strategic challenges.	
C2	<i>Infrastructure per head of municipal population</i> [Value of infrastructure / Municipal population]	\$14,704.57	\$13,417.99	\$13,226.44	\$15,065.11	The value of Infrastructure has increased due to the revaluation of Roads, Drains and Footpaths in 2018/19. In addition to this, population growth is fuelling community demand for infrastructure investment. As a result, this ratio is projected to steadily increase over time.
C3	<i>Population density per length of road</i> [Municipal population / Kilometres of local roads]	21.97	22.48	23.34	23.28	State planning policy identifies Bacchus Marsh as a peri-urban regional centre with potential for significant growth. Bacchus Marsh's population is predicted to double by 2041. As a result, this ratio is predicted to steadily increase over time. Notwithstanding this, the population density per length of road is significantly lower than the state average and to a large degree reflects the significant challenge faced by many rural Councils in managing a large infrastructure base over a large geographical area with the costs borne by a comparatively smaller population base.

2018-19 Performance Statement

<i>Own-source revenue</i>					<p>Own source revenue per head of municipal population has increased by 13.0% over the last 3 reporting years. Notwithstanding this, Moorabool Shire generates significantly lower levels of own source revenue per head of municipal population than the Victorian average and similar sized Councils. Own source revenue can come in a variety of forms and can include Council rates, user fees, statutory fees, fees from significant Council businesses (caravan parks, holiday parks, recreation facilities), parking fees and other activities. It is noted that due to a number of factors (for e.g. such as geographic factors and low population density) Moorabool Shire does not currently have the same capacity to generate significant revenue from non rate revenue sources compared to other Victorian Councils. As a result, it has a low level of own source revenue per head of municipal population as compared to the Victorian average and similar sized Councils. In other instances, where Moorabool Shire has the potential to broaden its revenue base it has been significantly restricted by other legislation from doing so. The most significant example of this has come about with the construction of 3 new windfarms in Moorabool Shire.</p>
C4	<i>Own-source revenue per head of municipal population</i> [Own-source revenue / Municipal population]	\$1,089.31	\$1,042.59	\$1,178.67	

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					In each instance, the revenue payable to Moorabool Shire by the windfarms will be governed by the Electricity Act 2000 which has the impact of significantly reducing the revenue that would otherwise be payable to Council. For Moorabool Shire, the annual revenue loss from windfarms due to the Electricity Act is estimated to exceed \$3.0m per annum.	
Recurrent grants						
C5	<i>Recurrent grants per head of municipal population</i> [Recurrent grants / Municipal population]	\$268.03	\$445.23	\$329.96	\$301.76	Moorabool Shire receives significantly less grants per head of municipal population than similar Councils and the Victorian average. To overcome this structural disadvantage, Moorabool Shire has a higher reliance on other sources of funding such as loan borrowings as compared to other Victorian Councils. According to the audited results of the 2017/18 Local Government performance reporting, Moorabool Shire receives on average \$3.99m less on an annual basis compared to other Victorian Councils, and \$5.94m less annually than similar size Councils.
C6	Disadvantage <i>Relative Socio-Economic Disadvantage</i> [Index of Relative Socio-Economic Disadvantage by decile]	7.00	7.00	7.00	7.00	

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Sustainable Capacity Indicators – Definitions

"Adjusted underlying revenue" means total income other than:

- (a) non-recurrent grants used to fund capital expenditure; and
- (b) non-monetary asset contributions; and
- (c) contributions to fund capital expenditure from sources other than those referred to above

"Infrastructure" means non-current property, plant and equipment excluding land

"Local road" means a sealed or unsealed road for which the council is the responsible road authority under the Road Management Act 2004

"Population" means the resident population estimated by council

"Own-source revenue" means adjusted underlying revenue other than revenue that is not under the control of council (including government grants)

"Relative socio-economic disadvantage", in relation to a municipality, means the relative socio-economic disadvantage, expressed as a decile for the relevant financial year, of the area in which the municipality is located according to the Index of Relative Socio-Economic Disadvantage (Catalogue Number 2033.0.55.001) of SEIFA

"SEIFA" means the Socio-Economic Indexes for Areas published from time to time by the Australian Bureau of Statistics on its Internet website

"Unrestricted cash" means all cash and cash equivalents other than restricted cash.

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Service Performance Indicators - for the year ended 30 June 2018

LGV Ref	Service/indicator/measure	Results 2016	Results 2017	Results 2018	Results 2019	Material Variations and Comments
Aquatic Facilities						
<i>Utilisation</i>						
<i>Utilisation of aquatic facilities</i>						
AF6	[Number of visits to aquatic facilities / Municipal population]	0.23	0.26	0.26	0.30	Increase in the number of visits due to both Pools being open for more days over the 2018/19 summer period than the prior year.
Animal Management						
<i>Health and safety</i>						
AM4	Animal management prosecutions [Number of successful animal management prosecutions]	0.00	2.00	0.00	0.00	There were no animal prosecutions during the reporting period.
Food Safety						
<i>Health and safety</i>						
<i>Critical and major non-compliance outcome notifications</i>						
FS4	[Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises followed up / Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises] x100	83.33%	94.74%	100.00%	100.00%	
Governance						
<i>Satisfaction</i>						
<i>Satisfaction with council decisions</i>						
G5	[Community satisfaction rating out of 100 with how council has performed in making decisions in the interest of the community]	48.00	49.00	51.00	49.00	Whilst within accepted range, the Annual Community Satisfaction Survey indicates an index score of 49. Moorabool Shire Council is committed to increasing this score over the coming years.

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Home and Community Care (HACC)						
Participation						
<i>Participation in HACC service</i>						
HC6	[Number of people that received a HACC service / Municipal target population for HACC services] x100	32.67%	Reporting Ceased 1 July 2016	Reporting Ceased 1 July 2016	Reporting Ceased 1 July 2016	Reporting on HACC ceased on 1 July 2016 due to the introduction of the Commonwealth Government's NDIS and CHSP programs
Participation						
<i>Participation in HACC service by CALD people</i>						
HC7	[Number of CALD people who receive a HACC service / Municipal target population in relation to CALD people for HACC services] x100	18.97%	Reporting Ceased 1 July 2016	Reporting Ceased 1 July 2016	Reporting Ceased 1 July 2016	Reporting on HACC ceased on 1 July 2016 due to the introduction of the Commonwealth Government's NDIS and CHSP programs
Libraries						
Participation						
<i>Active library members</i>						
LB4	[Number of active library members / Municipal population] x100	9.24%	9.18%	9.51%	9.64%	A steady increase is a reflection on additional stops by the library outreach van and staff making a concerted effort to encourage visitors to join the library

2018-19 Performance Statement

Maternal and Child Health (MCH)						
Participation						
<i>Participation in the MCH service</i>						
MC4	[Number of children who attend the MCH service at least once (in the year) / Number of children enrolled in the MCH service] x100	76.86%	77.28%	77.92%	76.17%	There was a minor decrease in participation in 2018/2019, this may be as a result of a MCH nurse moving into the MCH coordinator role and a short period of time of vacancy in permanent MCH nurses during the recruitment process.
Participation						
<i>Participation in the MCH service by Aboriginal children</i>						
MC5	[Number of Aboriginal children who attend the MCH service at least once (in the year) / Number of Aboriginal children enrolled in the MCH service] x100	71.79%	71.79%	81.97%	90.24%	Increased participation by Aboriginal children in 2018/19
Roads						
Satisfaction						
<i>Satisfaction with sealed local roads</i>						
R5	[Community satisfaction rating out of 100 with how council has performed on the condition of sealed local roads]	47.00	43.00	46.00	48.00	
Statutory Planning						
Decision making						
<i>Council planning decisions upheld at VCAT</i>						
SP4	[Number of VCAT decisions that did not set aside council's decision in relation to a planning application / Number of VCAT decisions in relation to planning applications] x100	27.27%	33.33%	66.67%	33.33%	Less planning applications going to VCAT than in 2017/18

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Waste Collection						
Waste diversion						
<i>Kerbside collection waste diverted from landfill</i>						
WC5	[Weight of recyclables and green organics collected from kerbside bins / Weight of garbage, recyclables and green organics collected from kerbside bins] x100	35.07%	36.91%	37.56%	38.49%	Increase of waste diverted from landfill mainly attributed to an increased uptake of the optional kerbside green waste collection by the community.

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Service Performance Indicators - Definitions

"Aboriginal child" means a child who is an Aboriginal person

"Aboriginal person" has the same meaning as in the Aboriginal Heritage Act 2006

"Active library member" means a member of a library who has borrowed a book from the library

"Annual report" means an annual report prepared by a council under sections 131, 132 and 133 of the Act

"CALD" means culturally and linguistically diverse and refers to persons born outside Australia in a country whose national language is not English

"Class 1 food premises" means food premises, within the meaning of the Food Act 1984, that have been declared as class 1 food premises under section 19C of that Act

"Class 2 food premises" means food premises, within the meaning of the Food Act 1984, that have been declared as class 2 food premises under section 19C of that Act

"Community Care Common Standards" means the Community Care Common Standards for the delivery of HACC services, published from time to time by the Commonwealth

"Critical non-compliance outcome notification" means a notification received by council under section 19N(3) or (4) of the Food Act 1984, or advice given to council by an authorized officer under that Act, of a deficiency that poses an immediate serious threat to public health

"Food premises" has the same meaning as in the Food Act 1984

"HACC program" means the Home and Community Care program established under the Agreement entered into for the purpose of the Home and Community Care Act 1985 of the Commonwealth

"HACC service" means home help, personal care or community respite provided under the HACC program

"Local road" means a sealed or unsealed road for which the council is the responsible road authority under the Road Management Act 2004

"Major non-compliance outcome notification" means a notification received by a council under section 19N(3) or (4) of the Food Act 1984, or advice given to council by an authorized officer under that Act, of a deficiency that does not pose an immediate serious threat to public health but may do so if no remedial action is taken

"MCH" means the Maternal and Child Health Service provided by a council to support the health and development of children within the municipality from birth until school age

"Population" means the resident population estimated by council

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"Target population" has the same meaning as in the Agreement entered into for the purposes of the Home and Community Care Act 1985 of the Commonwealth

"WorkSafe reportable aquatic facility safety incident" means an incident relating to a council aquatic facility that is required to be notified to the Victorian WorkCover Authority under Part 5 of the Occupational Health and Safety Act 2004.

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Financial Performance Indicators - for the year ended 30 June 2018

LGV Ref	Dimension/indicator/measure	Results	Results	Results	Results	Forecasts				Material Variations and Comments
		2016	2017	2018	2019	2020	2021	2022	2023	
	Efficiency									
	<i>Revenue level</i>									
E1	<p><i>Average residential rate per residential property assessment</i></p> <p>[Residential rate revenue / Number of residential property assessments]</p>	\$1,460.85	\$1,512.85	\$1,543.84	\$1,580.05	\$1,615.62	\$1,656.08	\$1,697.56	\$1,739.98	<p>Average residential rates are forecast to increase at an annual rate of approximately 2.5% per annum in line with Councils projected increase in the rate cap. Average residential rates in Moorabool Shire are significantly lower compared to similar Councils and the state average.</p>
	<i>Expenditure level</i>									
E2	<p><i>Expenses per property assessment</i></p> <p>[Total expenses / Number of property assessments]</p>	\$2,677.65	\$2,798.23	\$2,867.61	\$2,876.48	\$2,935.31	\$2,925.33	\$2,954.09	\$3,061.68	<p>Expenses per property assessment are predicted to marginally increase over the next 4 years. In comparative terms, expenses per property assessment are significantly lower in Moorabool Shire than both the state average and that of similar Councils. This reflects a high degree of resource efficiency and responsible financial stewardship</p>

2018-19 Performance Statement

									<p>over Council resources, but also reflects the ongoing challenge that Moorabool Shire faces in receiving its fair share of recurrent funding from state and federal governments. It is currently noted that Moorabool Shire receives significantly less in recurrent grants than the state average which in turn, reduces the level of investment and expenditure that Council can put back in the community. On top of this, average residential rates in Moorabool Shire are low compared to the state average (and are also subject to the rate cap) and Moorabool Shire has limited sources of other revenue streams. As a result, Moorabool Shire is compelled to manage resources efficiently in the face of these strategic challenges.</p>
<p><i>Workforce turnover Resignations and terminations compared to average staff</i></p>									
<p>E3 [Number of permanent staff resignations and terminations / Average number of permanent staff for the financial year] x100</p>	9.91%	14.98%	12.90%	10.20%	8.99%	8.78%	8.70%	8.62%	<p>There was a lower level of staff turnover in 2018/9 compared to 2017/18</p>

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Liquidity										
<i>Working capital</i>										
L1	<i>Current assets compared to current liabilities</i>	195.20%	163.58%	192.64%	226.49%	196.47%	146.51%	163.57%	161.16%	<p>The ratio was favourably impacted by the receipt of significant levels of Developer Contributions as compared to the 2017/18 year. In addition to this, Council had higher cash levels due to capital works being carried over to the 2019/20 financial year.</p>
	[Current assets / Current liabilities] x100									
<i>Unrestricted cash</i>										
L2	<i>Unrestricted cash compared to current liabilities</i>	33.65%	37.46%	76.70%	91.13%	124.40%	92.12%	90.00%	90.61%	<p>The improvement in this ratio over the last 4 financial years is consistent with Councils Strategic Financial Plan and this ratio is expected to improve and stabilise in future years. In addition to this, Council received significant levels of developer contributions for projects that were funded in prior years resulting in an improvement in this measure. Whilst the ratio was also favourably impacted by</p>
	[Unrestricted cash / Current liabilities] x100									

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Obligations										
Asset renewal										
<i>Asset renewal compared to depreciation</i>										
O1	[Asset renewal expense / Asset depreciation] x100	118.98%	104.74%	90.25%	124.41%	127.28%	103.99%	116.54%	110.41%	<p>the early payment of Financial Assistance Grants in the 2018/19 year, it is noted that Council deferred \$5.966m in loan borrowings which unfavourably impacted this measure.</p> <p>The improved result is due to a substantial Capital Improvement Program compared to the prior year. The overall increase in asset renewal spend compared to 2017/18 is \$3.549 million. The outlook for asset renewal expenditure is strong and is indicative of a robust asset management plan and an effective strategic financial plan.</p>
Loans and borrowings										
<i>Loans and borrowings compared to rates</i>										
O2	[Interest bearing loans and borrowings / Rate revenue] x100	51.28%	43.93%	37.85%	32.59%	55.90%	48.68%	34.60%	35.86%	<p>This ratio was favourably impacted by the deferral of \$5.966m in loan borrowings to the 2019/20 financial year. Notwithstanding, the level of loan borrowings is forecast to increase in the medium term. In comparative terms, Moorabool Shire has</p>

2018-19 Performance Statement

									higher loan borrowings than the state average and that of similar size Councils. This is driven by a couple of factors. Firstly, rapid population growth is fuelling community demand for investment in infrastructure. In addition to this, Moorabool Shire receives significantly less in government grants than other Victorian Councils. As a result, it has a higher reliance on loan borrowings than most other Victorian Councils. This ratio was favourably impacted by the deferral of \$5.966m in loan borrowings to the 2019/20 financial year. However, as noted previously, this ratio is forecast to remain high in the medium term. In comparative terms, this ratio is likely to be higher than the state average in the future. Moorabool Shire is compelled to fund infrastructure growth through loan borrowings in lieu of
	<i>Loans and borrowings repayments compared to rates</i>								
O3	[Interest and principal repayments on interest bearing loans and borrowings / Rate revenue] x100	7.46%	7.17%	6.33%	4.99%	6.37%	5.28%	14.93%	3.22%

2018-19 Performance Statement

indebtedness									large-scale funding support from state and federal governments.	
	<i>Non-current liabilities compared to own source revenue</i>								This ratio was favourably impacted by the deferral of \$5.966m in loan borrowings to the 2019/20 financial year. However, as noted previously, this ratio is forecast to remain high in the medium term. In comparative terms, this ratio is likely to be higher than the state average in the future. Moorabool Shire is compelled to fund infrastructure growth through loan borrowings in lieu of large-scale funding support from state and federal governments.	
Q4	[Non-current liabilities / Own source revenue] x100	44.51%	37.68%	29.49%	25.72%	45.79%	30.82%	29.26%	30.23%	
Operating position										
<i>Adjusted underlying result</i>										
	<i>Adjusted underlying surplus (or deficit)</i>									The improvement in this ratio is consistent with the Strategic Financial Plan and demonstrates a continued improvement in the financial sustainability of Moorabool Shire. Moorabool Shires strategic financial plan is forecasting a strong
OP1	[Adjusted underlying surplus (deficit) / Adjusted underlying revenue] x 100	-2.54%	7.44%	6.37%	7.96%	2.84%	4.51%	5.49%	4.35%	

2018-19 Performance Statement

											underlying surplus in future years. Moorabool Shire continues to outperform the state average in this measure which is a significant achievement considering it has lower average residential rates and receives lower levels of grant funding than the state average, whilst having to service higher levels of debt in comparative terms to other Victorian Councils.	
Stability												
<i>Rates concentration</i>												
												Moorabool Shire has a higher level of reliance on rate revenue than other Victorian Councils. This is driven by two main factors. Firstly, as previously mentioned, Moorabool Shire receives significantly lower levels of recurrent funding from state and federal governments on average compared to other Victorian Councils. In addition to this, factors such as geographical size and
S1	<i>Rates compared to adjusted underlying revenue</i>	70.41%	63.31%	63.71%	63.91%	67.60%	68.34%	68.66%	68.72%			
	[Rate revenue / Adjusted underlying revenue] x100											

2018-19 Performance Statement

	Rates effort									
	<i>Rates compared to property values</i>									
S2	[Rate revenue / Capital improved value of rateable properties in the municipality]	0.50%	0.49%	0.50%	0.47%	0.48%	0.50%	0.51%	0.52%	low population density significantly limit its ability to generate alternative income streams outside of rates and grants.
	x100									

2018-19 Performance Statement

Financial Performance Indicators – Definitions

"Adjusted underlying revenue" means total income other than:

- (a) non-recurrent grants used to fund capital expenditure; and
- (b) non-monetary asset contributions; and
- (c) contributions to fund capital expenditure from sources other than those referred to above

"Adjusted underlying surplus (or deficit)" means adjusted underlying revenue less total expenditure

"Asset renewal expenditure" means expenditure on an existing asset or on replacing an existing asset that returns the service capability of the asset to its original capability

"Current assets" has the same meaning as in the AAS

"Current liabilities" has the same meaning as in the AAS

"Non-current assets" means all assets other than current assets

"Non-current liabilities" means all liabilities other than current liabilities

"Non-recurrent grant" means a grant obtained on the condition that it be expended in a specified manner and is not expected to be received again during the period covered by a council's Strategic Resource Plan

"Own-source revenue" means adjusted underlying revenue other than revenue that is not under the control of council (including government grants)

"Population" means the resident population estimated by council

"Rate revenue" means revenue from general rates, municipal charges, service rates and service charges

"Recurrent grant" means a grant other than a non-recurrent grant

"Residential rates" means revenue from general rates, municipal charges, service rates and service charges levied on residential properties

"Restricted cash" means cash and cash equivalents, within the meaning of the AAS, that are not available for use other than for a purpose for which it is restricted, and includes cash to be used to fund capital works expenditure from the previous financial year

"Unrestricted cash" means all cash and cash equivalents other than restricted cash.

2018-19 Performance Statement

Other Information - Basis of preparation

Council is required to prepare and include a performance statement within its annual report. The performance statement includes the results of the prescribed sustainable capacity, service performance and financial performance indicators and measures together with a description of the municipal district and an explanation of material variations in the results. This statement has been prepared to meet the requirements of the *Local Government Act 1989* and *Local Government (Planning and Reporting) Regulations 2014*.

Where applicable the results in the performance statement have been prepared on accounting bases consistent with those reported in the Financial Statements. The other results are based on information drawn from council information systems or from third parties (e.g. Australian Bureau of Statistics).

The performance statement presents the actual results for the current year and for the prescribed financial performance indicators and measures, the results forecast by the council's strategic resource plan. The *Local Government (Planning and Reporting) Regulations 2014* requires explanation of any material variations in the results contained in the performance statement. Council has adopted materiality thresholds relevant to each indicator and measure and explanations have not been provided for variations below the materiality thresholds unless the variance is considered to be material because of its nature.

The forecast figures included in the performance statement are those adopted by Council in its Strategic Resource Plan on 3 July 2019 and which forms part of the council plan. The Strategic Resource Plan includes estimates based on key assumptions about the future that were relevant at the time of adoption and aimed at achieving sustainability over the long term. Detailed information on the actual financial results is contained in the General Purpose Financial Statements. The Strategic Resource Plan can be obtained by contacting Council.

2018-19 Performance Statement

Certification of the performance statement

In my opinion, the accompanying performance statement has been prepared in accordance with the Local Government Act 1989 and the Local Government (Planning and Reporting) Regulations 2014.

Steven Ivelja CPA
Principal Accounting Officer
Dated: 04 September 2019

In our opinion, the accompanying performance statement of the (council name) for the year ended 30 June 2019 presents fairly the results of council's performance in accordance with *the Local Government Act 1989* and the Local Government (Planning and Reporting) Regulations 2014.

The performance statement contains the relevant performance indicators, measures and results in relation to service performance, financial performance and sustainable capacity.

At the date of signing, we are not aware of any circumstances that would render any particulars in the performance statement to be misleading or inaccurate.

We have been authorised by the council and by the Local Government (Planning and Reporting) Regulations 2014 to certify this performance statement in its final form.

Cr. Tonia Dudzik
Councillor
Dated: 04 September 2019

Cr. John Keogh
Councillor
Dated: 04 September 2019

Derek Madden
Chief Executive Officer
Dated: 04 September 2019

2018-19 Performance Statement

Independent Auditor's Report

11.3 2018/2019 GOVERNANCE & MANAGEMENT CHECKLIST

Author: Yvonne Hansen, Manager Governance, Risk & Corporate Planning

Authoriser: Sally Jones, General Manager

Attachments: 1. 2018/2019 Governance & Management Checklist [↓](#) 

PURPOSE

The purpose of this report is to present the 2018/19 Governance and Management Checklist (Checklist) for Council adoption.

EXECUTIVE SUMMARY

- The Governance and Management Checklist is a component of the Local Government Performance Reporting Framework (LGPRF) and is a requirement of Section 131(3) of the *Local Government Act 1989* (the Act) and Regulation 12 of the Local Government (Planning and Reporting) Regulations 2014.

RECOMMENDATION

That Council adopts the 2018/19 Governance and Management Checklist for submission to the 2018/19 Annual Report and submission to Local Government Victoria for publication on the “Know Your Council” website.

BACKGROUND

Section 131(3)(ii) of the Act provides that Council must contain in its report of operations the results, in the prescribed form, of the Council’s assessment against the prescribed governance and management checklist and indicators. The checklist is then certified by the Mayor and Chief Executive Officer.

PROPOSAL

The Governance and Management Checklist contains 24 items relating to Council plans, policies, strategies, frameworks and reporting. This checklist is reviewed by the Chief Executive Officer and presented to both the Audit and Risk Committee and Council for adoption prior to its incorporation into Council’s 2018/19 Annual Report and submission to Local Government Victoria and published on the ‘Know your Council’ website.

Overall, from the 24 listed items on the Checklist, 23 items are established and in operation, with the remaining 1 item in progress. A Disaster Recovery Plan is currently being developed, and procedures are in place for recovery of business systems and data in the event of a disaster.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1C: Our Business and Systems

The proposal 2018/2019 Governance & Management Checklist is consistent with the Council Plan 2017 – 2021.

FINANCIAL IMPLICATIONS

There are no financial implications relating to the 2018/2019 Governance and Management Checklist.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no Occupational Health and Safety issues in relation to this report. In relation to the component of the Governance and Management Checklist pertaining to development of the Disaster Recovery Plan, procedures are in place for recovery of business systems and data in the event of a disaster.

COMMUNICATIONS & CONSULTATION STRATEGY**THE GOVERNANCE AND MANAGEMENT CHECKLIST WILL BE PUBLISHED IN COUNCIL'S ANNUAL REPORT AND AVAILABLE FOR REVIEW ON THE LOCAL GOVERNMENT VICTORIA "KNOW YOUR COUNCIL" WEBSITE. VICTORIAN CHARTER OF HUMAN RIGHTS & 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 – Sally Jones

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

Author – Yvonne Hansen

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

CONCLUSION

The Governance and Management Checklist has been prepared and certified by the Mayor and Chief Executive Officer in accordance with *Local Government Act 1989*.

Council's Audit and Risk Committee has reviewed the Checklist and recommends that Council adopts the Governance and Management Checklist, prior to its submission to the 2018/2019 Annual Report and submission to Local Government Victoria for publication on the "Know Your Council" website.

2018/2019 GOVERNANCE AND MANAGEMENT CHECKLIST

Requirement		Assessment	Date implemented/Effective date
Community engagement policy (policy outlining Council's commitment to engaging with the community on matters of public interest)	Current policy in operation	YES	2/03/2016
Community engagement guidelines (guidelines to assist staff to determine when and how to engage with the community)	Current guidelines in operation	YES	2/03/2019
Strategic Resource Plan (plan under section 126 of the Act outlining the financial and non-financial resources required for at least the next 4 financial years)	Plan adopted in accordance with section 126 of the Act	YES	3/07/2019
Annual budget (plan under section 130 of the Act setting out the services to be provided and initiatives to be undertaken over the next 12 months and the funding and other resources required)	Budget adopted in accordance with section 130 of the Act	YES	3/07/2019
Asset management plans (plans that set out the asset maintenance and renewal needs for key infrastructure asset classes for at least the next 10 years)	Current plans in operation	YES	Part A General 30/4/13 Part B Transport 30/4/13 Part C Buildings 3/12/14 Part D Drainage 3/12/14 Part E Recreation 3/12/14
Rating strategy (strategy setting out the rating structure of Council to levy rates and charges)	Current strategy in operation	YES	2/05/2018
Risk policy (policy outlining Council's commitment and approach to minimising the risks to Council's operations)	Current policy in operation	YES	22/01/2019

Fraud policy (policy outlining Council's commitment and approach to minimising the risk of fraud)	Current policy in operation	YES	3/12/2018
Municipal emergency management plan (plan under section 20 of the Emergency Management Act 1986 for emergency prevention, response and recovery)	Prepared and maintained in accordance with section 20 of the Emergency Management Act 1986	YES	19/05/2017 Amended 11 December 2018
Procurement policy (policy under section 186A of the Local Government Act 1989 outlining the matters, practices and procedures that will apply to all purchases of goods, services and works)	Prepared and approved in accordance with section 186A of the Local Government Act	YES	3/04/2019
Business continuity plan (plan setting out the actions that will be taken to ensure that key services continue to operate in the event of a disaster)	Current plan in operation	YES	23/06/2016
Disaster recovery plan (plan setting out the actions that will be undertaken to recover and restore business capability in the event of a disaster)	Current plan in operation	NO	A Disaster Recovery Plan is currently being developed, and procedures are in place for recovery of business systems and data in the event of a disaster.
Risk management framework (framework outlining Council's approach to managing risks to the Council's operations)	Current framework in operation	YES	22/01/2019
Audit Committee (advisory committee of Council under section 139 of the Act whose role is to oversee the integrity of a Council's financial reporting, processes to manage risks to the Council's operations and for compliance with applicable legal, ethical, and regulatory requirements)	Committee established in accordance with section 139 of the Act	YES	23/03/2004

Internal audit (independent accounting professionals engaged by the Council to provide analyses and recommendations aimed at improving Council's governance, risk and management controls)	Internal auditor engaged	YES	5/08/2015
Performance reporting framework (a set of indicators measuring financial and non-financial performance, including the performance indicators referred to in section 131 of the Act)	Current framework in operation	YES	1/07/2019
Council Plan reporting (report reviewing the performance of the Council against the Council Plan, including the results in relation to the strategic indicators, for the first six months of the financial year)	Current report	YES	1st Quarter 07/11/2018 2nd Quarter 06/02/2019 3rd Quarter 01/05/2019 Final Quarter 07/08/2019
Financial reporting (quarterly statements to Council under section 138 of the Act comparing budgeted revenue and expenditure with actual revenue and expenditure)	Quarterly statements presented to Council in accordance with section 138(1) of the Act	YES	1st Quarter 07/11/2018 2nd Quarter 06/02/2019 3rd Quarter 01/05/2019
Risk reporting (six-monthly reports of strategic risks to Council's operations, their likelihood and consequences of occurring and risk minimisation strategies)	Reports prepared and presented	YES	3/04/2019
Performance reporting (six-monthly reports of indicators measuring the results against financial and non-financial performance, including performance indicators referred to in section 131 of the Act)	Reports prepared and presented	YES	13/02/2019

<p>Annual report (annual report under sections 131, 132 and 133 of the Act to the community containing a report of operations and audited financial performance statements)</p>	<p>Annual report considered at a meeting of Council in accordance with section 134 of the Act</p>	<p>YES</p>	<p>2/10/2019</p>
<p>Councillor Code of Conduct (Code under section 76C of the Act setting out the conduct principles and the dispute resolution processes to be followed by Councillors)</p>	<p>Code of conduct reviewed in accordance with section 76C of the Act</p>	<p>YES</p>	<p>8/02/2019</p>
<p>Delegations (a document setting out the powers, duties and functions of Council and the Chief Executive Officer that have been delegated to members of staff)</p>	<p>Delegations reviewed in accordance with section 98(6) of the Act</p>	<p>YES</p>	<p>3/04/2019</p>
<p>Meeting procedures (a local law governing the conduct of meetings of Council and special committees)</p>	<p>Meeting procedures local law made in accordance with section 91(1) of the Act</p>	<p>YES</p>	<p>29/06/2019</p>

I certify that this information presents fairly the status of Council’s governance and management arrangements.

Derek Madden
 Chief Executive Officer
 Dated: _____

Cr Paul Tatchell
 Mayor
 Dated: _____

11.4 APPOINTMENT OF ACTING CEO

Author: Dianne Elshaug, Executive Assistant
Authoriser: Derek Madden, Chief Executive Officer
Attachments: Nil

PURPOSE

This report requests approval for the CEO to appoint an Acting CEO while travelling overseas.

RECOMMENDATION

That Council:

- 1. Approves the CEO to appoint Mr Phil Jeffrey as Acting CEO for the period 16 September to 23 September while Mr Madden is overseas.**

BACKGROUND

An opportunity has arisen for the CEO to travel overseas for economic development and potential investment opportunities.

PROPOSAL

Council Officers have been developing relationships with the owners of the Lal Lal Estate which include the development of a tourism based product, farm educational components, a wool museum and further development and expansion of a working merino farm.

The overseas owner of the estate has graciously extended an invitation to the CEO to attend various events and meetings to strengthen Council's ties with the owners of the estate. It also provides opportunities to meet with local government representatives which may yield further positive outcomes.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development**Context 3B: Investment & Employment**

The proposal for the CEO to appoint an Acting CEO whilst overseas is consistent with the Council Plan 2017 – 2021.

FINANCIAL IMPLICATIONS

The CEO will be self-financing flights, accommodation and other internal travel costs.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no risks identified in this report.

COMMUNICATIONS & CONSULTATION STRATEGY

There are no communication or consultation identified in this report.

VICTORIAN CHARTER OF HUMAN RIGHTS & 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 – Derek Madden

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

Author – Dianne Elshaug

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

CONCLUSION



The CEO will be out of the country for a period of 10 days on self-funded Council business. The appointment of an Acting CEO is required.

11.5 INSTRUMENT OF DELEGATION - COUNCIL TO MEMBERS OF COUNCIL STAFF (OTHER THAN THE CEO)

Author: Yvonne Hansen, Manager Governance, Risk & Corporate Planning

Authoriser: Derek Madden, Chief Executive Officer

Attachments:

1. **Summary of Amendments: Instrument of Delegation to Members of Council Staff** [↓](#) 
2. **Instrument of Delegation - Members of Staff September 2019** [↓](#) 

PURPOSE

The purpose of this report is to present for Council adoption, a revised Instrument of Delegation to delegate Council powers, duties and functions to members of Council staff.

EXECUTIVE SUMMARY

- An Instrument of Delegation is a formal document that allows for certain duties, functions and decision-making powers to be delegated to a Council officer or a Special Committee, as a means of reducing the operational and decision making workload upon the Council.
- Council's Instruments of Delegation are routinely reviewed and updated to incorporate other legislative changes that occur from time to time.
- Due to a restructure of the Moorabool Shire Council management structure, Council is required to review its Instrument of Delegation to ensure relevant changes to position titles and appropriate allocation of delegation in alignment with the new structure.
- A summary of amendments is provided as Attachment 1.

RECOMMENDATION

That Council, having undertaken a review of its delegations in accordance with Section 98 of the Local Government Act 1989, 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 Instrument of Delegation to Members of Council staff (provided as Attachment 2), the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.**
2. **The Instrument of Delegation to Members of Council Staff (provided as Attachment 2) comes into force immediately upon the common seal of Council is affixed to the Instrument.**
3. **On the coming into force of the Instrument of Delegation to Members of Council Staff, 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.**

BACKGROUND

Councils have wide-ranging responsibilities and have been given many powers, duties and functions under various legislation. It is impossible for a Council to exercise all of these powers, duties and functions itself as Council would require passing a Council resolution each time it wished to act. For day to day operations, Councils need others to make decisions and act on their behalf.

In accordance with section 98(1) of the *Local Government Act 1989* (the Act), a Council may by Instrument of Delegation, delegate to a member of its staff any power, duty or function of a Council under the *Local Government Act* or any other Act, with limitations. Councils should review and update their delegations when:

- there are changes to the structure of a Council and position titles change; and
- when there are changes to the relevant legislation.

PROPOSAL

A recent restructure of the Moorabool Shire Council management structure has initiated a review of Council's current Instrument of Delegation from Council to Members of Council staff.

The reviewed Instrument of Delegation from Council to Members of Council staff (provided as Attachment 2) being presented to Council for adoption includes:

- relevant changes to position titles; and
- appropriate allocation of delegation in alignment with the new structure.

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 or any staff acting in the role. It is imperative that Council staff have the correct delegation for dealing with matters under the various Acts and Regulations of Parliament.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1C: Our Business and Systems

The proposal to grant by Instrument of Delegation from Council to members of Council staff is consistent with the 2017-2021 Council Plan.

FINANCIAL IMPLICATIONS

There are no financial implications to Council in preparing this report.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

No Risk or Occupational Health and Safety issues apply to Council unless the relevant Council officers do not receive the appropriate delegations from Council.

COMMUNICATIONS & CONSULTATION STRATEGY

The nature of this report does not necessitate any community consultation.

VICTORIAN CHARTER OF HUMAN RIGHTS & 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 – Derek Madden

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

Author – Yvonne Hansen

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

CONCLUSION

Delegating a Council's powers, duties and functions is essential to fulfilling the responsibilities of local government. When a Council delegates a power, duty or function to a member of staff or to a committee ("the delegate"), the decision of the delegate is deemed to be a decision of the Council.

It is recommended that Council approve and adopt the Instrument of Delegation to Members of Council Staff.

Instrument of Delegation – Council to Members of Staff**Summary of Amendments**

The Instrument of Delegation from Council to Members of Council has been reviewed due to a recent management restructure. This effected:

1. changes to position titles; and
2. reallocation of delegation as identified below.

The following summary of amendments has been provided to assist with interpreting the changes to this Instrument of Delegation before Council for consideration.

1. Positions

Position were amended to reflect new, obsolete and amended titles as identified below. All other position titles remained unchanged.

- a) Inclusion of new positions to management structure:
 - GMCCA meaning General Manager Customer Care and Advocacy
 - GMCS meaning General Manager Community Strengthening
 - EMCPED meaning Executive Manager Community Planning and Economic Development.
 - MEW meaning Manager Environmental Management.
- b) Removal of positions no longer within management structure:
 - GMCD meaning General Manager Community Development.
 - GMCP meaning General Manager Community Planning.
 - MSPD meaning Manager Strategic Planning and Development
- c) Amendment to existing titles:
 - MSPCS meaning Manager Statutory Planning and Community Safety) retitled MSPBS meaning Manager Statutory Planning and Building Services).
 - MGRCP meaning Manager Governance, Risk and Corporate Planning retitled Manager Governance and Risk.

2. Reallocation of Delegation

Provisions under the following Acts were amended due to the reallocation of delegation due to position title changes and/or departmental alignments. All other delegations remained unchanged.

- a) Cemeteries And Crematoria Act 2003
 - Reallocated provisions from GMCD to GMCCA.
 - Reallocated provisions from CG to MGR.

- b) Domestic Animals Act 1994
 - Reallocated provisions from GMCD to GMCS.

- c) Planning and Environment Act 1987
 - Reallocated provisions from GMCP to EMCPEd.

- d) Road Management Act 2004
 - Reallocated provision 67(2) from MSPCS to CCHS.

- e) Cemeteries and Crematoria Regulations 2015
 - Reallocated provisions from GMCD to GMCCA

- f) Planning and Environment Regulations 2015
- g) Planning and Environment (Fees) Regulations 2016
 - Reallocated provisions from GMCP to EMCPEd
 - **Reallocated provisions from MSPD to CSTP**



Moorabool Shire Council

Instrument of Delegation

to

Members of Council Staff

Instrument of Delegation

In exercise of the power conferred by s 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. record that references in the Schedule are as follows:

CAM	means	Coordinator Asset Management
CCHS	means	Coordinator Community Health and Safety
CEO	means	Chief Executive Officer
CFO	means	Chief Financial Officer
CSO	means	Community Safety Officer
CSP	means	Coordinator Statutory Planning
CSTP	means	Coordinator Strategic Planning
EHO	means	Environmental Health Officer
GMCAI	means	General Manager Community Assets and Infrastructure
GMCCA	means	General Manager Customer Care and Advocacy
EMCPED	means	Executive Manager Community Planning and Economic Development
GMCS	means	General Manager Community Strengthening
MAM	means	Manager Asset Management
MES	means	Manager Engineering Services
MENV	means	Manager Environmental Management
MGR	means	Manager Governance and Risk
MO	means	Manager Operations
MSPBS	means	Manager Statutory Planning and Building Services
NA	means	Not Applicable
ND	means	Not Delegated
SCSO	means	Senior Community Safety Officer
SEHO	means	Senior Environmental Health Officer
SP	means	Statutory Planner
SSP	means	Senior Statutory Planner
SSTPO	means	Senior Strategic Planning Officer
STP	means	Strategic Planner

3. declares that:
 - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on Wednesday, 4 September 2019; and
 - 3.2 the delegation:
 - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 3.2.2 remains in force until varied or revoked;
 - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
 - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 3.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or

- 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategy
 adopted by Council; or
- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

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

.....
 Mayor/Councillor

.....
 Chief Executive Officer

Date:.....

SCHEDULE

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2. Cemeteries and Crematoria Act 2003

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

Provision	Item Delegated	Delegate	Conditions and Limitations
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	GMCCA, MGR	Where Council is a Class B cemetery trust
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	GMCCA, MGR	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	GMCCA, MGR	Where Council is a Class B cemetery trust
s 12A(1)	Function to do the activities set out in paragraphs (a) - (n)	NA	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	NA	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	GMCCA, MGR	
s 14	Power to manage multiple public cemeteries as if they are one cemetery.	GMCCA, MGR	
s 15(1) and (2)	Power to delegate powers or functions other than those listed	GMCCA, MGR	
s 15(4)	Duty to keep records of delegations	GMCCA, MGR	
s 17(1)	Power to employ any persons necessary	GMCCA, MGR	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	GMCCA, MGR	
s 17(3)	Power to determine the terms and conditions of employment or engagement	GMCCA, MGR	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	GMCCA, MGR	
s 18B(1) & (2)	Duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time	NA	Where Council is a Class A cemetery trust
s 18C	Power to determine the membership of the governance committee	NA	Where Council is a Class A cemetery trust
s 18D	Power to determine procedure of governance committee	NA	Where Council is a Class A cemetery trust

2. Cemeteries and Crematoria Act 2003

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

s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities	NA	Where Council is a Class A cemetery trust
s 18D(1)(b)	Power to appoint any additional community advisory committees	NA	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.	NA	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 Financial Management Act 1994	NA	Where Council is a Class A cemetery trust
s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	NA	Where Council is a Class A cemetery trust
s.18J	Duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in s 18J(2))	NA	Where Council is a Class A cemetery trust
s 19	Power to carry out or permit the carrying out of works	GMCCA, MGR	
s 20(1)	Duty to set aside areas for the interment of human remains	GMCCA, MGR	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	GMCCA, MGR	
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	GMCCA, MGR	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	GMCCA, MGR	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	GMCCA, MGR	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	GMCCA, MGR	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	GMCCA, MGR	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	GMCCA, MGR	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	GMCCA,	Report must contain the particulars listed in s 57(2)

2. Cemeteries and Crematoria Act 2003

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

	functions under the Act	MGR	
s 59	Duty to keep records for each public cemetery	GMCCA, MGR	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	GMCCA, MGR	
s 60(2)	Power to charge fees for providing information	GMCCA, MGR	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	GMCCA, MGR	
s 64B(d)	Power to permit interments at a reopened cemetery	GMCCA, MGR	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	GMCCA, MGR	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	GMCCA, MGR	
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	GMCCA, MGR	
s 70(2)	Duty to make plans of existing place of interment available to the public	GMCCA, MGR	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	GMCCA, MGR	
s 71(2)	Power to dispose of any memorial or other structure removed	GMCCA, MGR	
s 72(2)	Duty to comply with request received under s 72	GMCCA, MGR	
s 73(1)	Power to grant a right of interment	GMCCA, MGR	
s 73(2)	Power to impose conditions on the right of interment	GMCCA, MGR	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	GMCCA,	

2. Cemeteries and Crematoria Act 2003

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

		MGR	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	GMCCA, MGR	
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	GMCCA, MGR	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	GMCCA, MGR	
s 80(2)	Function of recording transfer of right of interment	GMCCA, MGR	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	GMCCA, MGR	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment (sole holder)	GMCCA, MGR	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	GMCCA, MGR	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	GMCCA, MGR	
s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	GMCCA, MGR	The notice must be in writing and contain the requirements listed in s 85(2)
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	GMCCA, MGR	Does not apply where right of interment relates to remains of a deceased veteran.
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	GMCCA, MGR	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	GMCCA, MGR	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	GMCCA, MGR	

2. Cemeteries and Crematoria Act 2003

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

s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	GMCCA, MGR	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	GMCCA, MGR	
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	GMCCA, MGR	
s.86(5)	duty to provide notification before taking action under s.86(4)	GMCCA, MGR	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	GMCCA, MGR	
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	GMCCA, MGR	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	GMCCA, MGR	
s 91(1)	Power to cancel a right of interment in accordance with s 91	GMCCA, MGR	
s 91(3)	Duty to publish notice of intention to cancel right of interment	GMCCA, MGR	
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	GMCCA, MGR	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	GMCCA, MGR	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	GMCCA, MGR	
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	GMCCA, MGR	
s 100(1)	Power to require a person to remove memorials or places of interment	GMCCA, MGR	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	GMCCA, MGR	
s 100(3)	Power to recover costs of taking action under s 100(2)	GMCCA,	

2. Cemeteries and Crematoria Act 2003

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

		MGR	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	GMCCA, MGR	
s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	GMCCA, MGR	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	GMCCA, MGR	
s 103(1)	Power to require a person to remove a building for ceremonies	GMCCA, MGR	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	GMCCA, MGR	
s 103(3)	Power to recover costs of taking action under s 103(2)	GMCCA, MGR	
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	GMCCA, MGR	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	GMCCA, MGR	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	GMCCA, MGR	
s 106(4)	Power to repair or - with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	GMCCA, MGR	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	GMCCA, MGR	
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	GMCCA, MGR	
s 108	Power to recover costs and expenses	GMCCA, MGR	
s 109(1)(a)	Power to open, examine and repair a place of interment	GMCCA, MGR	Where the holder of right of interment or responsible person cannot be found
s	Power to repaid a memorial or, with the Secretary's consent, take down, remove and	GMCCA,	Where the holder of right of interment or responsible person

2. Cemeteries and Crematoria Act 2003

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

109(1)(b)	dispose of a memorial	MGR	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	GMCCA, MGR	Where the holder of right of interment or responsible person cannot be found
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	GMCCA, MGR	
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	GMCCA, MGR	
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	GMCCA, MGR	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	GMCCA, MGR	
s 112	Power to sell and supply memorials	GMCCA, MGR	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	GMCCA, MGR	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	GMCCA, MGR	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	GMCCA, MGR	
s 119	Power to set terms and conditions for interment authorisations	GMCCA, MGR	
s 131	Function of receiving an application for cremation authorisation	GMCCA, MGR	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	GMCCA, MGR	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	GMCCA, MGR	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	GMCCA, MGR	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	GMCCA,	

2. Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
	than interment or cremation	MGR	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	GMCCA, MGR	
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	GMCCA, MGR	
s 151	Function of receiving applications to inter or cremate body parts	GMCCA, MGR	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	GMCCA, MGR	
sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	GMCCA, MGR	
sch 1 cl 8(8)	Power to regulate own proceedings	GMCCA, MGR	Subject to cl 8
sch 1A cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	GMCCA, MGR	Where Council is a Class A cemetery trust
sch 1A cl 8(8)	Power to regulate own proceedings	GMCCA, MGR	Where Council is a Class A cemetery trust Subject to cl 8

3. Domestic Animals Act 1994			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	GMCS, CCHS, SCSO, CSO	Council may delegate this power to a Council authorised officer

4. Environment Protection Act 1970			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 53M(3)	Power to require further information	CCHS, EHO, SEHO	
s 53M(4)	Duty to advise applicant that application is not to be dealt with	CCHS, EHO, SEHO	
s 53M(5)	Duty to approve plans, issue permit or refuse permit	CCHS, EHO, SEHO	Refusal must be ratified by Council or it is of no effect
s 53M(6)	Power to refuse to issue septic tank permit	CCHS, EHO, SEHO	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, EHO, SEHO	Refusal must be ratified by Council or it is of no effect

5. Food Act 1984			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	CCHS, EHO, SEHO	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	CCHS, EHO, SEHO	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CCHS, EHO, SEHO	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CCHS, EHO, SEHO	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	CCHS, EHO, SEHO	If s 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, EHO, SEHO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	CCHS, EHO, SEHO	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, EHO, SEHO	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	CCHS, EHO, SEHO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	CCHS, EHO, SEHO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	CCHS, EHO, SEHO	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, EHO, SEHO	Where Council is the registration authority
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	CCHS, EHO, SEHO	Where Council is the registration authority

5. Food Act 1984			
s 19NA(1)	Power to request food safety audit reports	CCHS, EHO, SEHO	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, EHO, SEHO	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CCHS, EHO, SEHO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CCHS, EHO, SEHO	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, EHO, SEHO	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, EHO, SEHO	Where Council is the registration authority
	Power to register, renew or transfer registration	CCHS, EHO, SEHO	Where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	CCHS, EHO, SEHO	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	CCHS, EHO, SEHO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	CCHS, EHO, SEHO	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	CCHS, EHO, SEHO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	CCHS, EHO, SEHO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	CCHS, EHO, SEHO	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	CCHS, EHO, SEHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	CCHS, EHO, SEHO	Where Council is the registration authority

5. Food Act 1984			
s 38D(3)	Power to request copies of any audit reports	CCHS, EHO, SEHO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	CCHS, EHO, SEHO	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	CCHS, EHO, SEHO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CCHS, EHO, SEHO	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	CCHS, EHO, SEHO	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	CCHS, EHO, SEHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CCHS, EHO, SEHO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CCHS, EHO, SEHO	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, EHO, SEHO	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, EHO, SEHO	Where Council is the registration authority
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CCHS, EHO, SEHO	Where Council is the registration authority

6. Heritage Act 2017			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	ND	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

7. Local Government Act 1989			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO	

8. Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	EMCPED, MSPBS, CSTP	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	EMCPED, MSPBS, CSTP	
s 4H	Duty to make amendment to Victoria Planning Provisions available	EMCPED, MSPBS, CSTP	
s 4I	Duty to keep Victorian Planning Provisions and other documents available	EMCPED, MSPBS, CSTP	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	EMCPED, MSPBS, CSTP	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	EMCPED, MSPBS, CSTP	
s 8A(5)	Function of receiving notice of the Minister's decision	EMCPED, MSPBS, CSTP	
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	EMCPED, MSPBS, CSTP	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	EMCPED, MSPBS, CSTP	
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	EMCPED, MSPBS, CSTP	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s19 of the Planning and Environment (Planning Schemes) Act 1996)	EMCPED, MSPBS, CSTP	
s 12B(1)	Duty to review planning scheme	EMCPED, MSPBS, CSTP	
s 12B(2)	Duty to review planning scheme at direction of Minister	EMCPED, MSPBS, CSTP	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	EMCPED, MSPBS, CSTP	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	EMCPED, MSPBS, CSTP	

8. Planning and Environment Act 1987			
s 17(1)	Duty of giving copy amendment to the planning scheme	EMCPED, MSPBS, CSTP	
s 17(2)	Duty of giving copy s 173 agreement	EMCPED, MSPBS, CSTP	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	EMCPED, MSPBS, CSTP	
s 18	Duty to make amendment etc. available	EMCPED, MSPBS, 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 s 19 to a planning scheme	EMCPED, MSPBS, CSTP	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	EMCPED, MSPBS, CSTP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	EMCPED, MSPBS, CSTP	
s 21(2)	Duty to make submissions available	EMCPED, MSPBS, CSTP	
s 21A(4)	Duty to publish notice	EMCPED, MSPBS, CSTP	
s 22	Duty to consider all submissions	EMCPED, MSPBS, CSTP	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	EMCPED, MSPBS, CSTP	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	EMCPED, MSPBS, CSTP	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	EMCPED, MSPBS, CSTP, SSTPO, STP	
s 26(1)	Power to make report available for inspection	EMCPED, MSPBS, CSTP	
s 26(2)	Duty to keep report of panel available for inspection	EMCPED,	

8. Planning and Environment Act 1987			
		MSPBS, CSTP	
s 27(2)	Power to apply for exemption if panel's report not received	EMCPED, MSPBS, CSTP	
s 28	Duty to notify the Minister if abandoning an amendment	EMCPED, MSPBS, CSTP	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	EMCPED, MSPBS, CSTP	
s 30(4)(b)	Duty to provide information in writing upon request	EMCPED, MSPBS, CSTP	
s 32(2)	Duty to give more notice if required	EMCPED, MSPBS, CSTP	
s 33(1)	Duty to give more notice of changes to an amendment	EMCPED, MSPBS, CSTP	
s 36(2)	Duty to give notice of approval of amendment	EMCPED, MSPBS, CSTP	
s 38(5)	Duty to give notice of revocation of an amendment	EMCPED, MSPBS, CSTP	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	EMCPED, MSPBS, CSTP	
s 40(1)	Function of lodging copy of approved amendment	EMCPED, MSPBS, CSTP	
s 41	Duty to make approved amendment available	EMCPED, MSPBS, CSTP	
s 42	Duty to make copy of planning scheme available	EMCPED, MSPBS, CSTP	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	ND	Where Council is a responsible public entity and is a planning authority Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils
s 46AW	Function of being consulted by the Minister	EMCPED, MSPBS, CSTP	Where Council is a responsible public entity

8. Planning and Environment Act 1987			
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	EMCPED, MSPBS, CSTP	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	EMCPED, MSPBS, CSTP	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	EMCPED, MSPBS, CSTP	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	EMCPED, MSPBS, CSTP	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	EMCPED, MSPBS, CSTP	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	EMCPED, MSPBS, CSTP	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	EMCPED, CSTP	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	EMCPED, CSTP	
s 46GP	Function of receiving a notice under s 46GO	EMCPED, CSTP	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	EMCPED, CSTP	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	EMCPED, CSTP	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	EMCPED, CSTP	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	EMCPED, CSTP	

8. Planning and Environment Act 1987			
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	EMCPED, CSTP	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	EMCPED, CSTP	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	EMCPED, CSTP	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	EMCPED, CSTP	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	EMCPED, CSTP	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	EMCPED, CSTP	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	EMCPED, CSTP	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	EMCPED, CSTP	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	EMCPED, CSTP	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	EMCPED, CSTP	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	EMCPED, CSTP	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	EMCPED, MSPBS, CSTP	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	EMCPED, CSTP	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	EMCPED, CSTP	Where Council is the collecting agency

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s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 1989	EMCPED, CSTP	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	EMCPED, CSTP	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	EMCPED, CSTP	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	EMCPED, MSPBS, CSTP	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	EMCPED, CSTP	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	EMCPED, CSTP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	EMCPED, MSPBS, CSTP	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	EMCPED, CSTP	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is	EMCPED, CSTP	Where Council is the collecting agency under an approved infrastructure contributions plan

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	entitled under s 46GW		
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	EMCPED, MSPBS, CSTP	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	EMCPED, CSTP	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	EMCPED, CSTP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 1989	EMCPED, MSPBS, CSTP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	EMCPED, CSTP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	EMCPED, MSPBS, CSTP	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	EMCPED, CSTP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	EMCPED, CSTP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	EMCPED, MSPBS, CSTP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended	EMCPED, MSPBS, CSTP	Where Council is the development agency under an approved infrastructure contributions plan

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	by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires		This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	EMCPED, CSTP	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	EMCPED, CSTP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	EMCPED, CSTP	Where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	EMCPED, CSTP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	EMCPED, CSTP	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	EMCPED, CSTP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	EMCPED, CSTP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	EMCPED, CSTP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	EMCPED, MSPBS, CSTP	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	EMCPED, CSTP	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	EMCPED, CSTP	

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s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	EMCPED, MSPBS, CSTP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	EMCPED, MSPBS, CSTP	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	EMCPED, MSPBS, CSTP	
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	EMCPED, MSPBS, CSTP	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	EMCPED, MSPBS, CSTP	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	EMCPED, MSPBS, CSTP	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	EMCPED, MSPBS, CSTP	
s 46Q(1)	Duty to keep proper accounts of levies paid	EMCPED, MSPBS, CFO, CSTP	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	EMCPED, MSPBS, CSTP	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	EMCPED, MSPBS, CSTP	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	EMCPED, MSPBS, CSTP	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	EMCPED, MSPBS, CSTP	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	EMCPED, MSPBS, CSTP	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	EMCPED, MSPBS, CSTP	With the consent of, and in the manner approved by, the Minister

8. Planning and Environment Act 1987			
s 46QC	Power to recover any amount of levy payable under Part 3B	EMCPED, MSPBS, CSTP	
s 46QD	Duty to prepare report and give a report to the Minister	ND	Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	EMCPED, MSPBS, CSTP	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	EMCPED, MSPBS, CSTP	
s 47	Power to decide that an application for a planning permit does not comply with that Act	EMCPED, MSPBS, CSTP, CSP, SSP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	EMCPED, MSPBS, CSP, SSP	
s 49(2)	Duty to make register available for inspection	EMCPED, MSPBS, CSP, SSP	
s 50(4)	Duty to amend application	EMCPED, MSPBS, CSP	
s 50(45)	Power to refuse to amend application	EMCPED, MSPBS, CSP	
s 50(6)	Duty to make note of amendment to application in register	EMCPED, MSPBS	
s 50A(1)	Power to make amendment to application	EMCPED, MSPBS, CSP, SSP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	EMCPED, MSPBS, CSP, SSP	
s 50A(4)	Duty to note amendment to application in register	EMCPED, MSPBS, CSP, SSP	
s 51	Duty to make copy of application available for inspection	EMCPED,	

8. Planning and Environment Act 1987			
		MSPBS, CSP, SSP	
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	EMCPED, MSPBS, CSP, SSP, SP	
s 52(1)(b)	Duty to give notice of the application to other municipal Council where appropriate	EMCPED, MSPBS, CSP, SSP, SP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	EMCPED, MSPBS, CSP, SSP, 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	EMCPED, MSPBS, CSP, SSP, SP	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	EMCPED, MSPBS, CSP, SSP, SP	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	EMCPED, MSPBS, CSP, SSP, SP	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	EMCPED, MSPBS, CSP, SSP, SP	
s 52(3)	Power to give any further notice of an application where appropriate	EMCPED, MSPBS, CSP, SSP, SP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	EMCPED, MSPBS, CSP, SSP, SP	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	EMCPED, MSPBS, CSP, SSP, SP	
s 54(1)	Power to require the applicant to provide more information	EMCPED, MSPBS, CSP, SSP, SP	

8. Planning and Environment Act 1987			
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	EMCPED, MSPBS, CSP, SSP, SP	
s 54(1B)	Duty to specify the lapse date for an application	EMCPED, MSPBS, CSP, SSP, SP	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	EMCPED, MSPBS, CSP, SSP, SP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	EMCPED, MSPBS, CSP, SSP, SP	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	EMCPED, MSPBS, CSP, SSP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	EMCPED, MSPBS	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	EMCPED, MSPBS, CSP, SSP, SP	
s 57(5)	Duty to make available for inspection copy of all objections	EMCPED, MSPBS, CSP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	EMCPED, MSPBS, CSP, SSP	
s 57A(5)	Power to refuse to amend application	EMCPED, MSPBS, CSP	
s 57A(6)	Duty to note amendments to application in register	EMCPED, MSPBS, CSP, SSP	
s 57B(1)	Duty to determine whether and to whom notice should be given	EMCPED, MSPBS, CSP, SSP, SP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	EMCPED,	

8. Planning and Environment Act 1987			
		MSPBS, CSP, SSP, SP	
s 57C(1)	Duty to give copy of amended application to referral authority	EMCPED, MSPBS, CSP, SSP, SP	
s 58	Duty to consider every application for a permit	EMCPED, MSPBS, CSP, SSP, SP	
s 58A	Power to request advice from the Planning Application Committee	EMCPED, MSPBS, CSP, SSP	
s 60	Duty to consider certain matters	EMCPED, MSPBS, CSP, SSP, SP	
s 60(1A)	Duty to consider certain matters	EMCPED, MSPBS, CSP, SSP	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	EMCPED, MSPBS, CSP, SSP, SP	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	EMCPED, MSPBS, CSP, SSP, SP	<p>Council to resolve if:</p> <ul style="list-style-type: none"> • Any unresolved objections are received; 9. • The application includes a waiver of the car parking requirement within the Bacchus Marsh central activity area; • The application includes a reduction of car parking as stipulate in Table 1 of Clause 52.06-5 of the Moorabool Planning Scheme for any planning application; • The application is for a Wind Energy Facility; • Any other application at the discretion of Councillors; and 10.

8. Planning and Environment Act 1987			
			11. the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act</i> 2006. 12. 13. 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. 14. All other refusals under this section are not delegated.
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	EMCPED, MSPBS, CSP	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	EMCPED, MSPBS	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	EMCPED, MSPBS, CSP	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	EMCPED, MSPBS, CSP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	EMCPED, MSPBS, CSP	
s 62(2)	Power to include other conditions	EMCPED, MSPBS, CSP, SSP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	EMCPED, MSPBS, CSP, SSP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	EMCPED, MSPBS, 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 s 173 agreement	EMCPED, MSPBS, CSP, SSP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	EMCPED, MSPBS, CSP,	

8. Planning and Environment Act 1987			
		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 ss 46N(1), 46GV(7) or 62(5)	EMCPED, MSPBS, 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 s 62(1)(a)	EMCPED, MSPBS, CSP, SSP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	EMCPED, MSPBS, CSP, SSP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	EMCPED, MSPBS, CSP, SSP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	EMCPED, MSPBS, CSP, SSP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	EMCPED, MSPBS, CSP, SSP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	EMCPED, MSPBS, CSP, SSP	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	EMCPED, MSPBS, CSP, SSP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	EMCPED, MSPBS, CSP, SSP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	EMCPED, MSPBS, CSP, SSP	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	EMCPED,	If the recommending referral authority objected to the grant of

8. Planning and Environment Act 1987			
		MSPBS, CSP, SSP	the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(46)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	EMCPED, MSPBS, 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
s 69(1)	Function of receiving application for extension of time of permit	EMCPED, MSPBS, CSP, SSP	
s 69(1A)	Function of receiving application for extension of time to complete development	EMCPED, MSPBS, CSP, SSP	
s 69(2)	Power to extend time	EMCPED, MSPBS, CSP, SSP	
s 70	Duty to make copy permit available for inspection	EMCPED, MSPBS, CSP	
s 71(1)	Power to correct certain mistakes	EMCPED, MSPBS, CSP, SSP	
s 71(2)	Duty to note corrections in register	EMCPED, MSPBS, CSP	
s 73	Power to decide to grant amendment subject to conditions	EMCPED, MSPBS, CSP, SSP	
s 74	Duty to issue amended permit to applicant if no objectors	EMCPED, MSPBS, CSP, SSP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	EMCPED, MSPBS, CSP, SSP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	EMCPED, MSPBS, CSP, SSP	

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s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	EMCPED, MSPBS, 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
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	EMCPED, MSPBS, 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
s 76A(46)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	EMCPED, MSPBS, 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
s 76D	Duty to comply with direction of Minister to issue amended permit	EMCPED, MSPBS, CSP, SSP	
s 83	Function of being respondent to an appeal	EMCPED, MSPBS, CSTP, CSP, SSP	
s 83B	Duty to give or publish notice of application for review	EMCPED, MSPBS, 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	EMCPED, MSPBS, CSP, SSP, SP	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	EMCPED, MSPBS, 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	EMCPED, MSPBS, CSP, SSP	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	EMCPED, MSPBS, CSP, SSP	
s 84AB	Power to agree to confining a review by the Tribunal	EMCPED, MSPBS	

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s 86	Duty to issue a permit at order of Tribunal within 3 working days	EMCPED, MSPBS, CSP, SSP	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	EMCPED, MSPBS, CSP, SSP	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	EMCPED, MSPBS, CSP, SSP	
s 91(2)	Duty to comply with the directions of VCAT	EMCPED, MSPBS, CSTP CSP, SSP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	EMCPED, MSPBS, CSP, SSP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	EMCPED, MSPBS, CSP, SSP	
s 93(2)	Duty to give notice of VCAT order to stop development	EMCPED, MSPBS, CSP	
s 95(3)	Function of referring certain applications to the Minister	EMCPED, MSPBS, CSP, SSP	
s 95(4)	Duty to comply with an order or direction	EMCPED, MSPBS, CSP, SSP	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	EMCPED, MSPBS, 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	EMCPED, MSPBS, CSP, SSP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	EMCPED, MSPBS, CSTP, CSP,	

8. Planning and Environment Act 1987			
		SSP	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	EMCPED, MSPBS, CSTP, CSP, SSP	
s 96F	Duty to consider the panel's report under s 96E	EMCPED, MSPBS, CSTP, CSP, SSP	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	EMCPED, MSPBS, CSTP	
s 96H(3)	Power to give notice in compliance with Minister's direction	EMCPED, MSPBS, CSTP	
s 96J	Power to issue permit as directed by the Minister	EMCPED, MSPBS, CSTP, CSP, SSP	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	EMCPED, MSPBS	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	EMCPED, MSPBS, CSP, SSP	
s 97C	Power to request Minister to decide the application	EMCPED, MSPBS	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	EMCPED, MSPBS, 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	EMCPED, MSPBS, CSP, SSP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	EMCPED, MSPBS, CSP,	

8. Planning and Environment Act 1987			
		SSP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	EMCPED, MSPBS, CSP, SSP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	EMCPED, MSPBS, CSP, SSP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	EMCPED, MSPBS	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	EMCPED, MSPBS, CSP	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	EMCPED, MSPBS, CSP, SSP	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	EMCPED, MSPBS, MENV, CSP, CSTP, SSP	
s 97Q(4)	Duty to comply with directions of VCAT	EMCPED, MSPBS, CSP, SSP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	EMCPED, MSPBS, CSP, SSP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	EMCPED, MSPBS	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	EMCPED, MSPBS	
s 101	Function of receiving claim for expenses in conjunction with claim	EMCPED, MSPBS	
s 103	Power to reject a claim for compensation in certain circumstances	EMCPED, MSPBS	
s.107(1)	function of receiving claim for compensation	EMCPED, MSPBS	

8. Planning and Environment Act 1987			
s 107(3)	Power to agree to extend time for making claim	EMCPED, MSPBS	
s 114(1)	Power to apply to the VCAT for an enforcement order	EMCPED, MSPBS, MENV, CSP, CSTP	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	EMCPED, MSPBS, MENV, CSP, CSTP, SSP, SP	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	EMCPED, MSPBS,MENV, CSP, CSTP	
s 123(1)	Power to carry out work required by enforcement order and recover costs	EMCPED, MSPBS, CSP	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	EMCPED, MSPBS	Except Crown Land
s 129	Function of recovering penalties	EMCPED, MSPBS,CFO, CSP	
s 130(5)	Power to allow person served with an infringement notice further time	EMCPED, MSPBS, CSP	
s 149A(1)	Power to refer a matter to the VCAT for determination	EMCPED, MSPBS, CSP	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	EMCPED, MSPBS, CSP, CSTP	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	EMCPED, MSPBS, CSTP	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	EMCPED, MSPBS, CSTP	

8. Planning and Environment Act 1987			
s 171(2)(g)	Power to grant and reserve easements	EMCPED, MSPBS	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	EMCPED, CSTP	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	EMCPED, CSTP	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	EMCPED, CSTP	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	CEO	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	EMCPED, MSPBS, CSTP	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	EMCPED, MSPBS, CSTP	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	EMCPED, MSPBS, CSTP, CSP	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	EMCPED, MSPBS, CSTP	
s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	ND	
s 178A(1)	Function of receiving application to amend or end an agreement	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	EMCPED, MSPBS, CSTP, CSP, SSP, SP	

8. Planning and Environment Act 1987			
s 178A(5)	Power to propose to amend or end an agreement	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
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	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 178C(4)	Function of determining how to give notice under s 178C(2)	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
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
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
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
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 178B

8. Planning and Environment Act 1987			
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 178B
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.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
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	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO	
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	EMCPED, MSPBS, CSTP, 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	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 179(2)	Duty to make available for inspection copy agreement	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	EMCPED, MSPBS, CSTP, CSP, SSP, SP	

8. Planning and Environment Act 1987			
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 182	Power to enforce an agreement	EMCPED, MSPBS, CSTP, CSP, SSP	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
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	
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	EMCPED, MSPBS, CSTP, CSP, SSP	
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	EMCPED, MSPBS, CSTP, CSP, SSP	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	EMCPED, MSPBS, CSTP, CSP, SSP	
s 184G(2)	Duty to comply with a direction of the Tribunal	EMCPED, MSPBS, CSTP, CSP, SSP	
s 184G(3)	Duty to give notice as directed by the Tribunal	EMCPED,	

8. Planning and Environment Act 1987			
		MSPBS, CSTP, CSP, SSP	
s 198(1)	Function to receive application for planning certificate	ND	
s 199(1)	Duty to give planning certificate to applicant	ND	
s 201(1)	Function of receiving application for declaration of underlying zoning	EMCPED, MSPBS, CSTP, CSP, SSP	
s 201(3)	Duty to make declaration	EMCPED, MSPBS, CSTP, CSP, 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	EMCPED, MSPBS, CSTP	
	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	EMCPED, MSPBS, CSTP, CSP	
	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	EMCPED, MSPBS, CSTP, CSP	
	Power to give written authorisation in accordance with a provision of a planning scheme	EMCPED, MSPBS, CSTP, CSP	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	EMCPED, MSPBS, CSTP, CSP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	EMCPED, MSPBS, CSTP, CSP	

15. Rail Safety (Local Operations) Act 2006			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 33	Duty to comply with a direction of the Safety Director under s 33	GMCAI, MES	Where Council is a utility under s 3
s 33A	Duty to comply with a direction of the Safety Director to give effect to arrangements under s 33A	GMCAI, MES	Duty of Council as a road authority under the Road Management Act 2004
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 s 33(1)	GMCAI, MES	Where Council is a utility under s 3
s 34C(2)	Function of entering into safety interface agreements with rail infrastructure manager	GMCAI	Where Council is the relevant road authority
s 34D(1)	Function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	GMCAI, MES	Where Council is the relevant road authority
s 34D(2)	Function of receiving written notice of opinion	GMCAI, MES	Where Council is the relevant road authority
s 34D(4)	Function of entering into safety interface agreement with infrastructure manager	GMCAI	Where Council is the relevant road authority
s 34E(1)(a)	Duty to identify and assess risks to safety	GMCAI, MES	Where Council is the relevant road authority
s 34E(1)(b)	Duty to determine measures to manage any risks identified and assessed having regard to items set out in s 34E(2)(a)-(c)	GMCAI, MES	Where Council is the relevant road authority
s 34E(3)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	GMCAI, MES	Where Council is the relevant road authority
s 34F(1)(a)	Duty to identify and assess risks to safety, if written notice has been received under s 34D(2)(a)	GMCAI, MES	Where Council is the relevant road authority
s 34F(1)(b)	Duty to determine measures to manage any risks identified and assessed, if written notice has been received under s 34D(2)(a)	GMCAI, MES	Where Council is the relevant road authority
s 34F(2)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	GMCAI, MES	Where Council is the relevant road authority
s 34H	Power to identify and assess risks to safety as required under s 34B, 34C, 34D, 34E or 34F in accordance with s 34H(a)-(c)	GMCAI, MES	Where Council is the relevant road authority
s 34I	Function of entering into safety interface agreements	GMCAI	Where Council is the relevant road authority
s 34J(2)	Function of receiving notice from Safety Director	GMCAI, MES	Where Council is the relevant road authority
s 34J(7)	Duty to comply with a direction of the Safety Director given under s 34J(5)	GMCAI, MES	Where Council is the relevant road authority
s 34K(2)	Duty to maintain a register of items set out in s 34K(a)-(b)	GMCAI, MES	Where Council is the relevant road authority

16. Residential Tenancies Act 1997			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 142D	Function of receiving notice regarding an unregistered rooming house	CCHS, EHO, SEHO	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	CCHS, EHO, SEHO	
s 142G(2)	Power to enter certain information in the Rooming House Register	CCHS, EHO, SEHO	
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, EHO, SEHO	
s 252	Power to give tenant a notice to vacate rented premises if s 252(1) applies	ND	Where Council is the landlord
s 262(1)	Power to give tenant a notice to vacate rented premises	ND	Where Council is the landlord
s 262(3)	Power to publish its criteria for eligibility for the provision of housing by Council	ND	
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, EHO, SEHO	
s 522(1)	Power to give a compliance notice to a person	ND	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	ND	
s 525(4)	Duty to issue identity card to authorised officers	ND	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	CCHS, EHO, SEHO	
s 526A(3)	Function of receiving report of inspection	CCHS, EHO, SEHO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CCHS, EHO, SEHO	

17. Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	GMCAI	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	ND	
s 11(9)(b)	Duty to advise Registrar	GMCAI	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	GMCAI	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	GMCAI	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	ND	Where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	GMCAI	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	GMCAI	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	ND	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	GMCAI	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	GMCAI	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	GMCAI	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from VicRoads	CEO, GMCAI	

17. Road Management Act 2004			
s 14(7)	Power to appeal against decision of VicRoads	CEO, GMCAI	
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, GMCAI	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	GMCAI	
s 15(2)	Duty to include details of arrangement in public roads register	GMCAI, MAM	
s 16(7)	Power to enter into an arrangement under s 15	GMCAI, MES, MO	
s 16(8)	Duty to enter details of determination in public roads register	GMCAI, MAM	
s 17(2)	Duty to register public road in public roads register	GMCAI, MAM	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	GMCAI	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	GMCAI, MAM	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	ND	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	GMCAI, MAM	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	GMCAI	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	GMCAI, MAM	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	GMCAI, MAM	
s 19(4)	Duty to specify details of discontinuance in public roads register	GMCAI, MAM	
s 19(5)	Duty to ensure public roads register is available for public inspection	GMCAI, MAM	
s 21	Function of replying to request for information or advice	GMCAI, MAM	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CEO, GMCAI	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	GMCAI	
s 22(5)	Duty to give effect to a direction under s 22	GMCAI, MAM, MES, MO	
s 40(1)	Duty to inspect, maintain and repair a public road.	GMCAI,	

17. Road Management Act 2004			
		MAM, MO	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	GMCAI, MO	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	GMCAI, MES, MO	
s 42(1)	Power to declare a public road as a controlled access road	GMCAI, MAM, MO	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	GMCAI, MAM, MO	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with VicRoads before road is specified	GMCAI, MAM, MES, MO	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	GMCAI	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)	GMCAI, MAM, MES, MO	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	GMCAI, MAM, MES, MO	
s 49	Power to develop and publish a road management plan	GMCAI, MO	
s 51	Power to determine standards by incorporating the standards in a road management plan	GMCAI, MO	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMCAI, MO	
s 54(2)	Duty to give notice of proposal to make a road management plan	GMCAI, MO	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	GMCAI, MO	
s 54(6)	Power to amend road management plan	GMCAI, MO	
s 54(7)	Duty to incorporate the amendments into the road management plan	GMCAI, MO	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	GMCAI, MO	
s 63(1)	Power to consent to conduct of works on road	GMCAI, MES, MO	Where Council is the coordinating road authority

17. Road Management Act 2004			
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	GMCAI, MES, MO	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	GMCAI, MES, MO	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	CAM, GMCAI, MAM, MES, MO	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	GMCAI, CCHS	Where Council is the coordinating road authority
s 67(3)	Power to request information	CCHS, GMCAI, SCSSO	Where Council is the coordinating road authority
s 68(2)	Power to request information	CCHS, GMCAI, SCSSO	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	GMCAI	
s 72	Duty to issue an identity card to each authorised officer	GMCAI	
s 85	Function of receiving report from authorised officer	GMCAI	
s 86	Duty to keep register re s 85 matters	GMCAI	
s 87(1)	Function of receiving complaints	GMCAI	
s 87(2)	Duty to investigate complaint and provide report	GMCAI, MAM, MES, MO	
s 112(2)	Power to recover damages in court	GMCAI	
s 116	Power to cause or carry out inspection	GMCAI, MES, MO	
s 119(2)	Function of consulting with VicRoads	GMCAI, MES, MO	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of VicRoads)	GMCAI, MES, MO	

17. Road Management Act 2004			
s 120(2)	Duty to seek consent of VicRoads to exercise road management functions before exercising power in s 120(1)	GMCAI, MES, MO	
s 121(1)	Power to enter into an agreement in respect of works	GMCAI, MES, MO	
s 122(1)	Power to charge and recover fees	GMCAI	
s 123(1)	Power to charge for any service	GMCAI	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	ND	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	ND	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	ND	
sch 2 cl 4	Function of receiving details of proposal from VicRoads	GMCAI	
sch 2 cl 5	Duty to publish notice of declaration	GMCAI	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	GMCAI, MAM, MES, MO	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	GMCAI, MAM, MES, MO	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	GMCAI, MAM, MES, MO	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	GMCAI, MAM, MES, MO	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	GMCAI, MAM, MES, MO	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	GMCAI, MAM, MES, MO	Where Council is the coordinating road authority

17. Road Management Act 2004			
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	CAM, GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	CAM, GMCAI, MAM, MES, MO	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	CAM, GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	GMCAI, MAM, MES, MO	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	CAM, GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	GMCAI, MAM, MES, MO	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch 7 cl	Power to include consents and conditions	GMCAI,	Where Council is the coordinating road authority

17. Road Management Act 2004			
16(8)		MAM, MES, MO	
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	GMCAI, MAM, MES	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	GMCAI, MAM, MES	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	GMCAI, MAM, MES	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	GMCAI, MAM, MES	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

18. Cemeteries and Crematoria Regulations 2015

These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, 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)

Provision	Item Delegated	Delegate	Conditions and Limitations
r 24	Duty to ensure that cemetery complies with depth of burial requirements	ND	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	ND	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	ND	
r 28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	ND	
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	ND	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	ND	
r 30(2)	Power to release cremated human remains to certain persons	ND	Subject to any order of a court
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	ND	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	ND	
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	ND	
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	ND	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	ND	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	ND	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	ND	
r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	ND	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	ND	
r 40	Power to approve a person to play sport within a public cemetery	ND	
r 41(1)	Power to approve fishing and bathing within a public cemetery	ND	
r 42(1)	Power to approve hunting within a public cemetery	ND	
r 43	Power to approve camping within a public cemetery	ND	

18. Cemeteries and Crematoria Regulations 2015			
These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, 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)			
r 45(1)	Power to approve the removal of plants within a public cemetery	ND	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	ND	
r 47(3)	Power to approve the use of fire in a public cemetery	ND	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	GMCCA	
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	GMCCA	
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	GMCCA	See note above regarding model rules
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	GMCCA	See note above regarding model rules
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	GMCCA	See note above regarding model rules
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	ND	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	ND	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	ND	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	ND	See note above regarding model rules
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	ND	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	ND	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	ND	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	ND	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	ND	See note above regarding model rules
sch 2 cl	Power to approve digging or planting within a cemetery	GMCCA	See note above regarding model rules

18. Cemeteries and Crematoria Regulations 2015			
These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, 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)			
18(1)			
19. Planning and Environment Regulations 2015			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	EMCPED	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	EMCPED, CSTP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	EMCPED	where Council is the responsible authority
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	EMCPED	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	EMCPED, CSTP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

20. Planning and Environment (Fees) Regulations 2016			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	EMCPED, CSTP	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	EMCPED, CSTP	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	EMCPED, CSTP	

21. Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	CCHS, EHO, SEHO	
r 11	Function of receiving application for registration	CCHS, EHO, SEHO	
r 13(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CCHS, EHO, SEHO	
r 13(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	CCHS, EHO, SEHO	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CCHS	
r 13(4) & (5)	Duty to issue certificate of registration	CCHS, EHO, SEHO	
r 15(1)	Function of receiving notice of transfer of ownership	CCHS, EHO, SEHO	
r 15(3)	Power to determine where notice of transfer is displayed	CCHS, EHO, SEHO	
r 16(1)	Duty to transfer registration to new caravan park owner	CCHS, EHO, SEHO	
r 16(2)	Duty to issue a certificate of transfer of registration	CCHS, EHO, SEHO	
r 17(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CCHS, EHO, SEHO	
r 18	Duty to keep register of caravan parks	CCHS, EHO, SEHO	
r 19(4)	Power to determine where the emergency contact person's details are displayed	CCHS, EHO, SEHO	
r 19(6)	Power to determine where certain information is displayed	CCHS, EHO, SEHO	
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, EHO, SEHO	
r 22A(2)	Duty to consult with relevant emergency services agencies	CCHS, EHO, SEHO	

21. Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	CCHS, EHO, SEHO	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	CCHS, EHO, SEHO	
r 25(3)	Duty to consult with relevant floodplain management authority	CCHS, EHO, SEHO	
r 26	Duty to have regard to any report of the relevant fire authority	CCHS, EHO, SEHO	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CCHS, EHO, SEHO	
r 39	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CCHS, EHO, SEHO	
r 39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CCHS, EHO, SEHO	
r 40(4)	Function of receiving installation certificate	CCHS, EHO, SEHO	
r 42	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CCHS, EHO, SEHO	
sch 3 cl4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	CCHS, EHO, SEHO	

22. Road Management (General) Regulations 2016			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	GMCAI, MAM, MO	
r 9(2)	Duty to produce written report of review of road management plan and make report available	GMCAI, MAM, MO	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	GMCAI, MAM, MO	Where Council is the coordinating road authority
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	GMCAI, MAM, MO	
r 13(1)	Duty to publish notice of amendments to road management plan	GMCAI, MAM, MO	where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	GMCAI, MAM, MO	
r 16(3)	Power to issue permit	GMCAI, MAM, MES	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	GMCAI, MAM, MO	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	GMCAI, MAM, MO	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	GMCAI, MAM, MO	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	GMCAI, MO, SCSO	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	GMCAI, MO, SCSO	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	GMCAI, MO, SCSO	

23. Road Management (Works and Infrastructure) Regulations 2015			
Note: these regulations commenced on 20 June 2015, replacing the Roads Management (works & infrastructure) Regulations 2005, which expired on 21 June 2015.			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	GMCAI, MAM	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	ND	Where Council is the coordinating road authority


12 COMMUNITY DEVELOPMENT REPORTS

12.1 PROPOSED LAND EXCHANGE - BELLEVUE TOPS ESTATE, BACCHUS MARSH

Author: Michelle Morrow, Co-ordinator Governance

Authoriser: Sally Jones, General Manager

Attachments:

1. **Attachment 1 Overall Plan Bellevue Tops Estate** [↓](#) 
2. **Attachment 2 Enlarged Plan Bellevue Tops Estate** [↓](#) 

PURPOSE

This report seeks Council's authority to commence the statutory procedures pursuant to sections 189 and 223 of the *Local Government Act 1989* (the Act), to enter into a proposed land exchange with Bellevue Tops Pty Ltd., (the Developer) the developer of the Bellevue Tops Estate (the Estate) in Bacchus Marsh.

EXECUTIVE SUMMARY

- Council intends to transfer to Bellevue Tops Pty Ltd part of a Council reserve within the Estate, which resulted from an agreement under section 173 of the *Planning and Environment Act 1987*.
- Council requires to commence the statutory procedures pursuant to sections 189 and 223 of the *Local Government Act 1989* (the Act).

RECOMMENDATION

That Council:

1. Commence the statutory procedures under section 189 of the *Local Government Act 1989* to enter into a proposed land exchange with Bellevue Tops Pty Ltd, the developer of the Bellevue Tops Estate in Bacchus Marsh providing for:
 - a) Council transferring to the Developer part of its land within the Estate, shown hatched on the Overall Plan attached to this report, and more particularly known as Lot 1 on Plan of Subdivision PS818729K.
 - b) the Developer having previously transferred/vested in Council the land known as Road R2 and Reserve No.1 in Plan of Subdivision PS 731412Y (Stage 2) shown stippled and cross-hatched, respectively, on the Overall Plan attached to this report, and agreeing to create a walkway providing pedestrian access between Holman Crescent and Gothic Drive and to extend Holman Crescent, shown coloured yellow on the Overall Plan and in more detail on the Enlarged Plan attached to this report.
2. Give public notice of its intention to enter into the proposed land exchange in accordance with sections 189, 223 and 82A of the Act inviting public submissions.
3. Consider all submissions received in relation to a proposed land exchange with Bellevue Tops Pty Ltd. at the Ordinary Meeting of Council to be held 6 November 2019 commencing at 6.00pm.

BACKGROUND

The Developer of the Estate in Bacchus Marsh has approached Council regarding a proposed land exchange as part of the on-going development of the Estate.

The proposed land exchange arose from an agreement under section 173 of the *Planning and Environment Act 1987* which had been entered into between the parties at the time to give effect to the construction of Halletts Way and other ancillary issues associated with the development of the Estate, in accordance with previous decisions made by Council.

PROPOSAL

Under the terms of the proposed exchange:

- Council intends to transfer to the Developer part of a Council reserve within the Estate, shown hatched on the Overall Plan attached to this report, and more particularly known as Lot 1 on Plan of Subdivision PS818729K.

In exchange the Developer has:

- Previously transferred/vested in Council the land known as Road R2 and Reserve No.1 in Plan of Subdivision PS731412Y (Stage 2), as shown stippled and cross-hatched respectively, on the Overall Plan attached to this report.
- Agreed to create a walkway providing pedestrian access between Holman Crescent and Gothic Drive and to extend Holman Crescent, as shown coloured yellow on the Overall Plan and in more detail on the Enlarged Plan attached to this report.

The section of reserve which Council intends to transfer to the Developer (shown hatched on the Overall Plan) is no longer considered to be required for use as a Reserve and can more appropriately, and practically, be utilised as part of a future subdivision within the Estate by the Developer.

The acquisition of this land by the Developer will, in time, facilitate the proposed extension of Holman Crescent and the creation of a walkway from Gothic Drive through to Holman Crescent.

The land from the Road and Reserve, shown stippled and cross hatched respectively on the Overall Plan, has previously been vested in Council by the Developer, and provided for the extension of Halletts Way through a large tract of land in the middle of the Estate (this work has been completed).

The proposed walkway and extension to Holman Crescent will be transferred/vested in Council by the Developer upon the registration of PS827216Q as part of a future stage of the subdivision of the Estate.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1A: Our Assets and Infrastructure

The proposal to enter into a proposed land exchange is consistent with the Council Plan 2017 – 2021.

FINANCIAL IMPLICATIONS

The proposed land exchange is being undertaken on the understanding that it will involve no financial compensation by either the Developer or Council for the parcels of land forming the exchange.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no risk and occupational health and safety issues identified in relation to this report. with the proposed land exchange.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Public submissions	General public	Public notice in newspapers and Council website	Moorabool district	August/Sept	General public supported to submit submissions

Under section 189 of the Act, a person has the right to make a submission under section 223 of the Act in relation to Council's intention to exchange land with the Bellevue Tops Estate, Bacchus Marsh.

Section 223 of the Act requires Council to publish a public notice inviting public submissions for a period of no less than 28 days after the date of the publication of the public notice. A person making a submission is entitled to request in the submission that the person wishes to appear in person, at a meeting, to be heard in support of the submission. Council must then consider any submissions received in accordance with the Act.

Public notice will be provided in the regional and local newspaper and on Council's corporate website (section 82A) to provide an opportunity for the community and neighbouring landholders to support, object or make comment. Victorian Charter of Human Rights & Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues.

It is considered the recommendation contained in this report does not in any way limit, restrict or interfere with any human right established by the Victorian Charter of Human Rights.

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 – Sally Jones

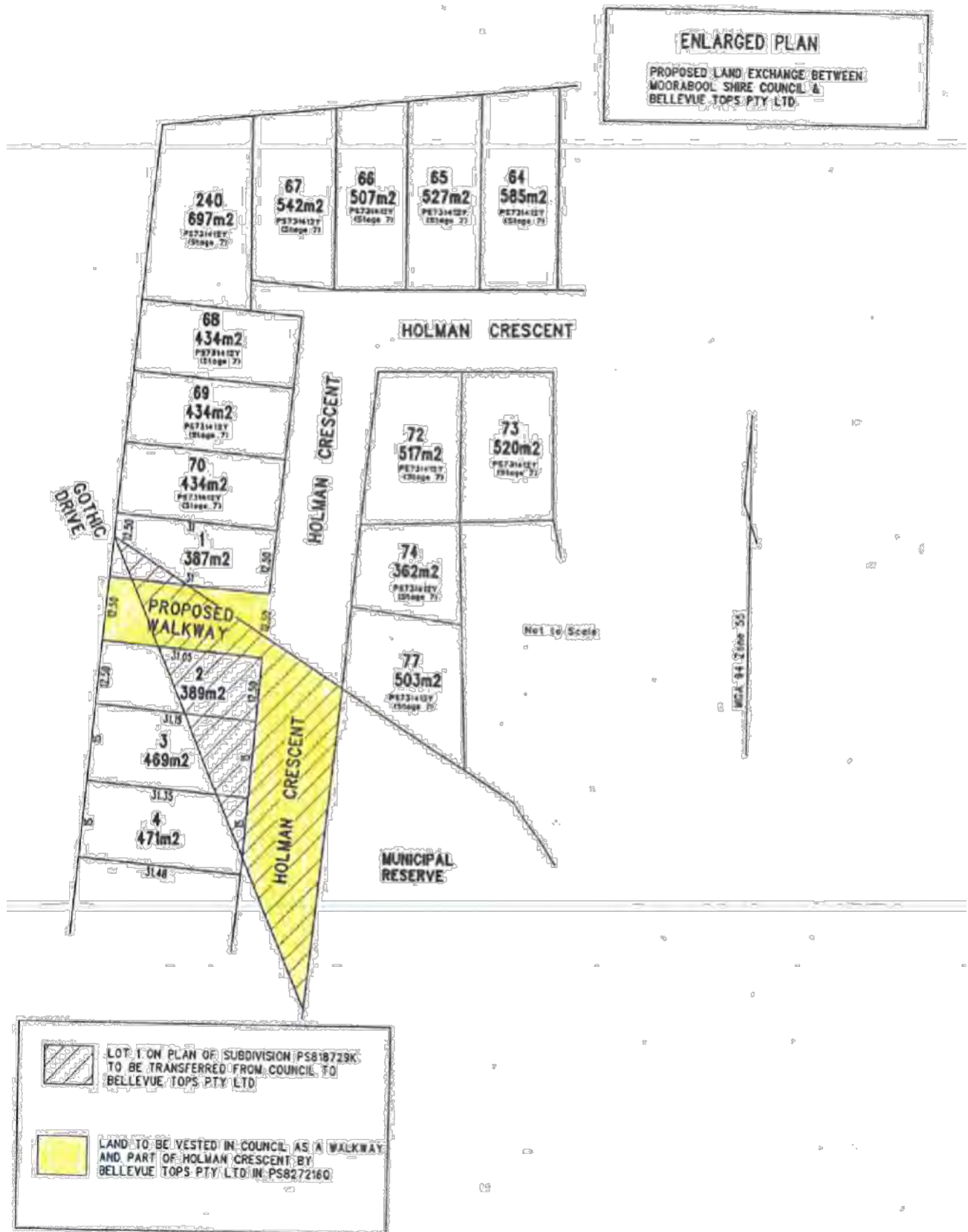
In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Michelle Morrow

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

CONCLUSION

Section 189 of the Act stipulates that before exchanging the land, the Council must ensure that public notice of its intention to do so is given at least 4 weeks prior to exchanging the land. Furthermore, in accordance with section 189(3), a person has a right to make a submission under section 223 of the Act on the proposed exchange.













12.2 PROPOSED DISCONTINUANCE OF A PORTION OF GOVERNMENT ROAD - HOWARDS ROAD, NAVIGATORS

Author: Michelle Morrow, Co-ordinator Governance

Authoriser: Sally Jones, General Manager

Attachments:

1. Attachment A - Plan OP124701  
2. Attachment B - Boral Land Holdings  
3. Attachment C - Boral Work Authority Approval  
4. Attachment D - Plan showing road to be discontinued  
5. Attachment E - Alternative Access  

PURPOSE

This report seeks Council's consideration to discontinue a portion of road reserve identified as an unsealed government road situated to the south of property, 144 Dunnstown-Yendon Road, Dunnstown and north of property 89 Ditchfield Road North, Navigators and Howards Road, Navigators, respectively.

EXECUTIVE SUMMARY

- Acting under sections 207A and 223 of the LGA, public notice of the proposed discontinuance of the portion of government road (Howards Road, Navigators) was conducted.
- Three submissions received by Council raised issues with regard to fire escape routes to and from properties near the site; emergency vehicle access to properties near the site; Howards Road is used as an access road to share farming properties to the west; closure of Ditchfield Road North and alternative roads to be constructed.
- Agreement has been reached between Boral Quarries Dunnstown (Boral), the submitter who provided a verbal submission to Council and the CFA addressing principle concerns regarding safety and access.
- Boral Quarries Dunnstown (Boral) have made provision for two alternative private access roads on Boral owned land. One access road will be subject to a land access agreement with local farmers. The other will be a fire access escape route in the event of a fire emergency for local residents and the general public.
- Boral Quarries Dunnstown (Boral) has received DELWP Crown Survey Approval to proceed with the purchase of Howards Road. Boral has subsequently acquired this property along with the following neighbouring properties 200 Navigators Dunnstown Road, Yendon and 62 Hewittsons Road, Navigators.
- There are two main alternate routes which could be utilised subsequent to the closure of Howards Road. All other routes are generally considered to be unaltered by the proposal to discontinue this portion of Howards Road.

RECOMMENDATION

1. That Council discontinue a portion of road reserve identified as an unsealed government road situated to the south of property number 204350, 144 Dunnstown-Yendon Road, Dunnstown and north of property number 212250 and 212260, 89 Ditchfield Road North, Navigators and Howards Road, Navigators, respectively.
2. Prior to closing off Howards Road, Navigators, the applicant must submit a fire emergency response plan to the Responsible Authority for approval. The plan must be to the satisfaction of the Country Fire Authority (CFA) and include the following:
 - A plan detailing the location of the proposed fire escape route.
 - A community engagement strategy detailing how local residents will obtain access to the fire escape route in the event of a fire emergency; and
 - Management practices detailing how local residents and the general public will obtain access to the fire escape route in the event of a fire emergency.

Access to the fire escape route cannot be altered or modified unless agreed to by the Responsible Authority.

BACKGROUND

Boral Quarries Dunnstown (Boral), acting on behalf of Boral Land and Property Group, are seeking Councils consent for the discontinuation of a portion of government road identified as Howards Road, Navigators.

On Wednesday 1 May 2019, Council resolved for officers to give public notice of its intention to discontinue a portion of road reserve identified as Howards Road, Navigators and to seek public submissions under section 207A of the LGA.

In accordance with Council's resolution from its Ordinary Meeting of Council on Wednesday 1 May 2019, officers undertook the administrative procedures necessary to enable Council to carry out its functions under section 223 of the LGA in relation to this matter.

Acting under sections 207A and 223 of the LGA, public notice of the proposed discontinuance of the portion of government road (Howards Road, Navigators) was conducted. The public submission period closed at 5.00pm on Monday 17 June 2019 with Council receiving 3 submissions. One of the three submitters requested to be heard in support of their submission at the Ordinary Meeting of Council held on Wednesday 7 August 2019.

At this meeting, Council resolved:

That Council:

1. *Receive the submissions as presented in this report as a result of undertaking the statutory public submission process in accordance with sections 207A and 223 of the Local Government Act 1989 pertaining to Council's intention to discontinue a portion of government road identified Howards Road, Navigators.*

2. *Receive a further report at its Ordinary Meeting of Council to be held 4 September 2019 to consider the discontinuation of a portion of government road identified as Howards Road, Navigators.*

PROPOSAL

The submissions received by Council at the Ordinary Meeting of Wednesday 7 August 2019 in response to the proposed discontinuance covered similar issues with a summary provided below:

- Fire escape routes to and from properties near the site
- Emergency vehicle access to properties near the site
- Howards Road is used as an access road to share farming properties to the west
- If Council are intending to also close Ditchfield Road North - suggestion of an alternative road to be constructed.

In relation to the concern regarding the closure of Ditchfield Road North, officers can confirm there is no intention to close this road.

There are two main alternate routes which could be utilised subsequent to the closure of Howards Road. These are:

- Dunnstown-Yendon Road for vehicle access to/from the north
- Navigators Road for vehicle access to/from the west.

All other routes are generally considered to be unaltered by the proposal to discontinue this portion of Howards Road.

Since the Ordinary Meeting of Council held on Wednesday 7 August 2019, discussions between Boral Quarries Dunnstown (Boral) and the submitter who addressed Council in support of their submission have been undertaken. As a result of these discussions, Boral have reviewed alternative access options and identified the following options that have been agreed upon by the submitter to address their principle concerns regarding safety and access.

The proposal comprises two components, which are detailed on the map provided as **Attachment E**. They are:

- a north-south access road from the western end of Ditchfield Road N to Navigator-Dunnstown Road in the north, and
- a 50 m fire access track from the northern end of Ditchfield Road N connecting to the internal quarry haul road to be used in the event of a fire.

It is proposed that Howards Road would remain open until such time as Boral have constructed both alternative access roads. The access roads will have a pavement width of 5.0 metres, a 300 mm caprock sub-base and a 100mm NDCR road topping. This is considered equal or better than the existing standard of Howards Road, Navigators.

The author of this report also arranged an on-site meeting between the Country Fire Authority (CFA) and Boral Quarries Dunnstown (Boral) on Monday 26 August 2019. The objective of this meeting was to alleviate concerns initially raised by the CFA whereby the CFA considered it is feasible that Howards Road Navigators could be required as an “escape route” in the event of an approaching fire. Given the construction of the road and the potential for a fire to approach from a South West direction, Howards Road could in this instance provide an avenue for escape for either residents or workers / contractors working in this area.

As a result of this meeting held on Monday 26 August 2019, the CFA are satisfied with the alternative access options put forward by Boral Quarries Dunnstown (Boral) subject to the following conditions reflecting the agreed outcomes of the meeting:

Prior to closing off Howards Road, Navigators, the applicant must submit a fire emergency response plan to the Responsible Authority for approval. The plan must be to the satisfaction of the Country Fire Authority (CFA) and include the following:

- *A plan detailing the location of the proposed fire escape route.*
- *A community engagement strategy detailing how local residents will obtain access to the fire escape route in the event of a fire emergency; and*
- *Management practices detailing how local residents and the general public will obtain access to the fire escape route in the event of a fire emergency.*

Access to the fire escape route cannot be altered or modified unless agreed to by the Responsible Authority.

Boral has received DELWP Crown Survey Approval to proceed with the purchase of Howards Road and a copy of the Original Plan OP124701 is contained in **Attachment A**.

Boral also provided that the application to purchase the road was publicly notified by DELWP and only one objection was received - being from the owner of 57 Ditchfield Road. Boral has subsequently acquired this property along with the following neighbouring properties:

- 200 Navigators Dunnstown Road, Yendon
- 62 Hewittsons Road, Navigators

A map of the Boral landholding is contained in **Attachment B**. Boral has also provided a Work Authority over the parcels of land to the south of the road proposed to be discontinued to indicate the extension of the activities being undertaken by the bluestone quarry. (**Attachment C**)

As shown on the plan contained in **Attachment D**, the subject section of government road (Howards Road) proposed to be discontinued is highlighted in red. The length of this unsealed road is approximately 920 metres and interconnects properties owned by Boral to the north and to the south.

Should Council resolve to discontinue this portion of Howards Road, Navigators, Council would not be in a position to provide an alternative access road as suggested in the submissions to allow residents to traverse from the south east through to the north west through potentially privately owned land.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1A: Our Assets and Infrastructure

The proposal to consider submissions in relation to Council’s intention to discontinue a portion of government road identified as Howards Road, Navigators is not consistent with the Council Plan 2017 – 2021 and can be actioned by utilising existing resources.

FINANCIAL IMPLICATIONS

There have been no financial implications identified as a result of the submissions received by Council. Purchase of the discontinued road would be undertaken through the Department Environment, Land, Water and Planning.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no perceived risks or occupational health and safety issues related to this proposal.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Public submissions – Statutory process	General public and property owners	Public notice in newspaper and Council website	Moorabool district	May/June 2019	General public supported to submit submissions

The proposed discontinuance of government road (Howards Road, Navigators) as set out earlier in this report has involved a public submission process through section 223 of the LGA

The public submission period was conducted for no less than 28 days; from Saturday 18 May and on Tuesday 21 May 2019 closing on Monday 17 June 2019. A public notice was placed in the regional newspaper, the Ballarat Courier and in the local newspaper, the Moorabool News and listed on Council’s website inviting public submissions on the proposed road discontinuance being considered.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

In developing this report to Council, the officer has considered whether the subject matter raised any human rights issues.

It is considered the recommendation contained in this report does not in any way limit, restrict or interfere with any of the human rights established by the Victorian Charter of Human Rights.

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 – Sally Jones

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

Author – Michelle Morrow

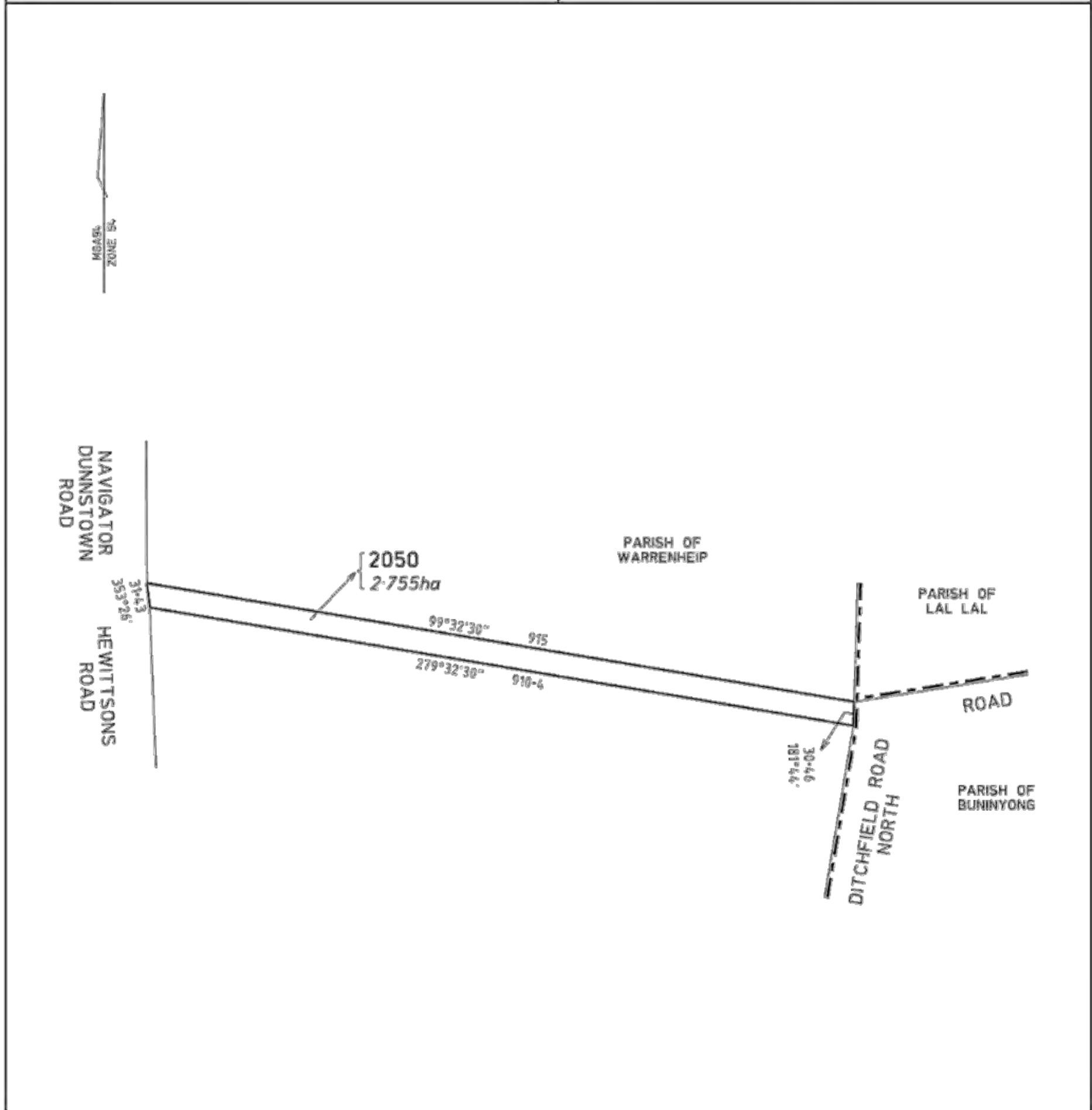
In providing this advice to Council as the Author, I have no interests to disclose in this report.

CONCLUSION

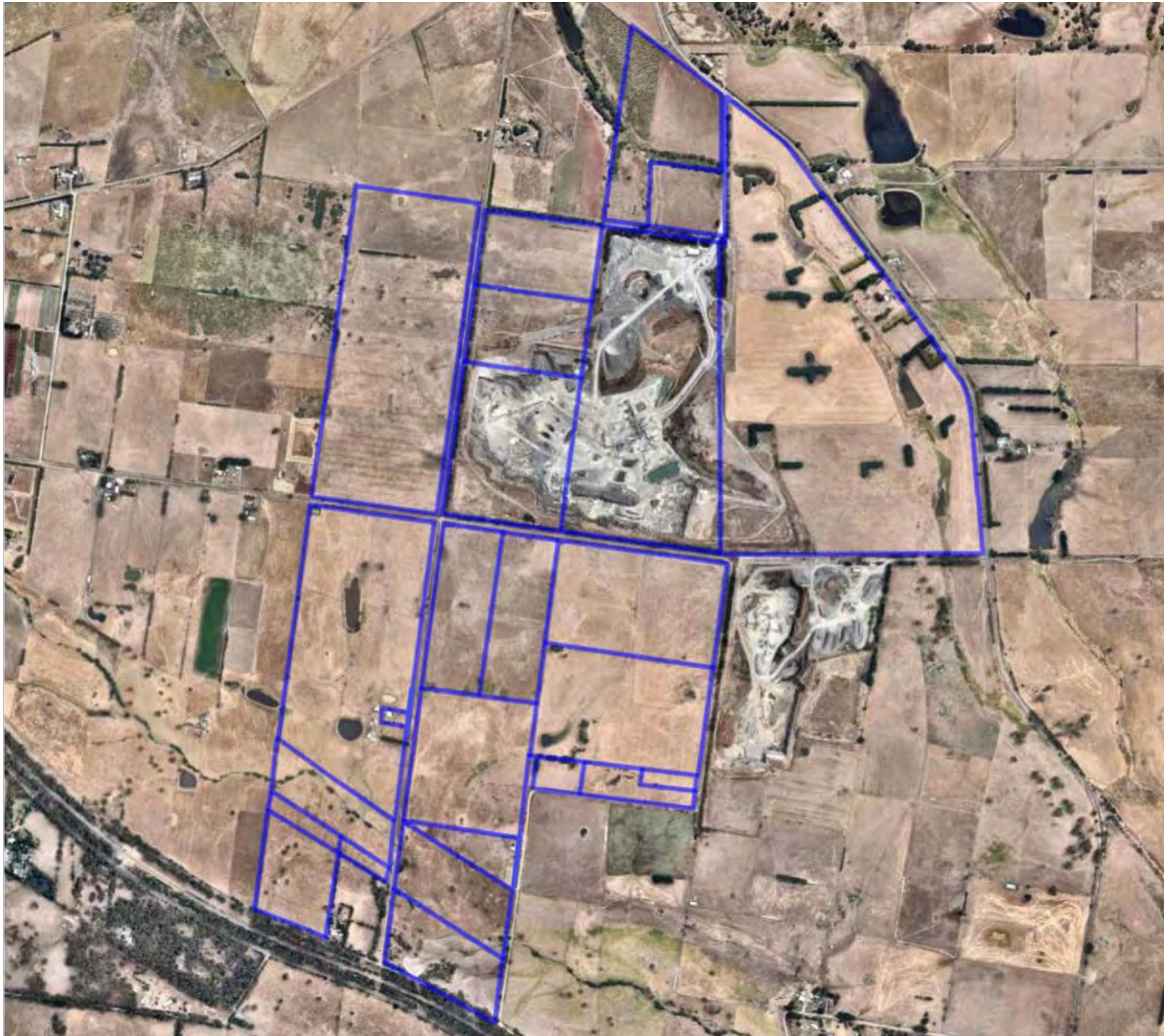
Council has carried out its functions under section 223 of the Act in relation to this matter in presenting each submission to Council.

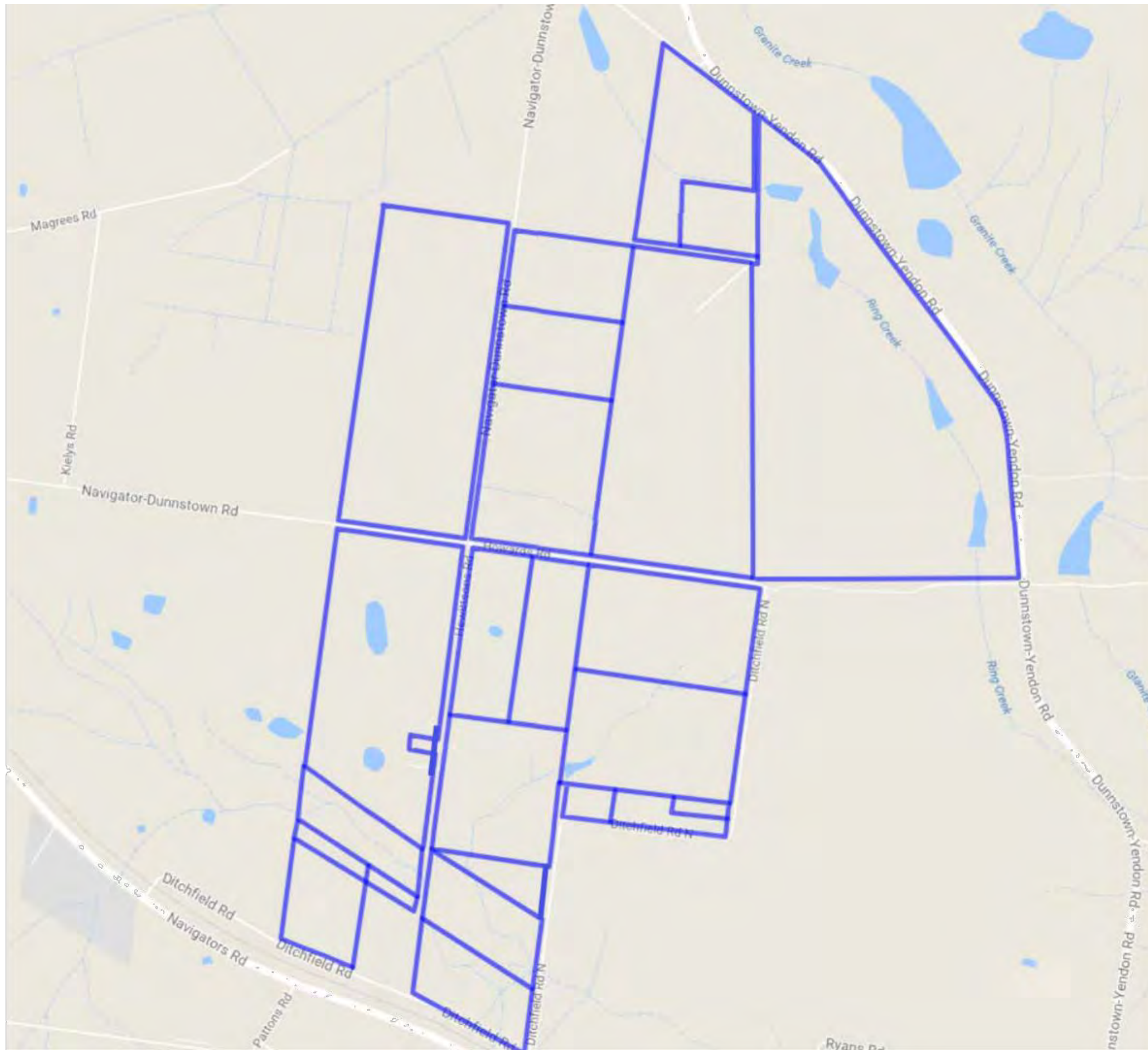
The three public submissions received have been presented to Council for consideration. Council has heard from 1 of the submitters in support of their submission and from a representative from Boral Quarries Dunnstow (Boral), acting on behalf of Boral Land and Property Group. Boral Quarries Dunnstow have made arrangements for alternative access routes and identified the conditions that have been agreed upon by the submitter who provided a verbal submission to Council, along with the CFA addressing principle concerns regarding safety and access.

PLAN OF CROWN ALLOTMENT	EDITION 1	OP124701
LOCATION OF LAND COUNTY : GRANT PARISH : WARRENHEIP (3760) CROWN ALLOTMENT : 2050 SPI : 2050\PP3760 TITLE REFERENCE : -	NOTATIONS:	
	Prepared from: VDP, W85(5), BP186, AP21062 AND RE73945	



DRAWN: H.K 08/08/2018	EXAMINED: TH 6/09/2018	CAD FILE: OP124701.DGN	ORIGINAL SHEET SIZE: A3	SHEET 1 OF 1
OFFICE OF SURVEYOR-GENERAL VICTORIA DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING		SCALE 1:5000	50 0 50 100 150 200 LENGTHS ARE IN METRES	
		FILE REF: 0516-00025	Certified by Craig Leslie Sandy Surveyor-General 02:08 PM 08/10/2018	





Extractive Industries Development Act 1995

**VARIATION OF WORK AUTHORITY
(Section 22)**

WORK AUTHORITY NUMBER: 82

HOLDER OF WORK AUTHORITY: Boral Resources (Vic) Pty Ltd

SUBJECT: Extension

LOCATION: Dunnstown

AREA: 240 Hectares

RESOURCE: Basalt/New Basalt

RESPONSIBLE AUTHORITY: Shire of Moorabool

RECOMMENDATION:

That approval be granted to vary Extractive Industry Work Authority No.82 as per the attached Schedule A dated 10 August 1998 and Schedule B dated 8 April 1998 to allow extension of area.

Signed by



GEORGE BUCKLAND

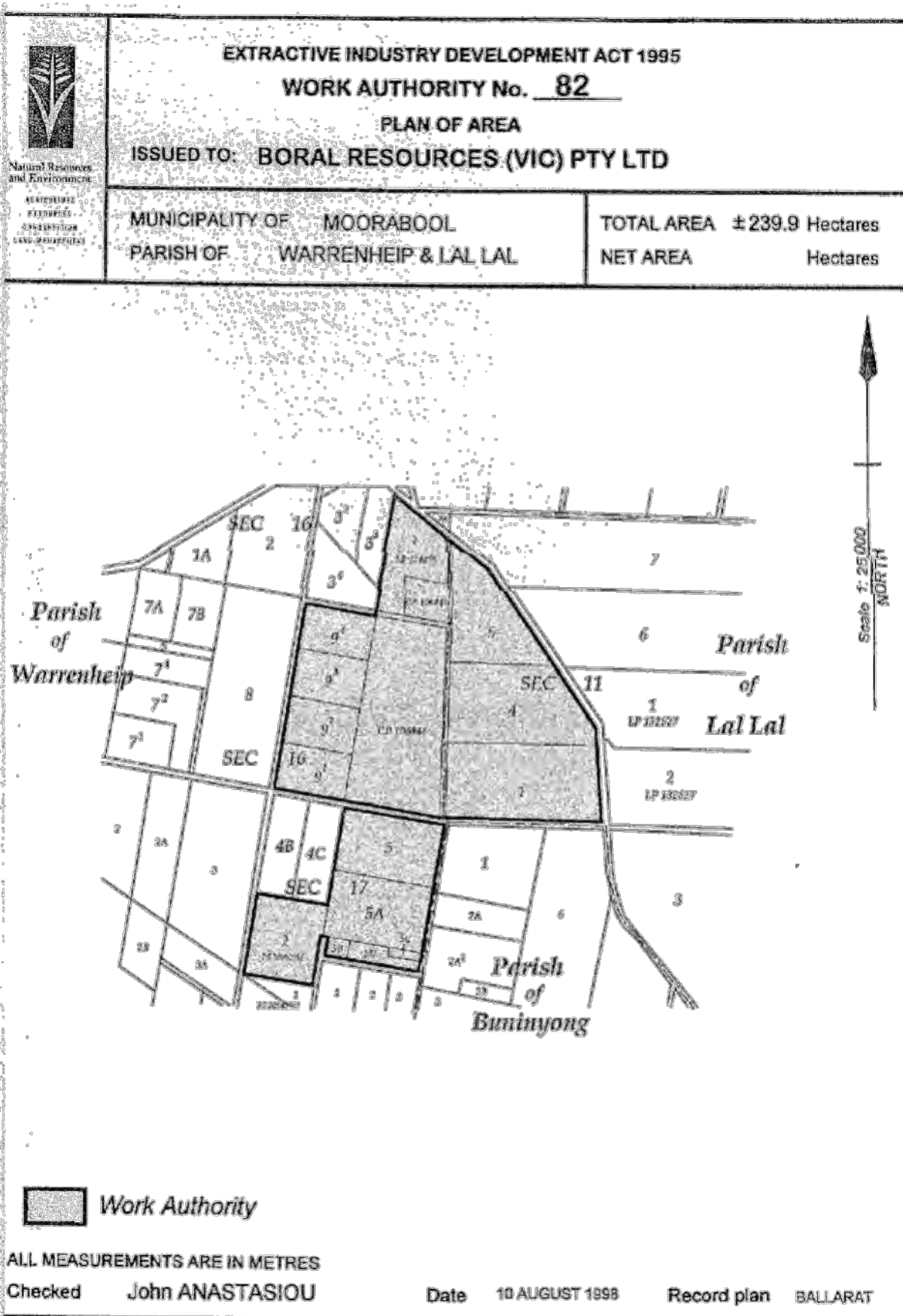
Manager, Minerals & Petroleum Tenements

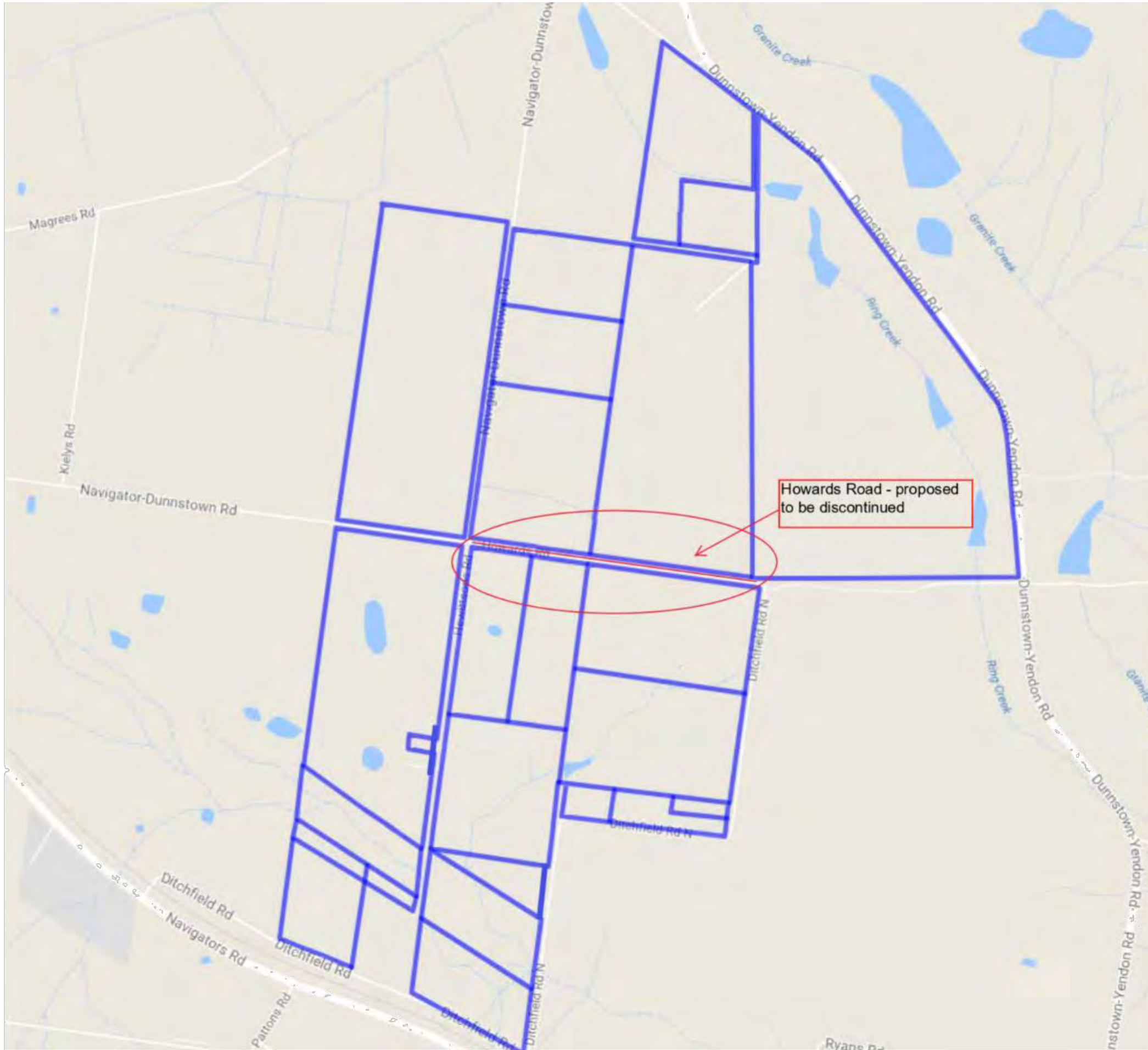
pursuant to instrument of delegation by the Minister dated 1 July 1996.

Date: 24/10/98

TE7-MR1

variation







12.3 SECTION 86 - DELEGATED COMMITTEES OF COUNCIL - REPORTS**Author:** Michelle Morrow, Co-ordinator Governance**Authoriser:** Sally Jones, General Manager**Attachments:** Nil**PURPOSE**

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.

EXECUTIVE SUMMARY

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

Committee	Meeting Date	Council Representative
Section 86 Development Assessment Committee Meeting Minutes 170719	Wednesday 17 July 2019	Cr. Paul Tatchell Cr. John Keogh Cr. Jarrod Bingham Cr. Tonia Dudzik Cr. David Edwards

RECOMMENDATION

That Council receives the report of the Section 86 Development Assessment Committee Meeting of Wednesday 17 July 2019.

13 COMMUNITY ASSETS & INFRASTRUCTURE REPORTS

Nil

14 COMMUNITY PLANNING REPORTS

14.1 PLANNING SCHEME AMENDMENT C91 - FLOOD CONTROLS - AUTHORISATION

Author: Rod Davison, Senior Strategic Planner

Authoriser: Henry Bezuidenhout, Manager Strategic & Sustainable Development

Attachments:

1. Peer Review (under separate cover) 
2. Lower Lerderderg Catchment SBO Review (under separate cover) 
3. Planning Scheme Amendment documents (under separate cover) 

PURPOSE

This report recommends that Council resolve to seek authorisation from the Minister of Planning under section 8A (3) of the *Planning and Environment Act 1987*, to prepare and exhibit Moorabool Planning Scheme Amendment C91 (the Amendment) to introduce new flood controls.

EXECUTIVE SUMMARY

- Melbourne Water, as floodplain management authority for the Port Phillip and Westernport catchment areas, has requested an amendment to the Moorabool Planning Scheme.
- The Amendment seeks to apply the Land Subject to Inundation Overlay (LSIO) and Special Building Overlay (SBO) to land affected by a 1% annual exceedance probability (AEP) flood event (also referred to as a 1 in 100 year flood event), within the catchments of Werribee River, Lerderderg River and Little River in the eastern portion of Moorabool Shire.
- By introducing appropriate flood controls into the Moorabool Planning Scheme, Council will ensure that flood risk is considered in land development decisions, thereby implementing the objectives of planning in Victoria.

RECOMMENDATION

That Council resolves to:

- (a) Request authorisation from the Minister for Planning to prepare and exhibit Moorabool Planning Scheme Amendment C91 (to introduce new flood controls as per Attachment 3), in accordance with section 8A(2) of the *Planning and Environment Act 1987*.
- (b) Exhibit Amendment C91, in accordance with the *Planning and Environment Act 1987*, for a period of 8 weeks following authorisation from the Minister for Planning.

BACKGROUND

The Moorabool Planning Scheme does not currently contain any overlays to identify land affected by a 1% AEP flood event.

In Victoria, effective floodplain management is a responsibility of Melbourne Water and catchment management authorities (CMAs) in partnership with local government. Clause 13.2 of the Victorian Floodplain Management Strategy (2016) outlines this partnership stating that “*the CMAs and Melbourne Water will work with LGAs to ensure that planning schemes use the planning controls that align with their flood risks*”. For Moorabool Shire, the floodplain management authorities are Melbourne Water for the Port Phillip catchment area in the eastern half of the Shire, and Corangamite Catchment Management Authority for the western half of the Shire.

It is important that planning decisions are based on all available information. Given that flood extent mapping has been undertaken by Melbourne Water as the relevant floodplain management authority, Council has a statutory responsibility to ensure that available flood extent mapping is translated into planning controls and applied in a transparent manner. The usual controls to identify land affected by a 1% AEP flood event are the Flood Overlay (FO), the Land Subject to Inundation Overlay (LSIO), or the Special Building Overlay (SBO).

Planning Practice Note 12 - Applying the flood provisions in planning schemes (DELWP, June 2015) notes the following:

“Flooding is a natural hazard but, unlike most other natural hazards, floods are to a great degree predictable in terms of their location, depth and extent. This means that appropriate measures can be developed to reduce flood damage. Land use planning is recognised as being the best means of avoiding future flooding problems. Through careful planning, flood risks to life, property and community infrastructure can be minimised and the environmental significance of our floodplains protected.

Section 6 (2) (e) of the Planning and Environment Act 1987 enables planning schemes to ‘regulate or prohibit any use or development in hazardous areas, or areas likely to become hazardous’. As a result, planning schemes contain State planning policy for floodplain management requiring, among other things, that flood risk be considered in the preparation of planning schemes and in land use decisions.

The statutory authorities responsible for the collection of flood information and for land use planning in flood-affected areas are councils and floodplain management authorities (i.e. Melbourne Water and Catchment Management Authorities).”

Council proposed to apply flood controls within the Moorabool Planning Scheme on two occasions through Amendment C14 and Amendment C73.

Amendment C14:

In 2005, Council commissioned consultants to prepare the Bacchus Marsh Flood Risk Study, to identify areas at risk of flooding and provide recommendations for mitigating that risk. The study identified and mapped areas subject to inundation during a 1% AEP flood event.

Amendment C14 was subsequently prepared, with the aim of applying the LSIO and FO to affected land. Amendment C14 was publicly exhibited in 2008, and Council received submissions which questioned the data/methodology used in preparing the flood risk study.

Amendment C14 lapsed in 2010 after a review of submissions and further analysis determined that the study methodology did not provide sufficient strategic justification to support the implementation of the LSIO and FO as exhibited.

Amendment C73:

In 2010/11, Melbourne Water undertook a review of the flood extent mapping that was used as the basis for Amendment C14, to enable the preparation of a new planning scheme amendment (Amendment C73). The following flood studies were prepared, improved high-resolution topographic mapping (based on LiDAR data):

- Report for Bacchus Marsh Area Floodplain Mapping (GHD November 2010);
- Lower Lerderderg Catchments Flood Mapping Report (Engeny Water Management, December 2011);
- Ballan Township Flood Study, Final Report (Halcrow Pacific Pty Ltd, November 2011).

In addition, Melbourne Water prepared flood extent mapping for rural areas within the catchments of the Werribee River, Lerderderg River and Little River, based on flood modelling work that was undertaken over a number of years. These projects are collectively referred to as the *Melbourne Water Planning Investigations Models*.

These flood studies formed the basis for Amendment C73, which was authorised on 21 August 2015. Amendment C73 was exhibited for six weeks, from 28 January to 11 March 2016. A total of 67 submissions were received, including 59 submissions which objected or sought changes. Council considered the submissions at its meeting on 22 June 2016. A number of submitters spoke at the Council meeting, some of whom raised concern about potential inaccuracies in the flood modelling and mapping. This resulted in discussion about the need for a peer review of Melbourne Water's flood studies. Council ultimately resolved to abandon Amendment C73.

Peer Review:

In 2017, Council commissioned Cardno to undertake a peer review of the three Melbourne Water flood studies and the *Melbourne Water Planning Investigations Models*. The peer review involved a thorough examination of the modelling processes, a cross check of the methodology used to create the flood extents and assessment of the results against the community experience.

The peer review (see Attachment 1), which was presented to the Assembly of Council on 7 February 2018, concluded that:

- The flood models used have delivered results that are suitable for inclusion in the Moorabool Planning Scheme.
- With the exception of the lower Lerderderg study area, the flood extents used in the draft planning overlays are considered appropriate.
- The proposed flood extents and the resulting SBO shapes for the lower Lerderderg study area should be recreated, based on the model results using appropriate filtering techniques, such as those described in Melbourne Water's 2016 technical specifications.

The peer review recommended that, once the lower Lerderderg flood extent mapping and resultant SBO shape has been amended, the planning scheme amendment process should be recommenced. The SBO flood extent maps for the lower Lerderderg study area were subsequently revised (see Attachment 2), based on the original model results and using appropriate filtering techniques.

PROPOSAL

The Amendment seeks to apply the LSIO and SBO to land affected by a 1% AEP flood event within the Werribee River, Lerderderg River and Little River catchments in the eastern portion of Moorabool Shire (see Figure 1). Approximately 2,600 parcels of land are affected by the proposed LSIO or SBO to varying degrees.

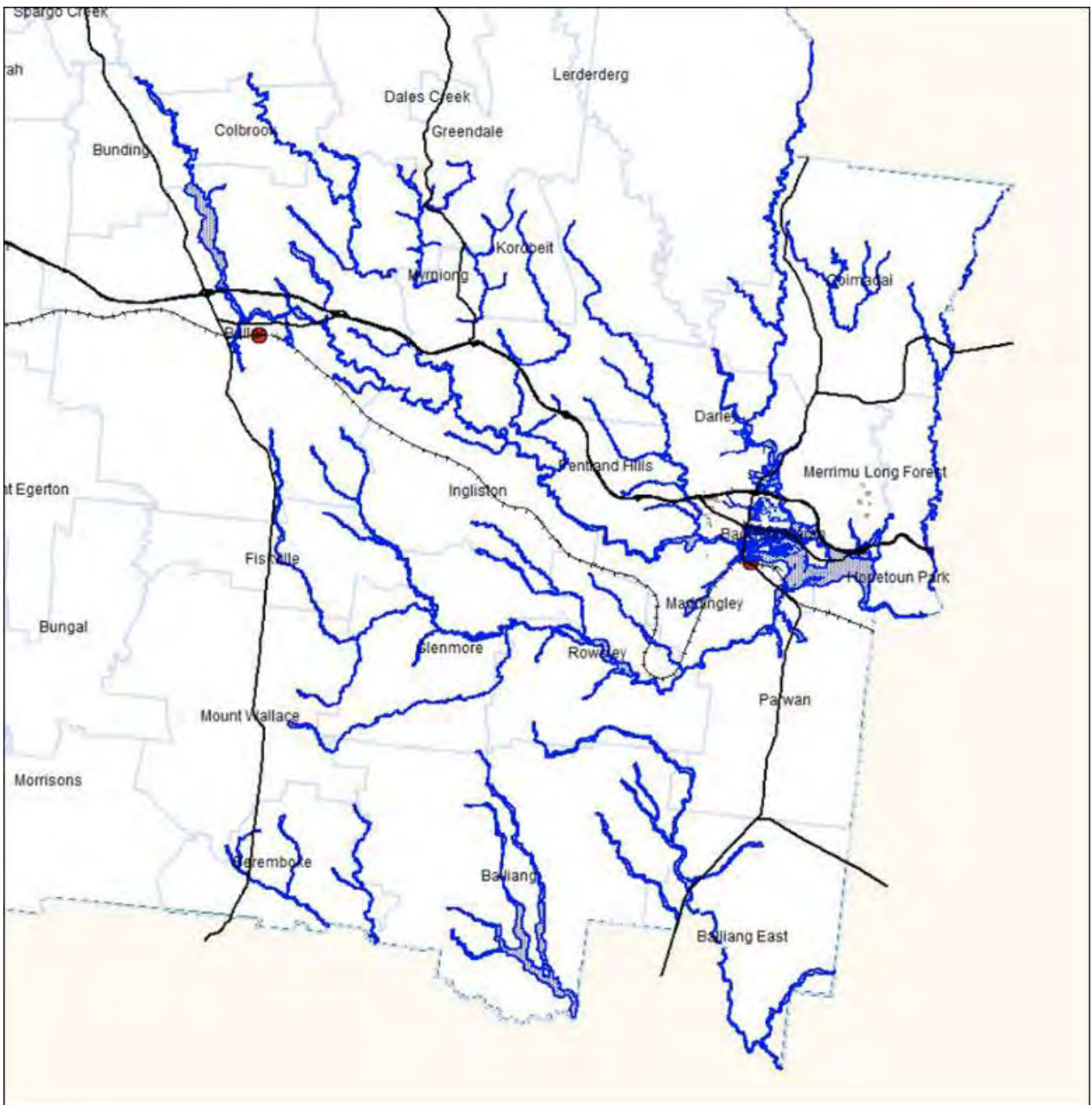


Figure 1: Areas affected by the proposed LSIO and SBO (in blue).

The LSIO and SBO maps were derived by using current best practice hydrology and hydraulic modelling techniques, and have been updated in response to the peer review.

Specifically, the Amendment proposes to make the following changes to the Moorabool Planning Scheme (see Attachment 3):

- Amends local policy Clause 21.02 ‘Natural Environment – Flood Management’, by adding reference to the Little River catchment and the urban drainage system, and adding a new flood management objective and strategy;
- Amends local policy Clause 21.11 ‘Reference Documents’, by adding the following reference documents:
 - Report for Bacchus Marsh Area Floodplain Mapping (GHD November 2010);

- Lower Lerderderg Catchments Flood Mapping Report (Engeny Water Management, December 2011); and
- Ballan Township Flood Study, Final Report (Halcrow Pacific Pty Ltd, November 2011).
- Inserts Clause 44.04 (LSIO) and associated Schedule 1;
- Inserts Clause 44.05 (SBO) and associated Schedule 1;
- Amends Clause 61.03, by updating the list of maps forming part of the planning scheme; and
- Inserts 39 LSIO and SBO maps.

On land affected by the LSIO or SBO, a planning permit will be required for subdivision and most new buildings and works, however, some minor buildings and works will be exempt from the need for a permit. The Amendment will ensure that Council can appropriately regulate proposed development on flood prone land and ensure that flooding is not exacerbated on other properties by inappropriate development. Whilst the new planning controls will increase the regulatory burden on Council and land owners, it is important to identify the flood hazard to ensure that life and property are not unduly placed at risk.

In accordance with Clause 66.03, any application for a planning permit for development on flood prone land will need to be referred to Melbourne Water for consideration as a determining referral authority.

The proposed LSIO Schedule 1 and SBO Schedule 1, which have been prepared in collaboration between Council officers and Melbourne Water, include permit exemptions for some minor buildings and works (e.g. a fence that is 50% permeable). Officers consider that this approach strikes a balance between the need to appropriately consider flood risk, whilst also minimising any unnecessary regulatory burden.

Also, VicSmart provisions will apply to certain types of permit applications under the SBO, providing that a permit is not required under any non-VicSmart provision of the planning scheme. VicSmart is a streamlined permit process designed for simple applications. A VicSmart application is exempt from advertising and a permit decision can be issued by Council within 10 business days.

The proposed application of the LSIO and the SBO is consistent with *Planning Practice Note 12 - Applying the flood provisions in planning schemes* (DELWP, June 2015). These overlays are appropriate planning tools for identifying flood risk, and have been applied in many other Victorian planning schemes, including neighbouring municipalities Ballarat, Macedon Ranges, Melton, Wyndham, Greater Geelong and Golden Plains. The flood provisions do not address the cause of flooding, but the way future land uses and developments will impact on the flooding problem or be impacted themselves by flooding.

Strategic Justification:

There is clear strategic justification for amending the planning scheme to introduce flood controls and flood extent mapping. State planning policy Clause 13.03-1S (Floodplain management) has objectives for protecting life, property and community infrastructure, and for protecting natural flood carrying capacity, flood storage and floodplain areas of environmental significance. One of the strategies listed under Clause 13.02-1 is to “*identify land affected by flooding, including land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority in planning schemes*”.

Clause 21.02-1 (Natural environment – Key issues and influences) of the Moorabool Planning Scheme notes that *“Large areas of the Moorabool Shire are prone to flooding as the Moorabool, Werribee, and Lerderderg Rivers flow through the Shire”*.

Clause 21.02-7 (Natural environment – Implementation) includes *“Apply Floodway Overlay (FO) and Land Subject to Inundation Overlays (LSIO) to reflect relevant Council flood studies”*.

To progress the Amendment, Council must seek authorisation from the Minister for Planning to prepare the Amendment, and then exhibit the Amendment in accordance with requirements of the *Planning and Environment Act, 1987*.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 2: Minimising Environmental Impact

Context 2A: Built Environment

The proposal to introduce the LSIO and SBO into the Planning Scheme is consistent with the Council Plan Action *“Work with relevant authorities to ensure that flooding risks are addressed and flood mapping incorporated into the planning scheme”*.

FINANCIAL IMPLICATIONS

Melbourne Water has agreed to pay Council’s mail out costs associated with public notification of the Amendment, together with the cost of any Panel hearing. Melbourne Water will also provide planners to answer telephone enquiries on technical issues during the exhibition period, and to respond to written submissions.

The introduction of the LSIO and SBO into the Planning Scheme will limit the potential for affected property owners to seek redress against Council, in the event that their property is adversely affected by flooding.

The introduction of the LSIO and SBO will trigger the need for a planning permit for subdivisions, buildings and works on land affected by the LSIO and SBO. Currently, buildings and works do not often require a planning permit and, therefore, the introduction of these overlays will result in an increase in the number of planning permit applications.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Council has a duty of care as a planning authority to ensure that available flood extent mapping is translated into meaningful planning controls and are applied in a transparent manner. By undertaking the planning scheme amendment, Council will ensure that development decisions (on land affected by the LSIO or SBO) are based on known flood extents. This will ensure that flood risks associated with proposed subdivisions, buildings and works are either avoided or mitigated.

In the absence of LSIO and SBO controls, there is no planning permit trigger to enable Council to consider flood risk. If a planning permit is required for a development under other zone or overlay controls, there is a risk that Council may grant approval without due consideration of flood risk.

COMMUNICATIONS & CONSULTATION STRATEGY

Given the extent of landowners who may be affected by the proposal, it is recognised that communications and community engagement will need to be well planned. Melbourne Water has prepared a community engagement strategy in consultation with Council officers.

The community engagement strategy proposes that:

- The Amendment will be formally exhibited for public comment, for a period of eight weeks, which is longer than the four weeks required under the *Planning and Environment Act 1987*. This will involve letters to owners and occupiers of land affected by the proposed overlays, notice in the Moorabool News and Victorian Government Gazette and the Amendment documentation being available for viewing at Council offices and on Council's website. Letters and notices will be prepared by Council, as the planning authority (using Council's letterhead/logo) and will state that the Amendment has been requested by Melbourne Water, as the relevant floodplain management authority.
- A project information leaflet (carrying Melbourne Water's logo) will be sent to affected land owners and occupiers.
- A project information webpage will be set up on Council's website. The webpage will include an interactive map, to enable people to search their property and view the extent to which the land will be affected by the proposed LSIO or SBO. The webpage will also include a 'Frequently Asked Questions' document (carrying Melbourne Water's logo).
- A 'Have your say' webpage will be set up, to enable people to lodge an online submission.
- Three community drop-in sessions will be scheduled during the exhibition period.
- People with concerns will be offered an opportunity to meet with representatives of Melbourne Water and Council.

This will allow the community substantial opportunity to be consulted and provide input, including the ability to make formal submissions to the Amendment. Following the exhibition period, Council will be presented with an officer report to enable its consideration of any submissions received. To progress the Amendment, Council must refer any outstanding submissions to an independent Planning Panel for consideration, which will afford all submitters with an opportunity to present their case to the independent Panel.

VICTORIAN CHARTER OF HUMAN RIGHTS & 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 – Satwinder Sandhu

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

Author – Rod Davison

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

CONCLUSION


The Amendment has strong strategic justification in State planning policy and Council has a responsibility to ensure that the Amendment is progressed to appropriately identify land which is flood prone.

The Amendment will ensure that flood extent mapping is clearly shown in the Moorabool Planning Scheme and will result in planning decisions which are responsible, objective, transparent and consistent. Consequently, future land development will be less exposed to the risks of flooding.

The flood extent mapping depicted in the proposed LSIO and SBO is based on technically sound flood modelling which has been prepared using industry best practice methodology, under the expert supervision of Melbourne Water as the relevant floodplain management authority. Melbourne Water has successfully defended this methodology at a number of Panel hearings.

Cardo undertook a peer review of Melbourne Water's flood studies, which concluded that the flood models have delivered results that are suitable for inclusion in the Moorabool Planning Scheme, subject to the lower Lerderderg flood extent mapping and resultant SBO shape being amended. The flood extent mapping and SBO shape have subsequently been amended.

The planning scheme amendment process will allow affected parties to make a submission. Following the close of the exhibition period, Council will need to consider any unresolved submissions and decide whether to seek the appointment of an independent Planning Panel. A Planning Panel will provide all submitters an opportunity to present their case, for detailed consideration, at a public hearing.

14.2 PA2016-144 "KRYAL CASTLE" DEVELOPMENT OF A CAMPING GROUND AND CARAVAN PARK ASSOCIATED WITH A PLACE OF ASSEMBLY**Author:** Victoria Mack, Statutory Planner**Authoriser:** Robert Fillisch, Manager Statutory Planning & Community Safety**Attachments:** 1. 2016-144 Kryal Castle full set of plans [↓](#) **APPLICATION SUMMARY****Permit No:** PA2016144**Lodgement Date:** 8 June 2016**Planning Officer:** Victoria Mack**Address of the land:** 121 Forbes Road, Leigh Creek
Lot 1 and Lot 2 on PS 209123L**Proposal:** Development of a Camping Ground and Caravan Park associated with a Place of Assembly**Lot size:** 10.97ha**Why is a permit required?** Farming Zone – use of land for camping and caravan park; and buildings and works.**RECOMMENDATION**

That Council, having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council issues a Notice of Decision to Grant a Planning Permit for the *Development of a camping ground and caravan park associated with a Place of Assembly at 121 Forbes Road Leigh Creek otherwise known as Lots 1 and 2 on PS 209123L*.

Endorsed Plans

1. Before the use and/or development starts, plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans and documents will be endorsed and will then form part of the permit. The plans and documents, as applicable, must be drawn to scale with dimensions and two copies must be provided as follows:
 - a) A landscape plan in accordance with condition 2.
 - b) An amended site plan being supplied to the satisfaction of Council specifying where overflow carparking for 600+ vehicles can be accommodated in accordance with PAM002/96-2.
 - c) Updated, or new, versions of the following:
 - i. Fire risk management plan.
 - ii. Emergency risk management plan.
 - iii. Waste management plan.

- iv. **Potable and non-potable water supply plan.**
- v. **Policy in relation to allowing dogs within the camping park which is in a Farming Zone area. If dogs are allowed on the site the policy needs to clearly demonstrate how dogs will be contained at all times.**
- d) **Elevations and floor plans with dimensions of all structures and/or buildings to be constructed within both camping areas including all ablution blocks, the self-catering and dining buildings, and the fire pit and BBQ area.**
- e) **Full details of any additional signage proposed on Forbes Road to the satisfaction of the responsible authority.**

Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

Landscape Plan

- 2. **Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The landscape plan must be prepared by suitably qualified person and must show:**
 - a) **A survey (including botanical names) of all existing vegetation to be retained and/or removed from the site.**
 - b) **Details of surface finishes of pathways and driveways.**
 - c) **A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.**
 - d) **Landscaping and planting to be undertaken within all open areas of the site. All species selected must be to the satisfaction of the responsible authority.**
 - e) **Details of the location and type of lighting proposed around the camping sites.**
 - f) **The location of boom or security gates if applicable.**
 - g) **Details of location of the site office for the camping operations to ensure the secure management of the site at all times.**

Camping Events

- 3. **Any open fires on the site need to be in accordance with Country Fire Authority regulations.**

Environmental Health

- 4. **All proposed plumbing fixtures must be connected to reticulated sewage.**
- 5. **The proposed camping (glamping) and caravan park must comply with all the requirements under the Residential Tenancies Act 1997 and the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010.**
- 6. **Prior to the use commencing an application for registration must be lodged and a certificate must be issued by Moorabool Shire Council.**

7. The applicants must:

- a) comply with the fire safety report provided by the country fire authority and include any schedule of works for the caravan park.
- b) submit an emergency management plan.

Infrastructure

8. Prior to the development commencing, a “Stormwater Management Strategy” must be prepared and submitted to the responsible authority for approval, based on the objectives and standards of the Moorabool Planning Scheme. The Strategy must:
 - i. Encompass the entire area of the development.
 - ii. Detail the existing drainage system for the site.
 - iii. Propose methods to capture stormwater runoff.
 - iv. Detail measures to prevent flooding of adjoining properties.
 - v. Demonstrate how the discharge from the site will be managed in the event of severe rain events.
 - vi. Propose techniques to manage the overland flow paths within the development for the 1% AEP storm for the catchment.

Once approved, the stormwater strategy will form the basis for preparation of detail design documentation of a stormwater system for the development.

9. Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.
10. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).
11. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
12. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council’s Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.
13. Prior to the development commencing, a plan, drawn to scale, must be prepared and submitted to the responsible authority for approval, detailing the size of the caravan park site, the location of services, and be supported by turning templates to demonstrate that the sites can be readily accessed by a vehicle towing a caravan.
14. Prior to the use commencing, the car park areas and access roads within the caravan park area must be constructed with a sealed surface, line-marking and drainage to the satisfaction of the responsible authority, and shall incorporate the following:
 - i. Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with

Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.

- ii. Designated loading areas shall be shown on layout plans.
- iii. The parking areas shall be provided with an asphalt or concrete surface and associated drainage.
- iv. Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
- v. The car park must provide sufficient space for a service truck to enter and exit the site in a forward direction. The service truck shall comply with the medium rigid vehicle detailed in AS2890.2 section 2.2. Turning templates shall be submitted for approval.

Central Highlands Water**Sewerage**

15. A reticulated sewerage service must be provided to the property to the satisfaction of Central Highlands Water. This will include the construction of works from the Central Highlands Water sewerage network.
16. All wastewater generated on the site must be discharged to the sewerage system. This will include installing internal plumbing such that a sewer discharge point is provided to all camping sites for the discharge of wastewater from all fixed and mobile facilities.
17. The existing septic system/s must be abandoned to Council's satisfaction.

Stormwater Management

18. Prior to the issue of a building permit or the commencement of the works for the proposed Development the Applicant must submit to CHW for its approval a Stormwater Management Plan (SMP), and no works shall commence until CHW has provided its written approval of the SMP.
19. Where stormwater is to be discharged within the Drinking Water Catchment the Storm Water Management Plan must:
 - a) identify the point/s where the storm water will be discharged off the site.
 - b) identify the volume of stormwater runoff from the site and confirm that the receiving drainage system is engineered to satisfactorily accept the loads.
 - c) identify and demonstrate how risks to the quality of stormwater will be managed, including controls for managing litter, sediment and other pollutants generated from the development that may enter the stormwater system. This may include controls such as gross pollutant traps at selected locations or retarding basins with low flow Water Sensitive Urban Design treatment.

Powercor

20. The applicant shall:
 - a) Provide an electricity supply to all properties within the development in accordance with Powercor's requirements and standards, including the extension, augmentation or rearrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work may be required).
 - b) Where buildings or other installations exist on the land and are connected to the electricity supply, they shall be brought into compliance with the Service and

Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.

- c) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- d) Any construction work must comply with Energy Safe Victoria’s “No Go Zone” rules.
- e) Set aside on the property for the use of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways where an electric substation (e.g. indoor) is required to service the development.
- f) Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat.
- g) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the development and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for “Power Line” pursuant to Section 88 of the Electricity Industry Act 2000.
- h) Obtain for the use of Powercor Australia Ltd any other easement external to the development required to service the development.
- i) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.

Permit expiry

21. This permit will expire if one of the following circumstances applies:

- a) The development and the use are not started within four years of the date of this permit.
- b) The development is not completed within six years of the date of this permit.

Permit note

Powercor

It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail.

Planning Permit PAM002/96-2

Planning Permit PAM002/96-2 still applies to the subject site – all conditions which make part of this permit are still applicable.

PUBLIC CONSULTATION	
Was the application advertised?	Yes

Notices on site:	Yes
Notice in Moorabool Newspaper:	No
Number of objections:	2
Consultation meeting:	Not held

POLICY IMPLICATIONS

The Council Plan 2017-2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development

Context 3A: Land Use Planning

The proposal is consistent with the Council Plan 2017 – 2021.

VICTORIAN CHARTER OF HUMAN RIGHTS & 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 – Satwinder Sandhu

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

Author – Victoria Mack

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

EXECUTIVE SUMMARY

Application referred?	Yes – Central Highlands Water, Powercor and Council’s Environmental Health and Infrastructure Departments.
Any issues raised in referral responses?	The existing waste water treatment system (WWTS) servicing Kryal Castle site is not suitable for any expansion of the use of the land until: a) the WWTS is significantly upgraded; or b) the whole of the site is connected to a reticulated sewerage system; and c) Storm water is appropriately managed from the site. Central Highlands Water and Council’s Infrastructure Department both initially requested further information was provided.

	In the case of Environmental Health, they consented to the application with conditions including that the site must be connected to reticulated sewage.
Preliminary concerns?	Waste water treatment and storm water management systems are inadequate to allow for any expansion of the use and development on the site until they are addressed.
Any discussions with applicant regarding concerns?	Waste water management has been a protracted discussion between the Kryal Castle management, water authorities, Council Environmental Health officers and the Planning Department. They have been advised that this application cannot be progressed until the WWTS issue has been resolved.
Any changes made to the application since being lodged?	Additional documents and plans were provided following the Planning Department request for further information.
Brief history.	<p>In 1972, Keith Ryall commenced building the castle and it commenced operating 2 years later primarily as a tourist attraction but also providing educational, conference and function facilities as well as a wedding chapel.</p> <p>The castle today offers a range of medieval activities and attractions including: an inflatable theme park, the maze, the jester’s theatre, the dragons’ labyrinth, the Castle arena, jousting, live theatre, a torture dungeon and museum and wizards work room. The castle also provides a range of accommodation and hosts weddings, conferences, children’s birthdays and private work functions and well as school camps.</p> <p>The site is owned by Castle Freehold P/L which purchased the property in January 2012. The business was leased to Castle Tourism and Entertainment P/L until November 2016. Since then the lessee has been 121KC P/L which is related to Castle Freehold.</p>
Previous applications for the site?	<p>PAM002/96 – being for <i>Place of Assembly (other than nightclub, dance parties or rave parties); camping on the grass terraces for up to 600 people for up to six events per year.</i></p> <p>This is the current permit operating on the site. It has had several amendments over recent years.</p> <p>The original permit issued in the 1970s has not been found.</p>

<p>General summary.</p>	<p>The application is to extend the range of Kryal Castle’s hospitality services to add a glamping and caravan park to the site.</p> <p>Council received this application in June 2016. After referral to the required authorities the poor state of the existing Waste Water Treatment System (WWTS) on the site became apparent.</p> <p>The application has been on hold since that time subject to various discussions being held between the applicant, Council and water authorities. It was agreed by all relevant authorities that Castle activities could not be expanded to accommodate the proposed additional uses of glamping and caravan park until such time that the WWTS could be upgraded, or the site connected to a reticulated sewerage system.</p> <p>The application was allowed to remain on hold to give the applicants time to sort out the issues raised by referral authorities.</p> <p>Central Highlands Water initially requested further information regarding how waste water was to be managed onsite, however, through various facilitated discussions they have now consented to the application subject to conditions, one of which is that the site must be connected to reticulated sewerage.</p> <p>Council’s Environmental Health initially requested further information but later consented to the application provided the site is connected to reticulated sewerage.</p> <p>Council’s Infrastructure Department initially required a traffic management plan and details of site works and access. However, Infrastructure has now consented to the application conditioning their requirements.</p> <p>Advertising the application resulted in two objections. These are discussed further in this report and related to both waste and storm water management.</p> <p>It is recommended that this application is supported subject to conditions one of which requires the site must be connected to Central Highlands Water’s reticulated sewerage system.</p>
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Summary Recommendation

That, having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council issues a Notice of Decision to Grant a Planning Permit for the *Development of a camping ground and caravan park associated with a Place of Assembly* at 121 Forbes Road Leigh Creek otherwise known as Lots 1 and 2 on PS 209123L subject to conditions.

SITE DESCRIPTION

The site is 10.97ha. It contains Kryal Castle, which covers 2.26ha, and a large external car parking area accessed via a 180m long drive way from Forbes Road. The balance of the land is pasture. There are extensive buildings and operational areas within the castle walls.

The castle complex is located close to the south side boundary of the site. The land slopes from the castle site down to the entrance at Forbes Road.

There is limited native vegetation on the site but there are some exotic trees planted on formed terraces at the front of the castle site and there is extensive landscaping with trees and shrubs within the castle grounds.

The castle site is in the Farming Zone with the southern area of the site covered by the Bushfire Management Overlay (BMO). The castle complex is located within the BMO but the site for the glamping and caravan park is not within the BMO. Surrounding land is in Farming Zone.

Land to the south of the castle is in the Public Conservation and Resource Zone and includes Mount Warrenheip and the Mount Warrenheip Flora Reserve. This land is in private ownership.

The castle is located approximately 1.2kms south of the Western Freeway; approximately 11kms east of the Ballarat Central Business District; and approximately 4.4kms south-west of the Bungaree township.

Kryal Castle hosts visitors from all over the world and is a noted regional and State tourism attraction. At the time of application 80,000 visitors attended the attraction per annum. The new owners plan to extend this to 150,000 visitors per annum in the medium term.

Kryal Castle is currently serviced by an on-site waste water (septic) treatment system. The site is not provided with a reticulated water supply and drinking water is treated on the site.

Below is an aerial photo of the Kryal Castle site.



PROPOSAL

Please see the attachment for detailed plans.

It is proposed to construct glamping tents and a caravan park on the site. The development would have the following details:

- a) Twenty glamping tents would be permanently constructed on a site north north-west of the castle on the terraced land on the west side of the driveway.
- b) There would be gravel paths between the tents with solar powered bollards for lighting along the pathways. No vehicles would be allowed to access the glamping tent area.
- c) Glamping tents would be heated with purpose-built pot belly type stoves. They would have power and water.
- d) Additionally, there would be two constructed self-catering dining and communal kitchens and two constructed toilet and shower blocks.
- e) Parking to service the glamping sites would be provided in the existing car parking area.
- f) The caravan park would be located on the east side of the driveway on vacant pastured land.
- g) Forty (40) powered sites are proposed. Twenty on each side of 4 ablution blocks to be located centrally.
- h) The caravan park would also be lit by solar powered bollards across the site.
- i) Parking spaces would be located around the perimeter of the caravan sites.
- j) The caravan park site may include permanent cabins and/or permanent caravans.
- k) Operating hours proposed would be 24 hours a day seven days per week.
- l) The proposal also included reference to landscaping, signage around the site, security/boom gates on the accessway, further electrical and plumbing work and sewerage upgrades, although the sewerage upgrades were not specified.

m) Additional staff would be employed to run the camping and caravan park operations.

The application was accompanied by the following documents:

1. Risk assessment prepared by *arris*.
2. Quotation for the Design and installation of an on-site waste water system for Kryal Castle prepared by *arris* dated June 2014.
3. Quotation to renew/commission fire services prepared by Southern Dales horizontal boring.
4. A draft Fire Risk Management Plan prepared by Peter McMahon
5. Kryal Castle promotional material including business plan (undated).
6. A Kryal Castle Camping Management Plan

When the original application was received a request for further information was sent to the applicant by the Planning Department. The information was provided in part which addressed some, but not all, of the requested information. Some of these are minor matters which have now been included in the conditions.

HISTORY

The application has been active with Council since the original lodgement in 2016 due to constraints regarding the WWTS on site and requirements not being able to be met.

The current septic system's do not adequately service Kryal Castle's current use. The addition of camping and caravan park to the site can only be supported if the site either has a significantly upgraded waste water treatment system or is connected to a reticulated sewerage system. Kryal Castle commenced in 1974. No planning permit has been able to be found for the original approval of the use. The current operations on the site are covered by permit PAM002/96 which was originally issued 24 May 1996. This permit has been amended over time.

A recent amendment was to add "external camping (outside the castle building) on the grass terraces for up to 200 people for up to four events per year" approved on 22 November 2016. Additional conditions were added to the permit.

This external camping was further amended on 19 July 2017 to allow for up to 600 people for up to 6 events per year and conditions were adjusted on the permit.

These camping events were approved with a condition that portable toilets were used for all events unless Council was otherwise satisfied that the toileting and shower facilities were suitable for the number of people proposed.

An additional permit PA2013023 for the use of land as a licensed premise (General Liquor Licence) was issued on 10 May 2013.

PUBLIC NOTICE

The application was notified on 27 February 2017 to adjoining and surrounding landowners. Two objections were received.

SUMMARY OF OBJECTIONS

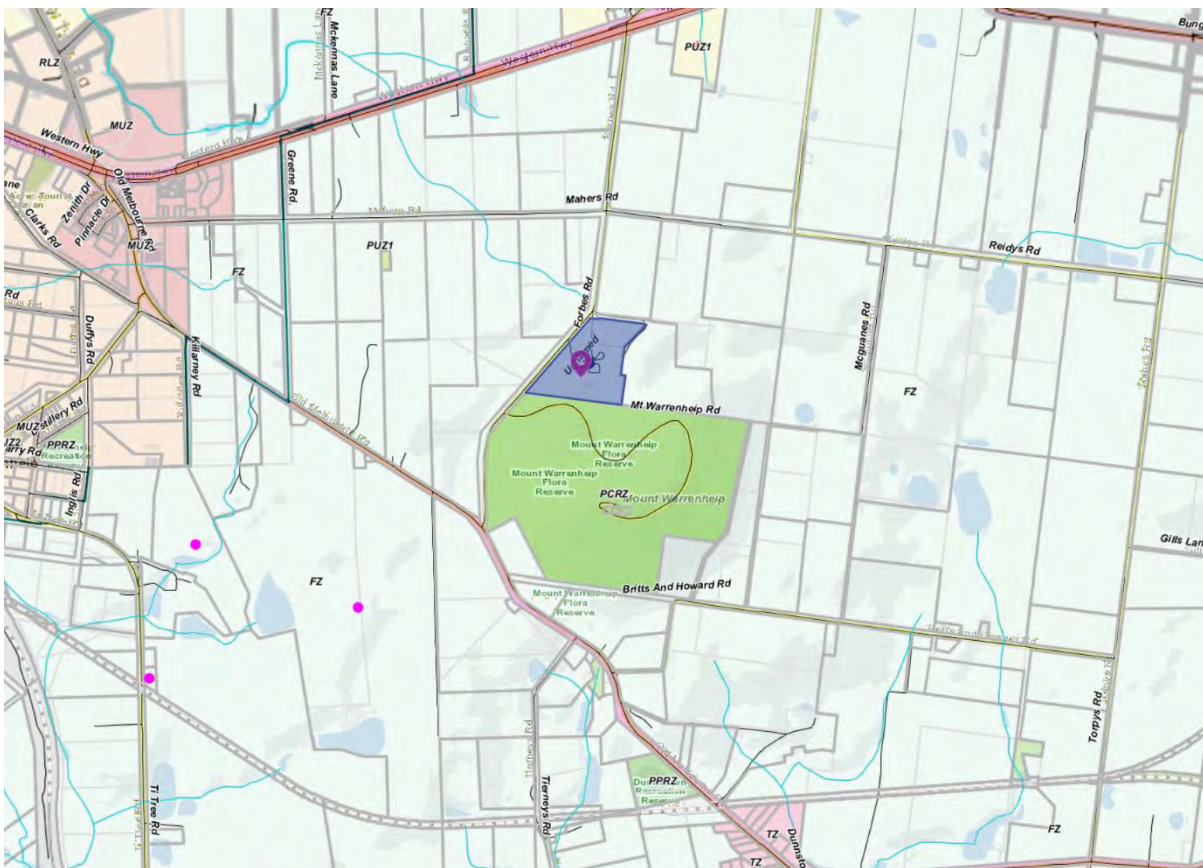
The objections received are detailed below with officer's comments accompanying them:

Objection	Any Relevant Requirement
Noise and litter from additional camping and caravan park users on a regular basis, in addition to the noisy entertainment which already spasmodically disrupts a quiet “lifestyle” farm.	Permit conditions
Officer’s Response: It is considered that amenity impacts can be controlled through permit conditions.	
Campers often have dogs, which pose a significant risk to local livestock, particularly sheep and horses.	Permit conditions
Officer’s Response: Domestic pets are not permitted to chase or hassle farm livestock anywhere in Victoria. However, permit conditions would provide additional controls.	
Impact of sewer disposal and surface run-off on the quality of ground water which is used for drinking and livestock from large number of visitors. Impact of the camping and caravan park on the water catchment.	Environment Protection Authority (EPA)
Officer’s Response: As detailed elsewhere in this report, sewerage and waste water treatment is hampering the current use and restricting any future development of the Kryal Castle site.	
Adverse impact on quiet rural lifestyle and amenity as well as property values and rental returns.	Permit conditions
Officer’s Response: Kryal Castel was approved in 1974. It has existing use rights to operate. Additional uses, such as this application must be assessed on their merits. Additionally, VCAT has determined that the impact of a development on property values is not a planning consideration.	
Fire risks from wood fires, gas cylinders, open fire pits and barbeques close to agricultural properties and the Mount Warrenheip Reserve to the south. Farmers are not prepared to have Council pressure them to slash their paddocks to provide de facto fire breaks for Kryal Castle.	Country Fire Authority
Officer’s Response: Fire risk management must be addressed by Kryal Castle management as part of their current obligations. Any new use of the site will require approved fire risk management compliance.	
The current septic system’s location poses a severe downslope risk to our property and additional visitors will exacerbate the risk of septic overflow onto our property.	Environment Protection Authority (EPA)

Officer’s Response: As detailed elsewhere in this report, sewerage and waste water treatment is hampering the current use and restricting any future development of the Kryal Castle facility.	
Storm water management of the site is already poor and needs to be addressed before any additional development is approved. Any additional hard stand areas will just make storm water management issues worse.	
Officer’s Response: Council’s Infrastructure Department and other authorities have addressed storm water management requirements through their permit conditions.	

LOCALITY MAP

The map below indicates the location of the subject site and the zoning of the surrounding area.



PLANNING SCHEME PROVISIONS

Council is required to consider the Victoria Planning Provisions and give particular attention to the State Planning Policy Framework (SPPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- Clause 12 Environmental and Landscape Values
- Clause 13-02-1S Bushfire Planning
- Clause 14.02-1S Catchment planning and management

- Clause 17.01-1R Diversified economy - Central Highlands
- Clause 17.02-2S Out-of-centre development
- Clause 17.02-1S Business
- Clause 17.04-1S Facilitating tourism
- Clause 21.04 Economic Development and Employment

The proposal complies with the relevant sections of the PPF and LPPF, with the exception of the clauses outlined in the table below:

PPF	Title	Response
14.02-1S	Catchment planning and management	The land is not within the proclaimed water catchment area according to Land Victoria’s VicPlan mapping; however Central Highlands Water has advised that Lot 1 on PS209123L is located partly within the proclaimed water supply catchment, specifically for the Pincotts Reservoir.
LPPF		
22.02	Special Water Supply Catchments	The land is not within the proclaimed water catchment area according to Land Victoria’s VicPlan mapping; however Central Highlands Water has advised that Lot 1 on PS209123L is located partly within the proclaimed water supply catchment, specifically for the Pincotts Reservoir.

ZONE

Farming Zone

In accordance with Clause 35.07-1, Section 2, a permit is required to use land for a camping or caravan park.

In accordance with Clause 35.07-4, a permit is required for buildings or works associated with a use in Section 2 of Clause 35.07-1.

The purpose of the Farming Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

The proposal generally accords with the purposes of the Farming Zone except in relation to waste water treatment and storm water management.

OVERLAYS

Bushfire Management Overlay (BMO).

The subject site is partly covered (51.4%) by the Bushfire Management Overlay specifically on the southern side of the site which contains the castle. The land that would be used for the glamping tents and the caravan park is not located within the Bushfire Management Overlay. However, Clause 13.02-1S Bushfire planning would apply as the land is within a designated bushfire prone area.

RELEVANT POLICIES

Domestic waste water management plan

Executive summary

Moorabool Shire Council (MSC) is committed to the monitoring and management of onsite wastewater systems within its boundary. Significant progress has been made since the 2006 DWMP, with over 2,800 inspections conducted on these systems, and process improvements made to ensure septic systems are installed and operated correctly. Under the provisions of the State Environment Protection Policy (Waters of Victoria) (SEPP), local Councils need to develop a Domestic Wastewater Management Plan (DWMP) in conjunction with relevant water authorities and the community. This DWMP has been prepared to ensure MSC meets the requirements of Guideline 1 - Planning permit applications in open, potable water supply catchment areas (November 2012) for domestic wastewater management; to ensure existing and future development assist in maintaining a sustainable environment. Key issues for Domestic Wastewater Management (DWM) that have been identified within MSC, include:

- There are a number of sensitive catchments within the Shire and the protection of these areas is important for the supply of potable drinking water to residents within Moorabool, Ballarat and Geelong.*
- Failing DWM systems have the potential to pollute these sensitive environments; and*
- Physical environments may limit the effectiveness of DWM systems within the Shire and therefore many systems may require a high level of design and management to ensure each DWM system is sustainable.*

Council has also commenced a journey of 'Moorabool 2014', which is a process/framework aimed at documenting the opportunities, pressures and challenges facing Moorabool. This will lead to a long-term vision to guide the development of Moorabool to retain its character and ensure change provides new services and opportunities for our residents.

This plan will continue the high level of design, treatment and management of DWM systems within the Shire. The Operational Plan in this DWMP provides measures for which management actions will be implemented to improve the effectiveness of DWM within MSC to protect public and environmental health and to ensure that future development within the Shire is sustainable and protects the sensitive waterways and potable drinking water catchments.

Particular ProvisionsClause 52.05 Signage

The application has requested only internal low level directional type signage for both the glamping area and the caravan park area. No external signage on Forbes Road has been proposed at this stage.

Clause 52.06 Car parking

52.06-6 – specifies that in the absence of the use being specified in table 1 – the subject site shall supply carparking to the satisfaction of the responsible authority. It is considered that the existing car parking area on the site would adequately service the proposed use of the glamping area.

The short stay caravan park would be constructed on a greenfield site and the caravans and cars would be provided with dedicated sites for parking, with 40 sites being provided. The caravan park area also allows for a dedicated car parking area in the north-east corner and additional car parking spaces between the driveway and the caravan and camping sites.

It is considered that should Council consent to grant this permit the other carparking requirements as specified on permit PAM002/96-2 are still applicable in addition to the approximately 65 bays proposed as part of this proposal and designated bays with caravan/camping parking.

DISCUSSION

Council has allowed this application to remain active in its system due to the understanding that this is an important tourism business within the Shire, therefore it was important to enable the applicants to resolve the waste water treatment system issues on the site.

The applicants have advised that the proposal will meet an unmet demand in the region for short stay accommodation for travellers and the recreational vehicle market. It also has a growing domestic market hosting school, education and special interest groups.

It is acknowledged that the Residential Tenancies Act 1997 and the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010 applies to camping uses in addition to the Planning and Environment Act and allows for an element of permanent accommodation in addition to short stay camping and caravan useage. It is important to note that the intent of the application is for short stay accommodation to support Kryal Castle operations and this is the position that Council would take should the application be supported. Unfortunately as the Residential Tenancies Act 1997 and the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010 applies Council cannot control permanent occupancy of these sites should they evolve to this.

Council has subsequently held a meeting with the owners and the relevant authorities to see if there was a way forward.

It was generally found that if a permit was able to be issued, subject to all the required conditions, that this would help the applicant to advocate for State support to fund the sewer installation whilst also navigating the complexities of applying for a reticulated sewerage connection with Central Highlands Water.

It is also noted that the owners have recently undertaken renovation of the existing septic systems on the site so that they can adequately meet existing use of the site.

It is considered that the permit for the glamping and caravan park should be issued subject to conditions. These would include that neither of these uses can commence until the site is connected to Central Highlands Water's reticulated sewerage system.

It is also recommended that the expiry date for this permit is extended to allow the owners sufficient time for such connection to be made.

GENERAL PROVISIONS

Clause 65 – Decision Guidelines have been considered by officers in evaluating this application.

Clause 66 – Stipulates all the relevant referral authorities to which the application must be referred.

REFERRALS

Authority	Response
Powercor	Consent with conditions
Central Highlands Water	Consent with conditions
Infrastructure	Consent with conditions
Environmental Health	Consent with conditions

COMMENT ON REFERRAL RESPONSES:

Central Highlands Water initially required a long-term sustainable waste water management plan; a response to storm water runoff and management; a response to the requirements of the Moorabool Planning Scheme; and how potable water would be supplied to the development.

However Central Highlands Water has now conditioned their requirements so that a permit can be issued.

Environmental Health initially requested further information but later consented to the application subject to conditions including: compliance with the Residential Tenancies Act 1997 and the Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2010; relevant registration with the Shire; compliance with fire safety report provided by the CFA; an emergency management plan; and that all proposed plumbing fixtures must be connected to reticulated sewage.

Infrastructure initially stated that they would respond to the application when the Planning Department's Request for Further Information had been received, which included a traffic management plan and details of site works and access.

However, Council's Infrastructure Department has now conditioned their requirements so that a permit can be issued.

FINANCIAL IMPLICATIONS

Approval of the application may result in the objectors seeking review at VCAT with associated cost to Council.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

The recommendation of approval of this application does not implicate any risk or OH&S issues to Council.

COMMUNICATIONS STRATEGY

Notice was undertaken for the application, in accordance with s.52 of the *Planning and Environment Act 1987*, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. All submitters and the applicant were invited to attend this meeting and invited to address Council if required.

OPTIONS

Council could consider the following options:

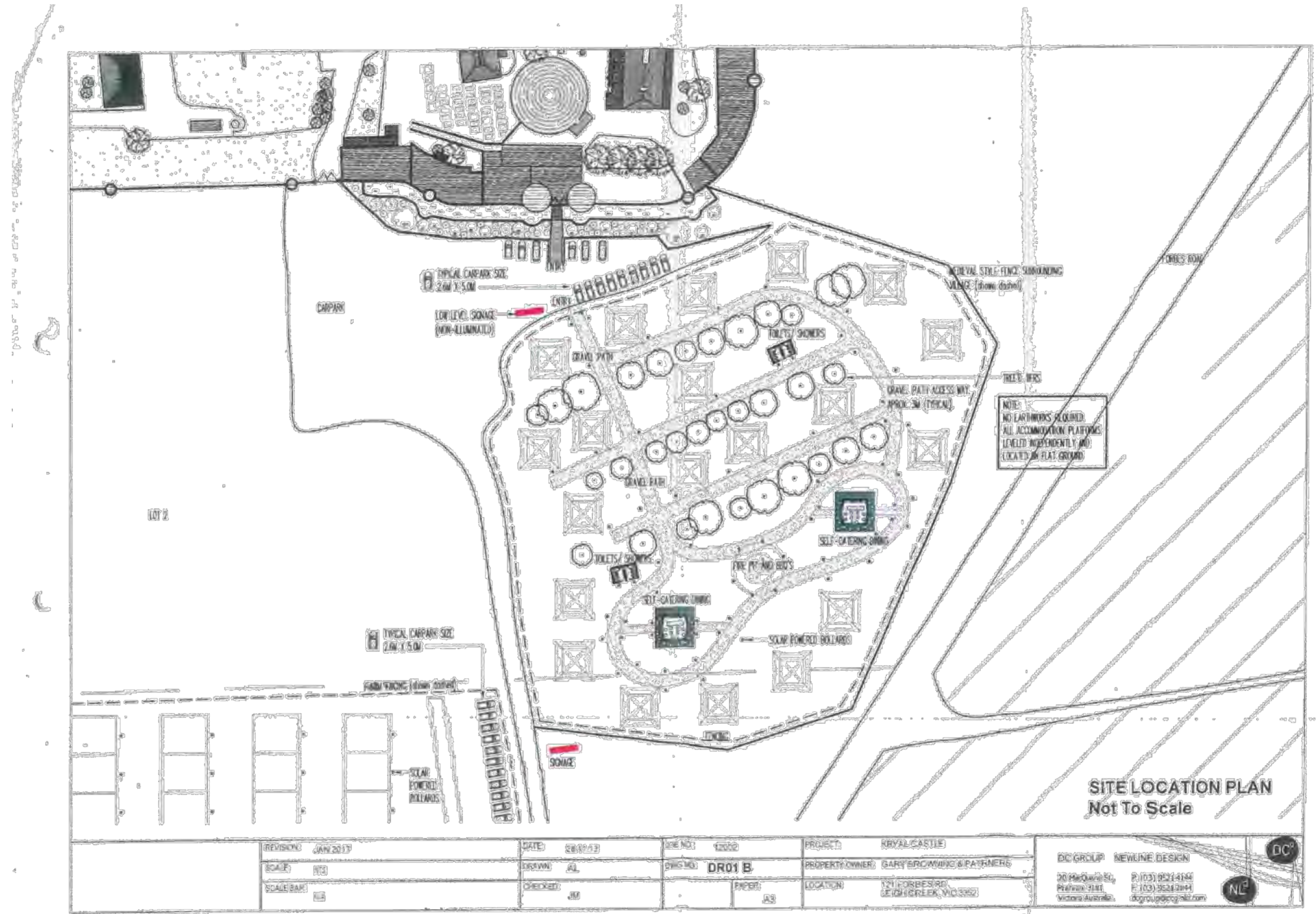
- Issue a notice of decision in accordance with the recommendation of this report;
- Issue a notice of decision with amendments to the recommended conditions of this report; or
- Should Council wish to consider refusing the application, Councillors need to explore reasons based on the proposal not complying with the Moorabool Planning Scheme.

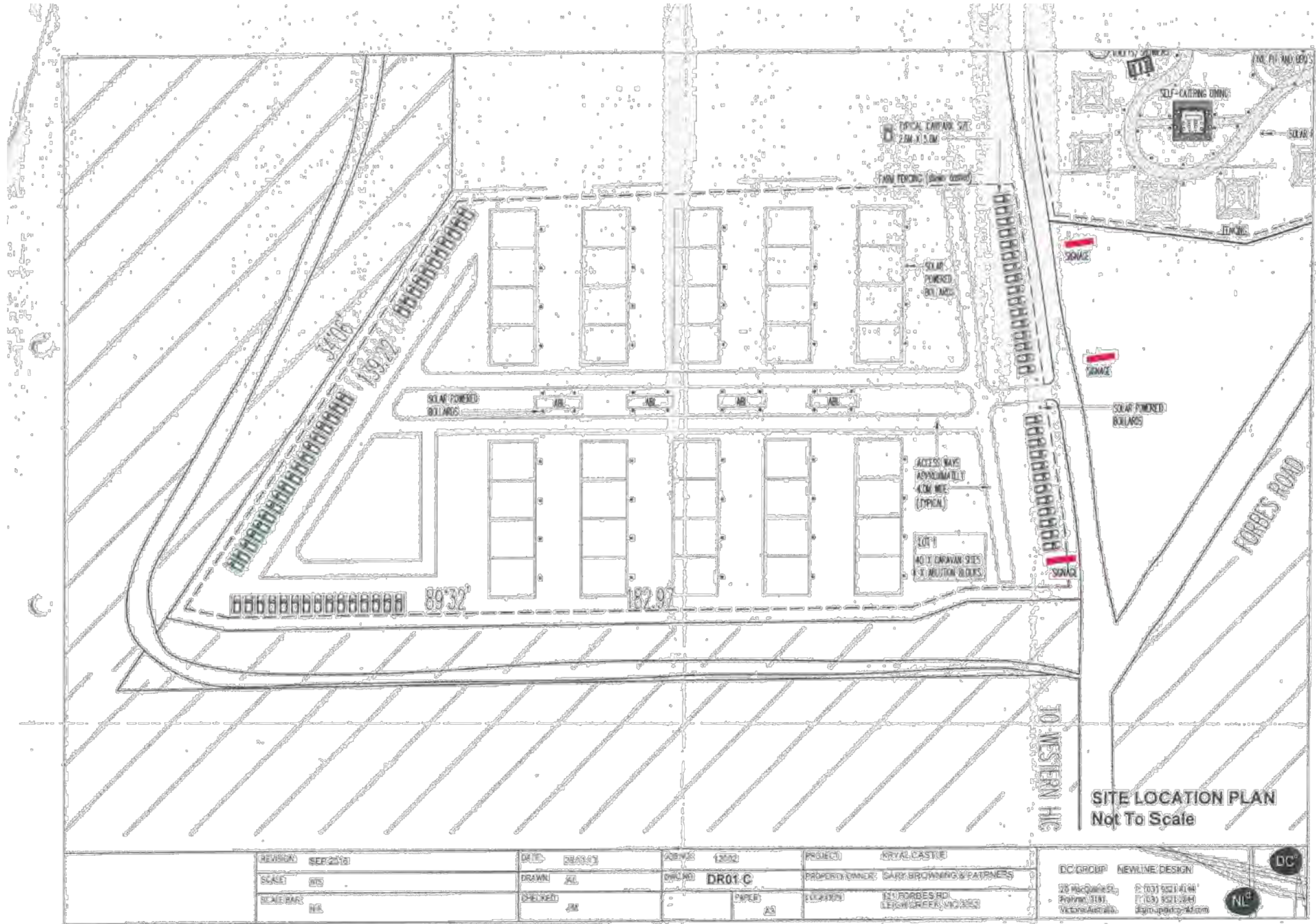
CONCLUSION

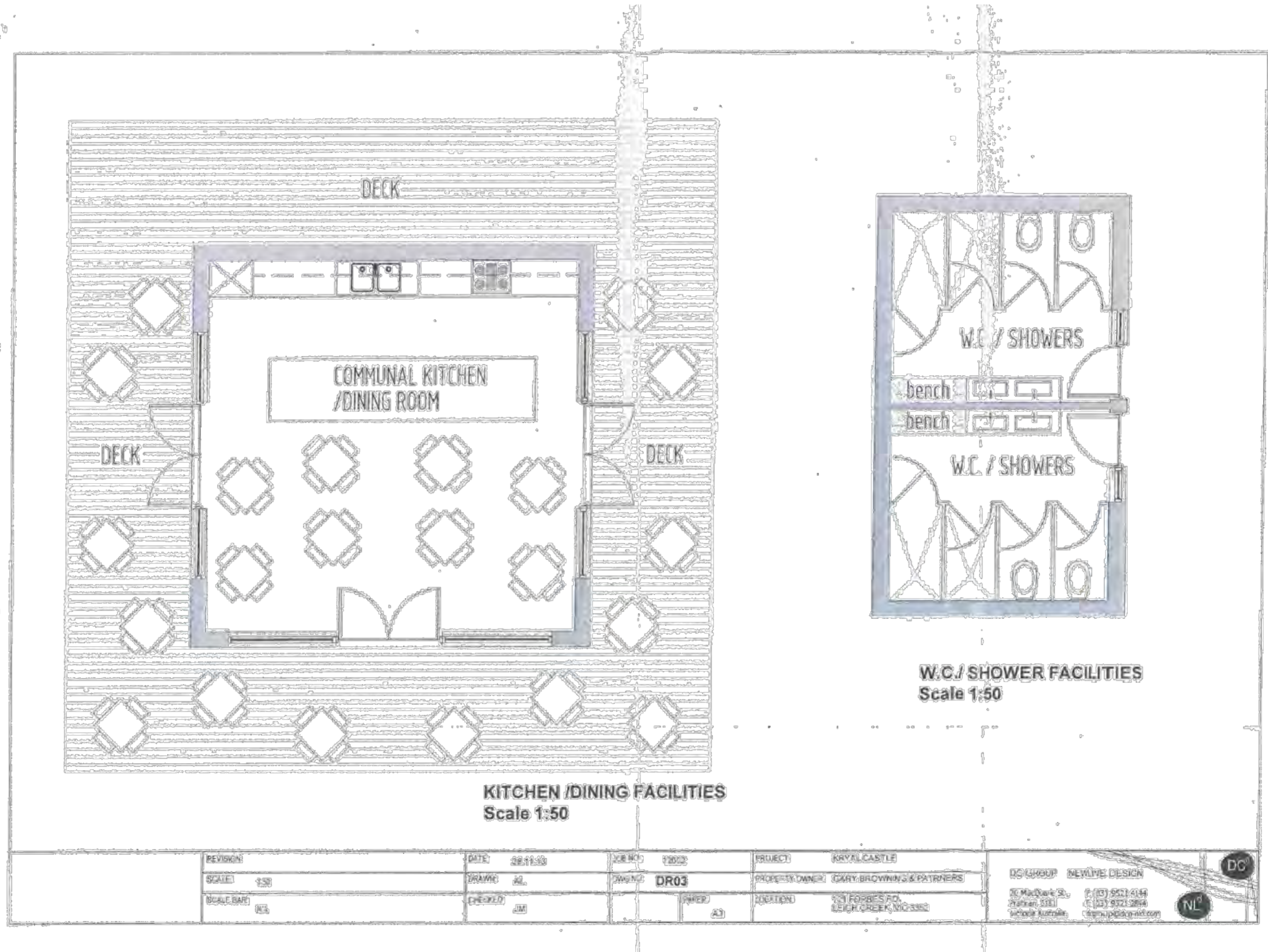
The application aims to expand Kryal Castle's service offering to include a range of accommodation options at the facility. The merits of adding glamping and a caravan park to the site would appear to compliment the Kryal Castle future business plans.

It is considered that this application should be approved subject to conditions and that the expiry dates for commencement and completion are extended beyond normal timeframes in this instance to enable the owners to undertake the extensive work required to connect the facility to Central Highlands Water's reticulated sewerage scheme.









KITCHEN / DINING FACILITIES
Scale 1:50

W.C. / SHOWER FACILITIES
Scale 1:50

REVISION	DATE	28.11.18	DR NO	1202	PROJECT	KRYAL CASTLE	
SCALE	1:50	DRAWN	AL	DWG NO	DR03	PROPERTY OWNER	GARY BROWNING & PARTNERS
SCALE BAR	N/A	CHECKED	JM	PAPER	A3	LOCATION	721 FORBES RD, LEIGH CREEK, VIC 3352
				DC GROUP NEWLINE DESIGN 10 MacDermott St, Traralgon, VIC 3844 Victoria Australia P: (03) 9521 4144 E: (03) 9521 2894 www.pdgroup-nld.com		DC NL	

15 OTHER REPORTS

15.1 ASSEMBLY OF COUNCILLORS

Author: Renee Hodgson, Governance Officer

Authoriser: Sally Jones, General Manager

Attachments: 1. Record of Assembly of Councillors  

HEADING

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.

RECOMMENDATION

That Council receive the record of Assemblies of Councillors as follows:

- **Assembly of Councillors – Wednesday 7 August 2019 - Waste and Recycling Presentation by the Grampians West Waste & Resource Recovery Group**

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

A record of Assemblies of Councillors is provided below for consideration:

- Assembly of Councillors – Wednesday 7 August 2019 - Waste and Recycling Presentation by the Grampians West Waste & Resource Recovery Group



Assembly of Councillors

Date: Wednesday 7 August, 2019

Venue: Council Chambers, Ballan

Councillors: Cr. Tatchell (Mayor)
 Cr. Bingham - 2:20
 Cr. Dudzik ✓
 Cr. Edwards
 Cr. Keogh ✓
 Cr. Sullivan - 2:40
 Cr. Toohy

Officers: Derek Madden; Phil Jeffrey; Satwinder Sandhu; Sharon McArthur

Apologies: Cr Tatchell, Cr Toohy, Cr Edwards

1. **Assembly opened at:** *became an AGC at 2:40*

2. **Disclosure of Conflict of Interests -**

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. The type of indirect interest specified under Section 78, 78A, 78B, 78C or 78D of the Local Government Act 1989 (amended) set out the requirements of a Councillor or member of a Special Committee to disclose any interest (pecuniary or non-pecuniary) or 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.

3. **Item Notes:**

Waste and Recycling Presentation by the Grampians West Waste & Resource Recovery Group

Assembly closed at: *2:58 pm*

Signed: 

Derek Madden
 Chief Executive Officer

Phil Jeffrey
 GM Community Assets + Infrastructure

Date: 07.08.19

16 NOTICES OF MOTION

Nil

17 NOTICES OF RESCISSION

Nil

18 MAYOR'S REPORT

19 COUNCILLORS' REPORTS

20 URGENT BUSINESS

21 CLOSED SESSION OF THE MEETING TO THE PUBLIC

Nil

22 MEETING CLOSURE