



44 Station Street
Cobram Vic 3644
www.moirā.vic.gov.au
info@moirā.vic.gov.au

AGENDA

SCHEDULED MEETING OF COUNCIL **FOR** **WEDNESDAY 27 MARCH 2024** **TO BE HELD AT NATHALIA SPORTS AND COMMUNITY CENTRE** **DANCOCKS ROOM 42 ROBERTSON ST, NATHALIA VIC 3638** **COMMENCING AT 4.30PM**

RECORDING

Consistent with section 13.3 of our Governance Rules, Council officers have been authorised to record the public session of this meeting using an audio recording device.

LIVE STREAMING

Council meetings will now be lived streamed to allow those interested in viewing proceedings greater access to Council decisions and debate, without attending the meeting in person.

1. WELCOME CALLING TO ORDER – CEO

2. PRAYER

Almighty God we humbly ask you to guide our deliberations for the welfare and benefit of the Moira Shire and its people whom we serve.

Amen

3. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We, the Moira Shire Council, would like to acknowledge the traditional owners of the land upon which we meet and pay our respects to their Elders both past and present.

4. APOLOGIES / LEAVE OF ABSENCE

5. DISCLOSURE OF CONFLICTS OF INTEREST

6. ACKNOWLEDGEMENT OF ORDER OF AUSTRALIA MEDAL RECIPIENT

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Recommendation: That the minutes of the Scheduled Council Meeting held on Wednesday, 28 February 2024 as presented be adopted.

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FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 10.1.1
**(EXECUTIVE MANAGER CORPORATE
GOVERNANCE, AMANDA CHADWICK)**
**(CHIEF EXECUTIVE OFFICER, MATTHEW
MORGAN)**

**REPORT TO THE MINISTER AND THE COMMUNITY FOR THE PERIOD 1 JULY TO
31 DECEMBER 2023**

Recommendation

That Council endorse the Report to the Minister and the Community for the period 1 July to 31 December 2023 that highlights the achievements against the strategic pillars and goals in the 2021-2025 Council Plan and the engagement activities of the Panel of Administrators and Council.

1. Executive Summary

The first edition of the Report to the Minister and the Community provides an update on the progress to achieve the strategic pillars and goals in the 2021-2025 Council Plan for the period 1 July to 31 December 2023:

- A Welcoming and Inclusive Place
- A Diverse and Dynamic Economy
- A Clean Green Environment
- Customer Focused and Responsive
- Transparent and Accountable Governance

The Report also includes:

- A snapshot of the Administrator Priorities;
- Our engagement and advocacy with the community;
- Updates on Capital Works Projects; and
- Financial Statements for the reporting period.

2. Conflict of interest declaration

There are no conflict of interest declarations to consider.

3. Background & Context

The Council Plan was adopted on 23 June 2021 with the goals and actions to be delivered over four years to June 2025.

The Plan includes 33 goals towards achieving Councils key strategic objective pillars and the intent of the plan. This report provides an update on Council's progress from 1 July to 31 December 2023.

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**REPORT TO THE MINISTER AND THE COMMUNITY FOR THE PERIOD 1 JULY TO
31 DECEMBER 2023 (cont'd)**

Progress Highlights

During the period 1 July to 31 December 2023, Council delivered a range of outcomes, some of which include:

A Welcoming and Inclusive Place

- Adoption of a new All Abilities Access and Inclusion Plan.
- Working with the Strathmerton Community Steering Committee to finalise a new Strathmerton Community Plan.
- Expansion of the Yarrawonga Splash Park.
- Installation of the Strathmerton Walking Track

A Diverse and Dynamic Economy

- Reaccreditation of our Visitor Information Centre in Nathalia.
- Supported the delivery of the Katamatite Silo Art Project.
- Hosted inaugural Murray Farm Gate Trail Expo.

A Clean Green Environment

- Conducted a successful Rural Tree Scheme.
- Advocated for our environment to sustain biodiversity and enhance riverine landscapes
- Planned for the installation of wildlife awareness signs.

Customer Focused and Responsive

- Organisation wide upgrade to Office 365.
- Commenced the development of a Customer Experience Strategy.
- Development of The First 72 Hours Program to assist the community in being prepared for an emergency event
- Represented Moira Shire Council at the Parliamentary Inquiry into the October 2022 Flood.

Transparent and Accountable Governance

- Development and adoption of a Risk Appetite Statement.
- New Community Amenity Local Law.
- Implementation of new online community engagement platform, Moira Matters.
- Development and adoption of an Administrator Code of Conduct.
- Progress towards completion of the recommendations in the Commission of Inquiry

During the period 1 July to 31 December 2023, the Panel of Administrators attended more than 30 significant events, ceremonies and meetings in the community and Council conducted 12 consultations with our community using a mix of online engagement activities on the Council website, and conventional media channels.

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31 DECEMBER 2023 (cont'd)**

4. Issues

The Panel of Administrators are currently working together with the Hon Melissa Horne, Minister for Local Government to formalise their priorities for 2024 which will ensure Council continues to make positive progress.

The draft version attached to this report will be enhanced through a graphic design process before issuing to the Minister and the Community, noting that no substantial changes will be made to the content.

5. Strategic Alignment

This report aligns with the Council Plan objective of Transparent and Accountable Governance.

6. Internal & External Engagement

The updates have been obtained through consultation with relevant Managers/Officers.

7. Budget / Financial Considerations

There are no budget or financial considerations associated with this report.

8. Risk & Mitigation

Regular reporting enables Council to monitor progress against the Council Plan objectives.

This report also ensures compliance with Council's Performance Reporting Policy and statutory obligations as well as addressing the expectations from the Minister.

9. Conclusion

The Report to the Minister and the Community provides an update against the strategic pillars and goals identified in the Council Plan 2021-2025 and highlights our engagement and advocacy programs conducted throughout the reporting period of 1 July to 31 December 2023.

Attachments

- 1 Report to the Minister and the Community Council Plan Progress Report 1 July to 31 December 2023

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**REPORT TO THE MINISTER AND THE COMMUNITY FOR THE PERIOD 1
JULY TO 31 DECEMBER 2023 (cont'd)**

**ATTACHMENT No [1] - Report to the Minister and the Community Council Plan
Progress Report 1 July to 31 December 2023**



**REPORT TO THE
MINISTER AND THE
COMMUNITY**
COUNCIL PLAN PROGRESS REPORT
1 July to 31 December 2023



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Acknowledgment of Country

The Moira Shire acknowledges the traditional custodians of country. We acknowledge their continuing connection to the land, water and community and pay our respects to them and their cultures and to their elders past, present and emerging

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PANEL OF ADMINISTRATORS

On 28 October 2022, a Commission of Inquiry into Moira Shire Council was appointed under section 200 of the *Local Government Act 2020*.

The Commission of Inquiry provided its report to the Minister for Local Government, The Hon Melissa Horne MP. The Minister accepted the Commission's recommendation to dismiss the Council and appoint a Panel of Administrators. The report was tabled in Parliament on 7 March 2023 and the Council was subsequently dismissed.

On 9 March 2023, John Tanner AM was appointed as interim administrator until the appointment of the panel.

On 8 June 2023 a Panel of Administrators was appointed to Moira Shire Council until the first meeting of the Council following the general elections in October 2028.

The Panel includes:

1. John Tanner AM – *Chair*.
2. Dr Graeme Emonson PSM.
3. Suzanna Sheed AM.

The terms and conditions of the appointment have been fixed by the Minister for Local Government in accordance with section 7(e) of the *Local Government (Moira Shire Council) Act 2023*.

The Panel of Administrators will perform all the functions, powers and duties of a Councillor as set out in the *Local Government Act 2020* (the Act), including representing the interests of the Moira Shire community.

In addition, the Panel Chair must perform all the functions, powers and duties of the Mayor of the Moira Shire Council as set out in the Act.



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ADMINISTRATOR PRIORITIES

The role of the Panel of Administrators during Council's period under Administration will not only be to perform all the functions, powers and duties of a Councillor (and the Mayor in the case of the Chair) but also to restore good governance to Moira Shire Council and provide a foundation for building effective leadership, project delivery, community engagement and a positive culture within Council so that elections can be held in the 2028 Local Government elections.

Whilst we are in the early stages of this journey, the Panel is committed to a long term, strategic approach to ensure positive progress is made on behalf of, and in partnership with, the Moira community.

The Panel of Administrators are currently working together with the Hon Melissa Horne, Minister for Local Government to formalise their priorities for 2024 which will ensure Council continues to make positive progress.

Moira Shire had the privilege of hosting the Hon Melissa Horne, Minister for Local Government and Roads & Road Safety in December 2023 with the visit centred on vital discussions surrounding road safety and key local projects within the Shire.

During the visit, Minister Horne met with the Moira Shire Council Panel of Administrators on the progress of Moira Shire and discussed the future direction and priorities.

One of the main priorities was finalising the recruitment, selection and on boarding of a new Chief Executive Officer, which we are pleased to report has occurred with new Chief Executive Officer, Matthew Morgan being appointed in December 2023, and commencing in January 2024.

Some of the other key priorities will include:

- Acquittal of all recommendations from the Commission of Inquiry Report.
- Strengthening trust and confidence through enhanced governance practices and transparency.
- Ensuring a comprehensive strategy is implemented to create a safe, respectful and inclusive workplace culture.
- Adopting a Customer Experience Strategy.
- Improvements to our community engagement practices and processes.
- Conducting a review of our Council Plan and 10 Year Financial Plan.

The progress on the formalised set of priorities will be reported in our next Report which will continue on a quarterly basis.

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JULY TO 31 DECEMBER 2023 (cont'd)**

**ATTACHMENT No [1] - Report to the Minister and the Community Council Plan
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CHAIR ADMINISTRATOR MESSAGE

I am pleased to present Moira Shire Council's Report to the Minister and the Community. This Report is for the period July to December 2023, however moving forward these reports will be provided quarterly.

The Panel of Administrators has been working together with the Hon Melissa Horne MP, Minister for Local Government to formalise our priorities including a Statement of Expectations for implementation in 2024 which will ensure Council continues to make positive progress.



Following the dismissal of elected members in March 2023 and the subsequent appointment of the Panel of Administrators until October 2028, the Council is focussed on building trust and confidence with the community by strengthening governance, providing opportunities for strong and meaningful engagement and demonstrating leadership. Whilst we are in the early stages of this journey, the Panel is committed to a long term, strategic approach to ensure positive progress is made on behalf of, and in partnership with the Moira community.

One of the main priorities for 2023, was finalising the recruitment, selection and onboarding of a new Chief Executive Officer. I am pleased to report that this has occurred with new Chief Executive Officer, Matthew Morgan being appointed in December 2023, and commencing in January 2024. Prior to this appointment, there had been three people in Acting Chief Executive Officer position and I thank Joshua Lewis, Matt Jarvis and Michael Tudball for the contribution during challenging times.

There has been a lot to celebrate over the past months, with a diverse range of activities and projects implemented and supported by Council.

The adoption of a new All Abilities Access and Inclusion Plan has been instrumental in outlining Council's commitment to promoting a more inclusive and accessible community. This Plan was launched in the same week as International Day of Persons with Disabilities and coincided with the inaugural All-Abilities Talent Show – with 17 performers and more than 180 attendees, this occasion was a highlight of the year.

Council participated in a number of community celebrations, including NAIDOC Week, the Tri State Games and the Victorian Seniors Festival, and a round of Cultural Diversity Grants were offered to support community groups in hosting Cultural Diversity Week events in 2024. We were particularly excited to welcome 45 residents of the shire as Australian citizens during this period.

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Several projects have highlighted our shires natural beauty whilst creating recreational opportunities for our community. The expansion of the Yarrowonga Splash Park, installation of more outdoor gyms, and completion of the Mick Cleary Walking Track in Strathmerton provide wonderful opportunities for people to get outdoors and enjoy their surroundings.

For those visiting the shire, the number of Visitor Information Points has increased, including two additional posts within V-Line stations in neighbouring local government areas. The Visitor Information Centre in Nathalia has been re-accredited, ensuring that visitors are confident in the quality of information being provided.

Support of sustainability initiatives continues to be a priority, with Council working closely with agencies and the community to protect and advocate for our environment, to sustain biodiversity and to enhance riverine landscapes.

Council continues to build on community engagement opportunities with the implementation of a new online engagement platform, Moira Matters. Moira Matters is a user-friendly platform, and one that I hope will contribute to more meaningful and accessible engagement with the Moira community as we strive to build trust and confidence in the council.

I would like to thank all members of the community who participated in events and engagement activities throughout this period.

John Tanner AM
Chair Administrator

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**REPORT TO THE MINISTER AND THE COMMUNITY FOR THE PERIOD 1
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**ATTACHMENT No [1] - Report to the Minister and the Community Council Plan
Progress Report 1 July to 31 December 2023**

INTRODUCTION

Welcome

Welcome to the first edition of the Report to the Minister and the Community that covers achievements and activities of Council for the period July to December 2023.

This Report provides a detailed statement of Councils performance against the Council Plan 2021-2025.

It also outlines the Administrator Priorities, our engagement and advocacy within the community, Capital works project updates, financial performance and other details as requested by the Minister for Local Government.

Council Plan Performance

This section provides a detailed update on Council's progress in delivering the objectives of the Council Plan 2021-2025 during the July to December 2023 period.

Council Plan Pillars



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ATTACHMENT No [1] - Report to the Minister and the Community Council Plan Progress Report 1 July to 31 December 2023

COUNCIL PLAN PERFORMANCE

Pillar 1 | *A welcoming and Inclusive Place*

✓ KEY ACHIEVEMENTS AND PROJECTS DELIVERED

- Adoption of a new All Abilities Access and Inclusion Plan.
- Working with the Strathmerton Community Steering Committee to finalise a new Strathmerton Community Plan.
- Expansion of the Yarrawonga Splash Park.
- Installation of the Strathmerton Walking Track

1.01 WE CELEBRATE OUR COMMUNITIES' ACHIEVEMENTS AND DIVERSITY

- Participated in NAIDOC Week celebrations including a Cultural Connection Day with a welcome ceremony, community walk and range of activities in Yarrawonga and an event in Cobram.
- Offered Cultural Diversity Grants to support community organisations and/or businesses to host Cultural Diversity Week events or activities, with three community groups receiving a minor grant of \$1,000 and two groups receiving a major grant of \$10,000.
- Welcomed and celebrated 45 new Australian citizens to the shire by hosting two Citizenship Ceremonies during the period.
- In celebration of the International Day of Persons with Disabilities, and the official launch of the Council's All Abilities Access and Inclusion Plan, the Council's All-Abilities Advisory Committee hosted an All-Abilities Talent Show which featured 17 acts showcasing a range of talents from the area and more than 180 attendees. The show was supported by PALS, Cobram Community House, and Cobram and District Specialist School.
- Supported the Victorian Seniors Festival by collaborating with Greater Shepparton City Council, Strathbogie Shire Council, and Rural City of Benalla to host a concert for seniors in the region, the Goulburn Valley Country Concert, Beatlez Tribute Show.
- Delivered our Festive Funding Grants program which offered up to \$1,000 for small towns and \$2,000 for our major towns to deliver a variety of activities and decorations throughout the shire over the Festive Season. A total of \$15,000 was provided to 14 community groups across our small and major towns through this program.

1.02 OUR ARTISTIC, CULTURAL PROGRAMS AND SERVICES WILL PROMOTE INCLUSIVENESS, SOCIAL WELLBEING AND REFLECT THE NEEDS AND VALUES OF COMMUNITIES

- As part of implementation of Council's Arts & Culture Strategy, commenced development of a Public Art Policy, which will ensure a coordinated approach to the funding, commissioning, installation and maintenance of Public Art.

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COUNCIL PLAN PERFORMANCE

Pillar 1 | *A welcoming and inclusive place.*

- Continued to implement our Arts and Culture Strategy and work with the four Creative Arts Hubs across the shire to deliver arts and culture events and programs across the shire. Some highlights for the period include:
 - o Arts for All commissioned two public art projects in Cobram – the ‘Cobram’ mural at the Grant Central Hotel, and the turtle sculpture on Punt Rd, Cobram.
 - o Across the Arts and CAN Hub hosted the St Kilda Film Festival in Yarrowonga and Numurkah.
 - o Across the Arts welcomed Jessica Watson to the shire for an inspiration talk, ‘Sailing the Epic Voyage of Life’ which was a sellout event.
 - o The G.R.A.I.N. Store hosted The Bushwackers in Nathalia, which saw an audience of locals and visitors to the shire.
 - o All Moira Creative Arts Hubs hosted highly successful workshops, exhibitions, performances, and markets.
- Received funding from Emergency Recovery Victoria to engage a consultant to develop a Reconciliation Action Plan, which will outline the steps we will take to promote reconciliation and create a more inclusive and equitable community for all residents, including local Aboriginal and Torres Strait Islander peoples.

1.03 WE WILL EMPOWER COMMUNITIES TO CRAFT THEIR OWN VISION OF THE FUTURE AND SUPPORT THEIR EFFORTS TO BE MORE RESILIENT

- Worked with the Strathmerton Community Steering Committee to develop and launch a new Strathmerton Community Plan on 16 December 2023.
- Commenced planning activities with the Barmah community to develop their Community Plan. Activities so far have included a community BBQ and survey.
- An internal review of Council’s Flood Recovery emergency response has been undertaken. We are currently reviewing and implementing the recommendations from the review to improve our emergency response in the future.

1.04 WE VALUE AND RESPECT THE CULTURE OF OUR TRADITIONAL OWNERS

- Participated in a range of initiatives in recognition of the culture and history of our traditional owners including NAIDOC Week.
- Secured funding from Emergency Recovery Victoria (ERV) to engage a consultant to develop a Reconciliation Action Plan (RAP), which will outline the steps we will take to promote reconciliation and create a more inclusive and equitable community for all residents, including local Aboriginal and Torres Strait Islander peoples.

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COUNCIL PLAN PERFORMANCE

Pillar 1 | *A welcoming and inclusive place.*

1.05 WE WILL VALUE AND RECOGNISE THE HISTORY AND HERITAGE OF OUR TOWNS AND BUILDINGS

- Adopted a revised Memorials and Plaques Policy which includes strengthened criteria around commemorative memorials and plaques and their placement across the shire.

1.06 RECREATION, SPORTS FACILITIES, PROGRAMS AND SERVICES RESPOND TO OUR DIVERSE AND EMERGING COMMUNITY NEEDS

- Completed the expansion of the Yarrowonga Splash Park on the Yarrowonga Foreshore of Lake Mulwala. There were some commissioning issues with the splash park which have been resolved, however further works are planned over the winter period whilst the splash park is not in use.
- Hosted the 2023 Tri State Games from 12 to 17 November 2023 which saw more than 250 people with a disability compete in a range of sporting activities against their peers from Victoria, New South Wales and South Australia.
- Planned a second Bush Nippers Swimming Safety Program delivered at Thompson's Beach, Cobram in January. The program being delivered in partnership with Lifesaving Victoria, Barooga Aquatic Recreation Centre and YCMA.
- Commenced development of a playground renewal program based on Council's Play Strategy so we can carefully plan our current and future investment in the 70 play spaces across the Shire.
- Works began on the upgrade of Thompsons Beach/Kennedy Park, Cobram. This will include a new playground, shelters, signage, artwork, and an accessible walking path connecting all of these facilities along the foreshore.
- Installed 12 outdoor gyms in Cobram, Nathalia, Numurkah and Yarrowonga to promote active living in the community.
- Installed a 1.5km walking track around the Strathmerton Golf Course and Recreation Reserve. This was a joint project with the community steering committee and the walking track was named to commemorate much-loved community member, Mick Cleary.

1.07 WE PROMOTE THE HEALTH AND WELLBEING OF OUR COMMUNITIES

- Developed and adopted a new All Abilities Access and Inclusion Plan which outlines Council's commitment to promoting a more inclusive and accessible community.
- Conducted regular Health Promotion meetings with local health services, NCN Health and Yarrowonga Health, to ensure that organisations work collaboratively together to ensure compliance with the *Public Health and Wellbeing Act 2008*.
- Delivered a range of programs to the community including Maternal and Child Health and Immunisation Services, Environmental Health Services, Mosquito Monitoring and Syringe Disposal Programs.

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COUNCIL PLAN PERFORMANCE

Pillar 1 | *A welcoming and inclusive place.*

- Endorsed a Memorandum of Understanding to form a strategic alliance and broader co-operation between Council and local education and health sectors in delivering better outcomes for the Moira Shire in education, health, and general community wellbeing.
- Continued to operate a Flood Recovery Mobile hub which visits Barmah fortnightly.
- The Numurkah Community Learning Centre, in collaboration with the Numurkah Lions Club, Numurkah Aquatic and Fitness Centre, and Council, launched a new community Shower Program on 7 July 2023.

1.08 GENDER EQUALITY IS EMBEDDED IN COUNCIL POLICY AND DECISION MAKING

- Progressed the actions from our Gender Equality Action Plan 2021-2025, with preparation of the first progress reporting data.
- Developed a Policy Framework, which will ensure that Gender Impact Assessments for any Council Policy that have direct and significant impact on the public are incorporated into the policy development and review process.
- Took part in the 16 Days of Activism Campaign by promoting awareness on Council's official social media and holding a staff morning tea to raise awareness within the organisation.



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COUNCIL PLAN PERFORMANCE

Pillar 2 | *A diverse and dynamic economy.*

✓ KEY ACHIEVEMENTS AND PROJECTS DELIVERED

- Reaccreditation of our Visitor Information Centre in Nathalia.
- Supported the delivery of the Katamatite Silo Art Project.
- Hosted our inaugural Murray Farm Gate Trail Expo.

2.01 WE SUPPORT NEW AND EXISTING BUSINESS TO GROW AND PROSPER

- Using an experienced business facilitator, we ran our highly successful Business Hub program exclusively in Yarrawonga based around the construction sector.
- Continued to offer support to local businesses using facilitators to provide business training across the shire, covering a range of topics including social media, websites, business development, cashflow and budgets, and Canva graphic design software.
- Issued regular newsletters to industry with updates, promotions and support.
- Hosted regular tourism industry networking events with local businesses.
- Organised a visit by farmers and providers to Katunga Fresh and Booths to look at energy innovations, initiated a closer working relationship with Sandmount Farms (a major almond grower) and the Cobram & District Fruit Growers Association.

2.02 WE IDENTIFY AND PROVIDE SHOVEL-READY PROJECTS IN ORDER TO RESPOND PROMPTLY TO FUNDING OPPORTUNITIES

- Developed a Terms of Reference and a multi-assessment criteria analysis for a Project Steering Committee and refreshed Council's business case template to ensure that projects are strategically aligned and deliverable before being included in Council's 10-year capital works plan. This process will also position Council to be more responsive to funding opportunities, should they arise.
- Council has been successful in receiving funding for the following:
 - Nathalia Education Precinct Pedestrian Crossing
 - Moira Shire Road Safety Strategy and Action Plan
 - Safe Local Roads and Streets Program
 - Cobram and Numurkah Resource Recovery Centre Resale Shops
- Council continued to explore funding opportunities for a number of shovel ready projects.

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Pillar 2 | A diverse and dynamic economy.

2.03 WE DEVELOP AND PROMOTE YEAR-ROUND TOURISM PRODUCTS, SERVICES AND DESTINATIONS

- Supported the delivery of the Katamatite Silo Art community project by providing grant and project management support. The project was launched in September 2023.
- Increased our network of Visitor Information Points (VIPs) to 34 within the region and two within the V-Line stations of neighbouring Councils – Greater Shepparton and Benalla Rural City. The VIPs have seen an increase in brochure uptake from 14,876 in 2022 to 30,875 in 2023, a massive 107.2% increase in just one year. Re-accredited our Visitor Information Centre in Nathalia. This accreditation ensures visitors are confident in the quality standards and information being provided by our tourism staff, as well as allowing Council to be included in the wider tourism networking, conferencing and awards, to continually grow the services we provide and share ideas and achievements throughout the State.
- Designed, printed and distributed three new town maps (Cobram/Barooga, Numurkah, Nathalia/Barmah), a regional map, an updated silo art trail flyer, an updated Murray Farm Gate Trail brochure, an updated Nature Escape brochure and a brand-new Official Visitors' Guide.
- Commenced the expression of interest process for the Barmah Forest Heritage and Education Centre (BFHEC) which will; enable continuous community growth, support locals in their facility usage needs, and provide continual regeneration of the information provided at the BFHEC.
- Planned for the reinstatement of the BFHEC Advisory Committee to assist in the continual improvement and allow for greater community engagement and collaboration.
- Launched a Tourism winter marketing campaign to support tourism operators over the non-peak period with promotions and advertising, which saw more than 100 businesses promoted over the winter period.
- Continued to support our local tourism organisations (i.e., Cobram Barooga Business and Tourism Development Inc., Nathalia Barmah Business and Tourism Inc., Numurkah Love Our Lifestyle Inc., and Yarrawonga Mulwala Tourism and Business Inc).
- Refreshed the Sun Country Tourism website to include new landing pages, interactive products and fresh imagery.
- Held the Dollar Discovery Weekend in July which continues to grow significantly, with 58 deals and 3,145 deals sold across the weekend.
- Hosted our inaugural Murray Farm Gate Trail Expo on 23 November 2023 for our local tourism, hospitality, or the food and beverage industry with approximately 100 attendees.

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Pillar 2 | A diverse and dynamic economy.

2.04 WE ADVOCATE FOR THE PROVISION OF ESSENTIAL INFRASTRUCTURE INCLUDING ELECTRICITY SUPPLY, DIGITAL CONNECTIVITY AND TRANSPORT SERVICES

- Assisted industry bodies in advocating against further water buybacks by the Commonwealth Government due to the expected negative impact on Moira communities to arise from the buybacks. Advocacy included involving local communities and participating in local media dialogue and media advertising opposing water buybacks.
- Participated in a Digital Connectivity Round Table Discussion with Berrigan Shire Council and NBN in October 2023 to understand the importance of digital connectivity in the region and to develop a Digital Plan.
- Analysed the recommendations of the Community Transport Survey undertaken May 2023. The survey was undertaken so that Council can understand how people without access to their own vehicle are managing their transport needs and what difficulties, if any, they are experiencing accessing activities that are part of community living and advocate for improved services.

2.05 WE PLAN FOR SUSTAINABLE GROWTH AND DEVELOPMENT WHICH BALANCES ECONOMIC, ENVIRONMENTAL AND SOCIAL CONSIDERATIONS

- Appointed a contractor in August 2023 to develop a Numurkah - Strathmerton Growth Corridor Land Use Strategy. Council received funding through the Victorian Planning Authority Streamlining for Growth Fund towards the project. The purpose of the strategy will be to support economic and employment growth within Moira Shire by:
 - o sourcing the best locations for future growth and development (in industrial, commercial and residential land uses)
 - o creating a Framework Plan and Land Use Strategy that can be used to support a Planning Scheme Amendment aimed at changing zoning within the Corridor
 - o strengthen the Shire's economy, reinforce the importance of agriculture to the region, as well as allowing new industries and existing primary industries to diversify and expand in appropriate areas.

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COUNCIL PLAN PERFORMANCE

Pillar 3 | *A clean green environment.*

✓ KEY ACHIEVEMENTS AND PROJECTS DELIVERED

- Conducted a successful Rural Tree Scheme.
- Advocated for our environment to sustain biodiversity and enhance riverine landscapes.
- Approved the installation of wildlife awareness signs.

3.01 WE PROTECT AND ADVOCATE FOR OUR ENVIRONMENT TO SUSTAIN BIODIVERSITY AND ENHANCE RIVERINE LANDSCAPES

- Continued to work with natural resource management agencies and the community to protect and advocate for our environment to sustain biodiversity and enhance riverine landscapes. Through the group of agencies, Council have provided feedback through stakeholder engagement at workshops and meetings including the Broken Boosey Catchment Management Network, Goulburn Broken Partnership Committee, Goulburn Broken Wetland advisory Group, Goulburn Broken Local Gov Biodiversity Reference Group, Municipal Catchment Coordinator Reference Group
- Reviewed management plans, strategies and policies including:
 - o Goulburn Broken Waterway Strategy 2014-2022
 - o Shepparton Irrigation Region Land and Water Management Plan 2050, Seasonal Water Monitoring Proposals 24-25
- Undertook four compliance investigations regarding the alleged removal of native vegetation, with one requiring action to be taken.
- Conducted the Rural Tree Scheme which offers subsidised indigenous plants to rural landowners. An overwhelming response was received with 110 applications for the period which will see more than 13,000 trees grown and distributed to landowners.
- Planned, in partnership with Dutch Thunder Wildlife and the Department of Transport for the installation of wildlife awareness signs around Koonoomoo which will make drivers more aware of the wildlife moving through the area and reduce the number of wildlife deaths.

3.02 WE WILL BE AN ENVIRONMENTALLY SUSTAINABLE ORGANISATION

- Planned for the development of Council's next Corporate Emissions Reduction Plan which will ensure we continue to adapt and lead by example in responding to climate change and reducing our carbon footprint. The plan is expected to be completed by 2025.
- Continued to explore opportunities to improve environmental sustainability including investigating options such as Electric Vehicles and EV Charging for council fleet.
- Visited three schools and community groups across the shire to provide information about sustainable programs and initiatives and advocate for their involvement in initiatives such as tree planting days, Plastic Free July and Clean up Australia Day.

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Pillar 3 | A clean green environment

- Council's internal Green Team continued to advocate for better-practice sustainability options at Council events, including provision of compostable cutlery, crockery at Council events, promotion of Plastic-free July and promotion of state/country-wide sustainability events.

3.03 WE WILL ACHIEVE EXCELLENCE AND BEST PRACTICE IN WASTE MANAGEMENT

- Continued to plan for Cell 8 rehabilitation works at the Cobram Landfill.
- Continued to liaise with EPA toward best-practice site management. Some topics included site cleanliness (litter fly control), cell fencing and capping, dust suppression and storage of combustible materials.
- Planned for the commencement of a new waste collection and disposal contract from 1 November 2024.

3.04 WE REDUCE WASTE TO LANDFILL WITH EFFECTIVE RECYCLING AND ORGANIC WASTE DIVERSION SYSTEMS

- Secured State Government grant funding to develop two resale sheds at Cobram and Numurkah, with implementation plans currently underway.
- Planned for the proposal to introduce a 4-bin service to the community by November 2024, subject to community consultation.
- Implemented changes to acceptable materials at our Resource Recovery Centres (previously named transfer stations) to assist with receipt of unwanted materials, i.e., asbestos and loads greater than 2 cubic metres (Cobram only).

3.05 WE WILL ADAPT AND ADVOCATE FOR CLIMATE CHANGE AND IDENTIFY AND RESPOND TO ENVIRONMENTAL CHALLENGES

- Progressed the Corporate Emissions Reduction Plan project with the review stage, project plan and seeking of seed funding to compliment Council's budget towards the Plan's completed.
- Engaged a consultant to progress development of an Integrated Water Management Plan to address irrigation water supply issues at Yarrawonga Showgrounds Victoria Park. This is a joint project between DEECA, Council and North-East Water.

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Pillar 3 | A clean green environment

3.06 OUR NATURAL AND OUTDOOR SPACES WILL PROVIDE QUALITY HABITAT FOR PLANTS AND ANIMALS AS WELL AS BE PLACES FOR PEOPLE TO ENJOY

- Council's Parks and Gardens Department continued to plant where appropriate.
- Undertook monitoring and data collection of the flying fox community at Numurkah for DEECA (Department of Energy, Environment and Climate Action).
- Fauna monitoring continued at Kinnairds wetland and Moodies Swamp to contribute to Citizen Science data collation (DEECA).
- Provided waste management services for camping areas in order to protect the natural spaces.

3.07 WE WILL WORK WITH FLOODPLAIN MANAGEMENT PARTNERS TO IMPROVE THE FLOOD RESILIENCE OF THE CATCHMENT'S PEOPLE, INFRASTRUCTURE, LAND, WATER AND BIODIVERSITY

- Participated in the Moira Shire Flood Recovery Plan following the October flood event and with key stakeholders and assisted Council's Flood Recovery Team with support to residents with Waste management, natural environment concerns and the completion of the 2022 Flood Debrief Report.
- We have an active partnership with the Goulburn Catchment Management Authority through the Broken Partnership Team and associated committees and continue to work with other partners on catchment health.

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COUNCIL PLAN PERFORMANCE

Pillar 4 | *Customer focused and responsive.*

✓ KEY ACHIEVEMENTS AND PROJECTS DELIVERED

- Organisation wide upgrade to Office 365.
- Commenced the development of a Customer Experience Strategy.
- Reviewed the Customer Service Standards and Behaviours.
- Development of The First 72 Hours Program.
- Represented Moira Shire Council at the Parliamentary Inquiry into the October 2022 Flood.

4.01 THE CUSTOMER WILL BE AT THE CENTRE OF COUNCIL'S FOCUS

- Commenced the development of the Customer Experience Strategy by reviewing insights from customer feedback encompassing compliments, complaints and customer satisfaction survey results. This Strategy will be finalised and implemented in 2024.

4.02 OUR SYSTEMS, PROCESSES AND USE OF TECHNOLOGY WILL SUPPORT EFFICIENT AND SECURE BUSINESS OPERATIONS

- Completed an organisation wide upgrade to Office 365.
- Upgraded our document management system to the latest cloud enabled version with enhanced mobile capabilities for staff.
- Enhanced Council's IT backup and recovery systems to ensure adequate business continuity.
- Systems were independently penetration and vulnerability tested to ensure they are correctly protected.

4.03 OUR SERVICE STANDARDS AND SERVICE DELIVERY MODELS WILL BE OF A HIGH STANDARD AND MEET COMMUNITY NEEDS

- Reviewed the Customer Service Standards that are in place to ensure that we are dealing with customers in a way that is consistent with the commitments made to the community through the Customer Service Charter.

4.04 WE SUPPORT, APPRECIATE AND ACKNOWLEDGE THE CONTRIBUTION MADE BY VOLUNTEERS

- Reviewed our Volunteer Policy and accompanying procedures to enable us to provide a holistic approach to community wellbeing, utilise the diverse range of skills within our community where appropriate, and provide individual benefits to a person's overall satisfaction.
- Commenced planning activities for Australia Day and Achiever Awards that recognize the value and contribution of community groups and volunteers.

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COUNCIL PLAN PERFORMANCE

Pillar 4 | Customer focused and responsive.

4.05 WE WILL BE READY TO ACTIVATE, RESPOND AND ASSIST IN EMERGENCY MANAGEMENT

- Continued to undertake a review of our Business Continuity Plan to ensure that Council continues to be prepared to respond to business disruption events.
- Commenced a comprehensive review of our Municipal Emergency Management Plan.
- Represented Moira Shire Council at the Parliamentary Inquiry into the October 2022 Flood event on October 10, 2023, emphasising the significant impact of the flood on Moira, highlighting economic losses totalling \$75.8 million and infrastructure repair costs exceeding \$17 million, while stressing the importance of resilience-building measures and improved communication strategies for future events, and underscoring the necessity of effective cross-border protocols with neighbouring NSW councils for enhanced disaster response and recovery efforts.
- Developed and implemented 'The First 72 Hours Program' in partnership with Alpine Shire Council and in conjunction with the CFA, Victorian State Emergency Service, and Albury Wodonga Ethnic Communities Council. This Program assists the community in being prepared for an emergency event by making an Emergency Plan, having a back up of information, preparing a kit and staying informed.

4.06 TO PROVIDE, RENEW AND MAINTAIN A DIVERSE NETWORK OF ASSETS THAT ARE SAFE, EFFICIENT AND ACCESSIBLE

- A number of projects have been completed including:
 - o Installation of a new BBQ area at Jack Edwards Park, Barmah with a BBQ, shelter and the entrance that focus on accessibility for all.
 - o Cobram Apex Stadium 60kW Solar Installation.
 - o Invergordon Recreation Reserve – Painting of Exterior of Buildings.
 - o Tungamah Recreation Reserve – Upgrade of Septic System.
 - o JC Lowe Oval Yarrawonga - Football Clubrooms – External Painting of Facility.
 - o Cobram Showgrounds – New Fencing & Entry to North End.
 - o Cobram Seniors Citizen building – Renewal of Floor Coverings.
 - o Moira Shire Main Offices – Upgrading of Air Handling Systems.
 - o Cobram Outdoor Pool – Exterior Painting of Amenities Shelter.
 - o Yarraweah Rec Reserve – Update of Septic System

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COUNCIL PLAN PERFORMANCE

Pillar 5 | *Transparent and accountable governance.*

✓ KEY ACHIEVEMENTS AND PROJECTS DELIVERED

- Development and adoption of a Risk Appetite Statement.
- New Community Amenity Local Law.
- Implementation of new online community engagement platform, Moira Matters.
- Development and adoption of an Administrator Code of Conduct.
- Progress towards completion of Commission of Inquiry Recommendations

5.01 OUR DECISIONS WILL BE EVIDENCE-BASED, FINANCIALLY VIABLE, AND FOR THE LONGER TERM

- Commenced development of a 10-year capital works plan as well as reviewing its long-term Financial Plan which will ensure that decisions on future spend are informed by the viability of the council.
- Commenced the implementation of a financial reporting software. This reporting tool is expected to enhance the financial awareness of Council staff and improve budgeting and forecasting through dynamic financial reporting.
- The 2024/25 Budget Consultation was the first engagement activity to launch on the Council's new engagement platform, Moira Matters. The platform includes tools for the community to share their priorities and the opportunity to rank the types of projects they would like to see prioritised should the funding be available. The results will assist Council in the development of the budget as well as long term financial planning activities.

5.02 WE WILL COMMUNICATE EFFECTIVELY COUNCIL'S ROLE, CAPACITY AND ACHIEVEMENTS

- Developed our 2022/23 Annual Report accordance with the *Local Government Act 2020* which details information about Council's role and achievements during the financial year. The Annual Report was adopted on 25 October 2023.
- Actively shared valuable community updates and information across our various social media channels, including Facebook, Instagram, and LinkedIn. The Moira Shire Council Facebook Page has experienced growing engagement, reaching a total of 277,798 individuals and accumulating 7,968 followers, an increase of 503 during the period.
- Distributed our Community Newsletter monthly by email to ensure residents stay well informed and up to date. During this period, more than 9,800 emails have been sent, with an open rate of 47%.
- Created a series of video content showcasing the diversity of services we offer, what our Council staff do day to day and how we support community through various initiatives and programs, which are being shared through our social media platforms.

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Pillar 5 | Transparent and accountable governance.

- Progressed the delivery of the recommendations in the Commission of Inquiry Report with 6 of the 8 recommendations now completed and planning continuing to address the final 2 through an action plan.

5.03 WE RESPONSIBLY MANAGE OUR BUSINESS, HEALTH, AND SAFETY RISKS

- Developed and adopted a Risk Appetite Statement which forms part of the Moira Shire Council Risk Management Framework and determines the level of risk that Council is willing to accept in pursuit of its strategic objectives.
- Continued to conduct a comprehensive review of Council's Risk Management Policy and Plan.
- Engaged the services of an external auditor to deliver the audit of Council's financial management policies and practices, including procurement. This audit is in response to Recommendation Three of the Commission of Inquiry Report into Council.

5.04 WE PROVIDE A SAFE, PRODUCTIVE, AND SUPPORTIVE WORKSPACE TO FOSTER INGENUITY, DIVERSITY, AND ENTHUSIASM IN OUR STAFF AND COUNCILLORS

- Developed and adopted an Administrator Code of Conduct on 27 September 2023.
- Commenced the comprehensive review of the Employee Code of Conduct. The revised Code will be based around Council's Corporate Values and address Recommendation Eight of the Commission of Inquiry Report.
- Rolled out a new Competency Framework, which established common standards of behaviour to guide the way we work and contribute to a positive workplace culture. The framework is based on our values of Respect, Honesty, Accountability and Integrity.
- Engaged staff to ascertain their views and thoughts on safety of the workplace through a Psychological Survey and participation in the Victorian Public Sector People Matter Survey.
- Conducted an Organisational Restructure in response to the Commission of Inquiry to address staffing challenges and to attract new staff to increase the organisations capacity to deliver services.

5.05 WE WILL BE TRANSPARENT, INCLUSIVE, RESPONSIVE AND ACCESSIBLE WHEN ENGAGING WITH THE COMMUNITY

- Implemented a new online community engagement platform, Moira Matters (through Social Pinpoint) to improve our engagement with the community.
- Conducted the first Community Catch Up in Numurkah that provided the community with an opportunity to meet the Panel of Administrators to discuss local issues.

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Pillar 5 | Transparent and accountable governance.

- Enhanced the Public Question Time section of the Scheduled Council Meetings to provide the opportunity for people submitting their questions to speak during the meeting.
- Improved access to the Council Meeting Agenda by publishing the Agenda earlier than the 48 hours prescribed in the Governance Rules.

5.06 WE WILL STRIVE TO PROVIDE A SAFE, COMPLIANT, AND WELL-PLANNED BUILT ENVIRONMENT BASED ON A SOUND STRATEGIC PLATFORM

- Launched a new All Abilities Access and Inclusion Plan which outlines Council's commitment to promoting a more inclusive and accessible community and outlines the priorities of Council to improve access to the built environment, social connections and communication processes.

5.07 WE WILL SUPPORT A SAFE AND LIVEABLE COMMUNITY THROUGH ENFORCEMENT OF LOCAL AND STATE GOVERNMENT REGULATIONS

- Developed and adopted a new Community Amenity Local Law 2023 in consultation with the community.
- An annual audit of Moira Shire's animal shelter (Domestic Animal Business) was undertaken with some works being completed to achieve compliance with the relevant requirements of the *Domestic Animals Act 1994*.
- Continued to implement the actions from our Domestic Animal Management Plan 2021-2025, with an annual review of the plan being completed and submitted during the period.
- Annual Fire Prevention Inspections have been conducted to identify fire hazards on properties within Moira Shire, with approximately 225 Fire Prevention Notices issued and subsequent Infringements for non-compliance being issued as per the *Country Fire Authority Act 1958*.
- Domestic Animal Business renewals occurred in line with the *Domestic Animals Act 1994*.
- Rehomed 54 animals through the Animal adoption and fostering program and through local advertising.
- Footpath trading renewals occurred in line with Council's Community Amenity Local Law 2023, which was adopted by Council on 22 November 2023.

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ADMINISTRATORS' ENGAGEMENT WITH THE COMMUNITY

During the period 1 July to 31 December 2023, the Panel of Administrators attended more than 30 significant events, ceremonies and meetings in the community.

These events included:

- Two citizenship ceremonies.
- Katamatite Silo Art official opening.
- Cobram Barooga RSL Vietnam Veterans Day Wreath Laying.
- NCN Health NAIDOC Event.
- Murray Farm Gate Trial Expo.
- Multiple Rotary meetings across the municipality.
- Multiple Lions Club meetings across the municipality.
- Herald Sun Bush Summit.
- Futures Expo - Where to after school.
- Senior Citizens meetings across the municipality.
- Empowering the Moira community to improve youth mental health.
- Yarrawonga Mulwala Little Athletics Presentation Ceremony.
- Cobram and District Fruit Growers Association Annual General Meeting.
- ECEC Schools Collaboration.
- Yarrawonga Mulwala Community and Learning Centre Annual General Meeting.
- One Year Anniversary Flood Event.
- Yarrawonga Formation Flying Camp.
- Remembrance Day ceremonies across the municipality.
- Official Opening- Tri State Games 2023.
- Moira Health Alliance Care Annual General Meeting.
- All Abilities Talent Show.
- Minister for Local Government, The Hon Melissa Horne's visit to Moira Shire
- Yarrawonga P-12 Awards Evening.
- Cobram Anglican Grammar School Awards event.
- Bearii War Memorial Monument Dedication Ceremony.
- Cobram Secondary College Awards event.
- Tour of Cobram Secondary College

The Panel of Administrators welcome invitations to community events.

For further information or to submit an invitation, please visit [Invite our Administrators](#) on our website.

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COMMUNITY ENGAGEMENT AND ADVOCACY

Community Engagement

Between 1 July to 31 December 2023, Moira Shire Council conducted 12 consultations with our community using a mix of online engagement activities on the Council website, and conventional media channels.

Engagement activities included the following:

- Strathmerton Community Planning.
- Expressions of Interest to Lease Killara House Cobram.
- Flood and Disaster Recovery Surveys.
- Draft Community Amenity Local Law.
- Yarrawonga Sports Stadium Fundraising Committee.
- Numurkah Caravan Park Lease.
- Barmah Community Planning.
- Proposal to acquire Lot 97 on Plan of Subdivision 735241D.
- Youth Fest 2023 – Logo Competition.
- Waaia Public Toilet Redevelopment.
- Proposal to Discontinue and Lease part of Richardson Street, Nathalia.
- Expression of Interest – Barmah Forest Heritage and Education Centre.

During this period, Council also launched its new online community engagement platform, Moira Matters. The first activity launched through this platform was consultation for the 2024/25 Budget which opened on 20 November 2023 and continued into early 2024. From the date of launch to the end of December the site had more than 1,000 views with 445 separate visitors. We look forward to seeing how this platform improves community engagement across the shire.

Below are a couple of highlights from the engagement activities undertaken.

COMMUNITY AMENITY LOCAL LAW

External consultation on the Council's draft Community Amenity Local Law 2023 was conducted in accordance with Council's Community Engagement Policy from the period 31 July 2023 to 12 September 2023.

The engagement program included:

- a public notice in Council's local newspapers and a consultation page on our website.
- Six separate social media posts, including a video message from the Acting CEO were also published that reached over 4,000 social media accounts, received 22 reactions, 24 clicks on the links and 394 views of the video.
- A copy of the draft Community Amenity Local Law was provided to the Community Asset Committees who manage Council Reserves as well as the local Victoria Police for review and feedback.
- Copies of the draft Local Law were made available at our Service Centres in Cobram and Yarrawonga.

Council received two formal submissions with one submitter choosing to address Council at a Submissions Hearing held on 13 September 2023.

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**REPORT TO THE MINISTER AND THE COMMUNITY FOR THE PERIOD 1
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COMMUNITY ENGAGEMENT AND ADVOCACY

Following the completion of the community engagement, several minor amendments were made to the draft Local Law prior to the document being adopted by Council at the Scheduled Council Meeting on 22 November 2023 and coming into effect from 1 December 2023.

The Community Amenity Local Law is available on our website under [Local laws and regulations](#).

STRATHMERTON COMMUNITY PLANNING

In April 2023, Council commenced engagement activities with the Strathmerton Community Steering Committee to begin the renewal process for the Strathmerton Community Plan. Several engagement activities were planned during June and July 2023 to gather information from the community, including a tree planting morning, donut drop, coffee mornings, school and pre-school activities, as well as a physical and digital survey that was promoted extensively throughout the engagement period. Community members responded to the following questions:

1. What do you love about Strathmerton?
2. What would you change about Strathmerton?
3. What would you add to Strathmerton?

Ninety survey responses were received, and nearly 150 people of all ages attended the engagement events, with the feedback received being used to determine the goals in the Strathmerton Community Plan.

A draft version of the Strathmerton Community Plan was released for feedback in from 17 October 2023 to 18 November 2023. Council received 3 submissions, with the feedback received used to make final changes to the document. The goals included in the renewed Strathmerton Community Plan include (but are not limited to):

- Facilitate more community events (both youth and whole community).
- Build the Strathmerton to Cobram Rail Trail.
- Hold a regular market day for local producers.
- Improve accessibility to the Lions Club Picnic Area and public toilets.
- Complete History Board Project.

The final Strathmerton Community Plan was launched with the Strathmerton community on 16 December 2023. A copy of the plan is available on [Moir Matters](#).

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COMMUNITY ENGAGEMENT AND ADVOCACY

Advocacy

WATER BUY BACKS

The Australian Government announced in 2023 it would buy back water from farmers to meet environmental goals.

Moira Shire Council stands by agriculture and manufacturing industries that rely on the availability of water to stay in business and Council lobbied the Australian Government to withdraw the Water Amendment Bill 2023 to ensure that water buybacks are not reinstated.

In October 2023 Moira Shire Council provided a submission to the Senate Standing Committee on Environment and Communications on the Water Amendment Bill 2023.

We continue to share the stories of our local industries and businesses that are impacted by water allocation and work collaboratively with regional Local Government groups to campaign towards the Australian Government.

As a member of the Murray River Group of Councils, Moira Shire Council is driving the Push Back Buybacks campaign demonstrating the effects from the previous buybacks, sharing the stories of our local farmers and asking the Prime Minister of Australia to stand-up for our industries.



ROAD SAFETY

Moira Shire Council are working together with the Department of Transport, Road Safety Victoria and the TAC to analyse current crash trends throughout the municipality, implementing a targeted plan aligned with state-level strategy. The goal is to ensure safer roads for the community, inspiring a culture of safe driving and eliminating poor driver behaviours. Development of a pilot program with community participation is underway.

YARRAWONGA PRIMARY SCHOOL SITE

Moira Shire Council seeks State Government support to acquire the old Yarrawonga Primary School site, aiming for a community-oriented solution that minimises the burden on ratepayers and maximises community use.

YARRAWONGA MULWALA BRIDGE

The new Yarrawonga Mulwala Bridge is crucial for economic growth and safety. We are urging immediate action to prioritise its construction, facilitating improved trade, business transport, tourism, and daily commuting for river communities. Establishment of an ongoing process with Moira Shire, Federation Shire and the Department of Transport in regards to status of the project is continuing.

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COMMUNITY ENGAGEMENT AND ADVOCACY

HEALTH AND EDUCATION MOU

In December the Panel of Administrators adopted the Memorandum of Understanding Moira Shire Council, Health and Education to form a strategic alliance and broader co-operation between local government (Moira Shire Council) and local education and health sectors in delivering better outcomes for the Moira Shire in education, health, and general community wellbeing.

The objectives of the Memorandum of Understanding (MoU) are as below:

- Adopt a collaborative and community-orientated approach to planning, funding, and implementing services, programs, and projects for the Moira Shire communities;
- Deliver improved social and economic outcomes for the communities;
- Invite and encourage other stakeholders to participate in the alliance;
- Determine key initiatives and services for the combined initiatives by the alliance;
- Gain endorsement by the sectors to initiatives and services; and
- When appropriate, engage and consult the community to ensure we speak with one voice.

The MoU includes a number of foundational partners across the health and education sectors. It is envisaged that other key partners within the health and education sectors will be encouraged to join the MoU. Building the partnership base of the MoU over time will be key to its success.

IMPROVED DIGITAL CONNECTIVITY FOR THE SHIRE

Recognising the unacceptable state of poor internet speed, unreliable connections, and inadequate phone coverage across Moira Shire, we are advocating for urgent measures to enhance digital connectivity for residents and businesses, ensuring fast, reliable, and affordable internet services.

THOMPSONS BEACH INFRASTRUCTURE

Council proposes to improve the infrastructure at Thompsons Beach to provide better facilities and amenities with greater access to the water, realising its potential as the flagship beach of the Murray. Council is currently funding a masterplan concept with CBBT and working with Regional Development Victoria to secure funding for the delivery of infrastructure.

NETWORKING WITH REGIONAL COUNCILS AND LOCAL GOVERNMENT VICTORIA

Moira Shire Council hosted a networking roundtable event in November 2023 with CEO's and Directors from neighbouring Councils including Benalla, Wangaratta, Campaspe and Shepparton with guest presenter Mike Gooley, Executive Director of Local Government Victoria.

Mr Gooley presented on number of issues that local Councils face including Roads, the new legislation to improve performance and accountability of Councillors across the state and Housing.

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CAPITAL WORKS UPDATE

COMPLETED PROJECT HIGHLIGHTS

Council acknowledges there has been some historical challenges with major project delivery which has impacted on the first half of the 2023/2024 financial year, however has still delivered a number of community infrastructure projects.

YARRAWONGA SPLASHPARK EXPANSION



Status: Complete

Total cost: \$1,054,000

This project included the expansion of the existing splash park as well shelters, seating around the splash park, new picnic tables in the rotunda, circular seating under the big tree, new rubbish bins, garden boxes, a water drinking fountain and landscaping around the splash park.

This project was jointly funded by Council and the Australian Government's Local Roads and Community Infrastructure Projects Funding.

STRATHMERON WALKING TRACK

Status: Complete

Total cost: \$35,000

This project included construction of a new 1.5 kilometre walking track and revegetation around the Strathmerton Recreation Reserve and Golf Course.

The walking track was named after a much loved community member, Mick Cleary

This was a joint project between Council and the Strathmerton Community Steering Committee.



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CAPITAL WORKS UPDATE

MAJOR PROJECT UPDATES

YARRAWONGA LIBRARY PROJECT

Status:  **In progress**

The Yarrowonga Library Development will include:

- a modern library;
- a community exhibition space;
- a commercial kitchen/cafe,
- storage facilities,
- customer service / reception areas;
- outdoor spaces.



This project is jointly funded by Council, and the Victorian Government's Community Infrastructure Loan Scheme and Living Libraries Infrastructure Program.

Latest update

The construction of the underground services, commenced in November and works are continuing. The first concrete pour that was scheduled for the library has been delayed due to further latent conditions against a neighbouring property resulting from inclement weather conditions over the Christmas period. This has resulted in a minor design change.

The Yarrowonga Library Community Fundraising Committee officially launched, with the Friends of the Yarrowonga Library donating \$20,000 to start the fundraising venture.

The group aims to raise \$230,000 by June 2024 to contribute towards the equipment, furniture and fit out for the new Library. Community donations are welcomed, visit the GV Library fundraising webpage for more information or to make a donation.

YARRAWONGA MULTISPORT STADIUM

Status:  **In progress**

The Multisport Stadium will provide an exciting new facility in Yarrowonga for year-round participation in sports and activities for all ages, abilities and interests. The initial build will be for a modern 2-court facility that will service the entire community with the ability to support basketball, netball, badminton, table tennis and volleyball, as well as the evolving formats of futsal, additional fitness classes and community activities.

Stage 1 includes entrance foyer, cafe, kitchen, tournament office, meeting room, toilets and showers, multipurpose room, umpire rooms, first aid room, changing place and four changerooms, each include a fully accessible toilet and shower and of course two multipurpose courts with seating.

This project is being jointly funded by Council, the Australian Government Community Development Grants Programme, and the Victorian Government Local Sports Infrastructure fund and a low interest 2020-21 Community Sports Infrastructure Loan and the Yarrowonga-Mulwala Basketball Association.

Latest update

The tender date will be announced during mid-2024.

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CAPITAL WORKS UPDATE

NUMURKAH FLOOD MITIGATION

Status:  *In progress*

The Numurkah Flood Mitigation Project has the objective to provide protection of large parts of the Numurkah township from inundation for flood events up to the modelled 1 in 100-year event.

The project is planned to be delivered in three stages with funding available for construction of stage 1, being the northern levy along the creek line and additional funding for design of stage 2.

Latest update

Design of the northern levy is nearing completion. Specific engagement with key stakeholders has taken place to address site specific matters along the levy alignment.

A Cultural Heritage Management Plan (CHMP) has been submitted for approval and a native vegetation assessment has been completed. The next step is for a planning permit for works will be submitted.

Design of landscaping associated with the Numurkah Rose Garden and the Lois Hammond Garden have also been undertaken.

Stay up to date with these major projects and our other projects by visiting [Works and Projects](#) on our website.

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Summary

The December 2023 budget reforecast, included in this section of the report was developed within the context of Council continuing its response to the findings of the Commission of Inquiry, the rollout of the organisational restructure and the difficulties in Council delivering its capital works program.

The budget reforecast was approved by Council at the February 2024 Scheduled Council Meeting.

INCOME STATEMENT

There has been an increase in the forecast budget surplus from \$11.23 million in the Approved September 2023 Forecast to a surplus of \$11.56 million in the Approved December 2023 Quarterly Forecast. The main impact has been the uplift in depreciation and amortisation costs (\$3.59 million) due to higher asset values following 2022/23 revaluation. This reduction to the bottom line is offset by savings in employee labour costs (\$1.73 million) due to delays in backfilling vacant roles and higher interest income (\$2.04 million) due to higher interest rates and a higher average cash balance due to the early receipt of \$13 million for the 2023/24 Financial Assistance Grant.

Income Statement	Approved Forecast Sep 2023	YTD Actuals 2023/24	Approved Forecast Dec 2023	Approved Forecast Sep 2023 vs Approved Forecast Dec 2023
Income				
Rates and charges	(44,615,241)	(44,650,235)	(44,637,874)	(22,633)
Statutory fees and fines	(1,736,420)	(1,052,845)	(1,754,885)	(18,465)
User fees	(2,296,111)	(1,127,413)	(2,297,409)	(1,298)
Grants - operating	(14,614,873)	(1,066,482)	(14,882,508)	(267,635)
Grants - capital	(16,819,977)	(892,543)	(17,575,939)	(755,962)
Contributions - monetary	(126,500)	(632,561)	(650,950)	(524,450)
Contributions - non-monetary	(1,000,000)	-	(1,000,000)	-
Net gain on disposal of property, infrastructure, plant & equipment	(55,071)	(264,348)	(55,071)	-
Share of Net Profit of Joint Venture	-	(102,692)	(102,692)	(102,692)
Other income	(1,991,942)	(1,072,805)	(4,028,473)	(2,036,531)
Income Total	(83,256,135)	(50,861,924)	(86,985,801)	(3,729,666)
Expenditure				
Employee costs	28,303,150	14,819,392	26,572,905	(1,730,245)
Materials & services				
- Materials & consumables	18,740,547	10,317,259	19,884,249	1,143,702
- Contract services	9,338,862	4,439,530	9,545,059	206,197
- Utilities	1,182,741	497,439	1,183,541	800
Depreciation and amortisation	12,815,307	7,055,769	16,408,791	3,593,484
Bad and doubtful debts	15,000	-	15,000	-
Finance costs - leases	99,970	59,359	99,970	-
Share of Net Loss of Associated Entity	10,000	-	10,000	-
Other Expenses	1,519,241	534,141	1,709,279	190,038
Expenditure Total	72,024,818	37,722,888	75,428,794	3,403,976
Operating Result	(11,231,317)	(13,139,035)	(11,557,007)	(325,690)

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BALANCE SHEET

The Balance Sheet of Council is forecast to remain in a financially healthy position by 30 June 2024, with current assets expected to be 3.07 times current liabilities. Strong reserves are set aside to fund the revised forecast capital works program of \$42.41 million.

Balance Sheet	Approved Forecast Sep 2023	YTD Actuals 2023/24	Approved Forecast Dec 2023
Assets			
Cash and cash equivalents	6,439,877	3,951,762	6,921,000
Other financial assets	42,750,000	58,000,000	45,600,000
Trade and other receivables	4,190,467	40,324,592	4,230,000
Inventories	666,000	644,378	666,000
Other assets	2,998,000	1,626,186	2,998,000
Total current assets	57,044,344	104,546,918	60,415,000
Investments in Associates & Joint Ventures	1,396,000	1,393,956	1,396,000
Property Plant Equipment & Infrastructure	817,975,950	771,883,523	815,455,000
Right-of- Use Assets	1,889,000	2,574,439	1,889,000
Intangible Assets	6,472,000	6,718,217	6,419,000
Total non-current assets	827,732,950	782,570,135	825,159,000
Total Assets	884,777,294	887,117,053	885,574,000
Liabilities			
Trade and other payables	2,640,090	778,866	2,961,000
Trust funds & deposits	3,398,000	7,593,478	3,398,000
Unearned income/revenue	5,203,000	8,258,927	5,203,000
Provisions	7,021,000	6,403,474	7,021,000
Interest-bearing liabilities	612,592	41,928	603,000
Lease liabilities	464,000	564,690	464,000
Total current liabilities	19,338,683	23,641,363	19,650,000
Provisions	7,056,000	8,471,976	7,256,000
Interest-bearing liabilities	6,664,311	466,495	6,575,000
Lease liabilities	1,474,000	1,947,448	1,474,000
Total non-current liabilities	15,194,311	10,885,919	15,305,000
Total liabilities	34,532,993	34,527,282	34,955,000
Net assets	850,244,301	852,589,771	850,619,000
Equity			
Accumulated surplus	269,718,351	284,487,646	270,093,000
Reserves	580,525,950	568,102,125	580,526,000
Net equity	850,244,301	852,589,771	850,619,000

- a) **Current Assets** – As of 31 December 2023, \$27.66 million in Rates and Fire Services Levy debtors remain outstanding. It's expected recovery of debtors through to 30 June 2024 will be consistent with prior year. As capital projects are completed over 2023/24, Council will see a reduction in

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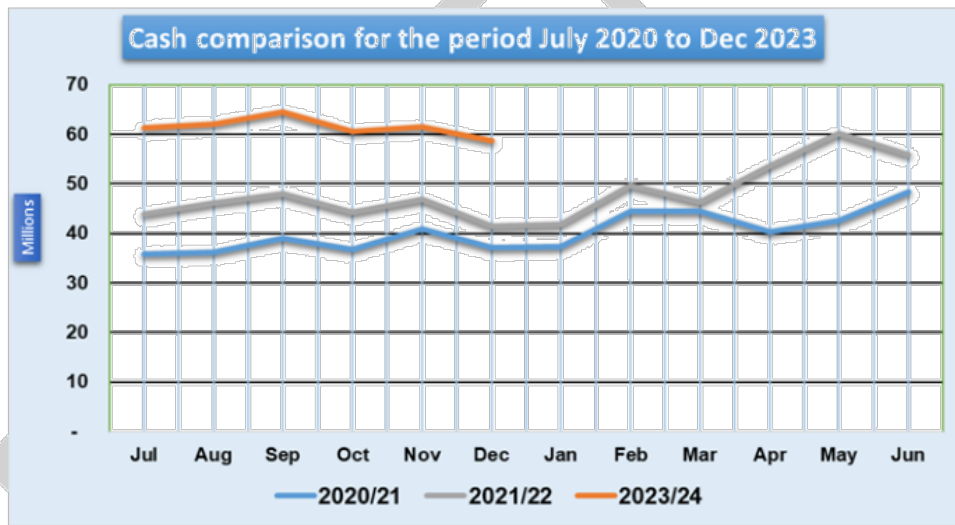
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cash invested in term deposits (other financial assets).

- b) **Non-Current Assets** – Property Plant Equipment and Infrastructure variance is forecast to close out when 2023/24 capital works program is capitalised, and revaluations applied.
- c) **Current Liabilities** – As of 31 December 2023 there is \$8.84 million in unrecognised grant income, it is forecast that as delayed capital projects are completed this will reduce to \$5.2m by 30 June 2023.
- d) **Non-Current Liabilities** – Interest-bearing liabilities is forecast to increase as Council drawdown previously approved loans from the Treasury Corporation Victoria (TCV) to fund the Yarrowonga Library and MultiSports Stadium projects.

CASH FLOW

The cash position of Council continues to remain strong. As of 31 December, Council held \$58.77 million in cash and investments and is forecast to hold \$52.5 million by 30 June 2024.



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CAPITAL EXPENDITURE

The capital works forecast as at December 2023 is \$42.41 million compared to the Approved September 2023 Forecast of \$41.74 million. Year to date spend at the end of December 2023 is \$6.89 million with a further \$11.55 million in outstanding commitments. It is anticipated that Council will not deliver on the full scope of the capital works program by 30 June 2024. The capital works program will be reviewed in detail as part of Council's quarter three budget reforecast to determine which projects need to be delayed to the 2024/25 financial year.

Capital Works	Approved Forecast Sep 2023	YTD Actuals 2023/24	Approved Forecast Dec 2023
Property			
Land	20,000	4,593	20,000
Land improvements (incl land development)	2,481,318	645,319	3,049,021
Buildings	14,326,693	1,681,039	14,326,693
Total property	16,828,011	2,330,952	17,395,714
Plant and equipment			
Plant, machinery and equipment	4,170,386	1,275,646	4,328,254
Fixtures, fittings and furniture	-	-	9,585
Computers and telecommunications	64,000	-	84,000
Total plant and equipment	4,234,386	1,275,646	4,421,839
Infrastructure			
Roads	9,605,922	750,136	9,645,922
Bridges	1,593,979	49,414	1,593,979
Footpaths and cycleways	940,913	611,252	940,913
Drainage	3,974,013	785,000	4,130,859
Kerb and channel	810,762	131,491	810,762
Recreational, leisure and community facilities	2,380,562	833,108	2,380,562
Waste management	39,045	51,081	326,310
Parks, open space and streetscapes	475,257	57,361	475,257
Aerodromes	262,587	8,100	262,587
Other infrastructure	593,435	4,939	25,732
Total infrastructure	20,676,475	3,281,880	20,592,883
Total capital works expenditure	41,738,872	6,888,478	42,410,436
Outstanding commitments		11,550,655	
Total YTD Actuals plus commitments		18,439,134	

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APPROVED BUDGET AMENDMENTS TO CAPITAL WORKS FOR THE 2023/24 FINANCIAL YEAR

Capital Works Project	Comment	Budget Impact (Favourable) / Unfavourable \$
Capital Budget Reductions		
Yarrowonga West Drainage Flood Protection	Delays in obtaining approval for the amended use for the Yarrowonga Saleyards site from DEECA to be transferred to 2024/25 Capital Works program	(143,154)
Capital Budget Increases		
Lease Plant Assets Buyouts	Balloon payments for purchase of four leased plant items following expiry of lease, this was not included in Adopted Budget	157,868
Office Equipment Renewal	Renewal of Pharmacy grade refrigerators for storage of immunisation and other vaccines budget savings across various MCH programs	9,585
Cobram Pedestrian Crossings	TAC Audit identified deficiencies in TAC funded project, works required to bring crossings up to regulations	40,000
Paterson Russell Streets Numurkah Drainage	Project scheduled in 2024/25, however \$400k is funded from LRCIP 3 which needs to be completed before June 2024	300,000
Resale Shop - Cobram & Numurkah Transfer Stations	New State Government funded project to construct resale shops at Cobram and Numurkah Transfer Stations	287,265
Cobram Landfill / Animal Pound Communications upgrade	New project supported by ELT, to improve the communications network between the Cobram Landfill and Cobram Pound, funded from Operating Budget savings	20,000
Total Capital Works Budget Amendments		671,564

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ITEM NO: 10.1.2
(EXECUTIVE ASSISTANT TO THE
ADMINISTRATORS, DANIELLE METZNER)
(EXECUTIVE MANAGER CORPORATE
GOVERNANCE, AMANDA CHADWICK)

MEMORANDUM OF UNDERSTANDING MOIRA SHIRE COUNCIL, HEALTH AND EDUCATION ALLIANCE

Recommendation

That Council adopt the revised Memorandum of Understanding Moira Shire Council, Health, and Education Alliance.

1. Executive Summary

The purpose of this report is to seek the endorsement of the revised Memorandum of Understanding (MoU) that will form a strategic alliance and broader co-operation between local government (Moira Shire Council) and local education and health sectors in delivering better outcomes for the Moira Shire in education, health, and general community wellbeing.

The objectives of the MoU are as below:

- Adopt a collaborative and community-orientated approach to planning, funding, and implementing services, programs, and projects for the Moira Shire communities;
- Deliver improved social and economic outcomes for the communities;
- Invite and encourage other stakeholders to participate in the alliance;
- Determine key initiatives and services for the combined initiatives by the alliance;
- Gain endorsement by the sectors to initiatives and services; and
- When appropriate, engage and consult the community to ensure we speak with one voice.

The MoU includes a number of foundational partnerships across the health and education sectors. It is envisaged that other key partners within the health and education sectors will be encouraged to join the MoU. Building the partnership base of the MoU over time will be key to its success.

2. Conflict of interest declaration

There are no conflict of interest considerations associated with this report.

3. Background & Context

Council endorsed the Memorandum of Understanding between Moira Shire Council, Health and Education Sectors at the Scheduled Council Meeting on 13 December 2023.

The purpose of this report is for Council to consider amendments made to the MoU in consultation with the stakeholders, prior to execution including:

- Enhanced Principles to include 'Cooperation and collaborate';
- 'Avoid duplication of effort and create efficiencies for community benefit' added as an additional principle;
- 'Align strategic priorities between sectors to improve Moira Shire health, wellbeing, education, and economic indicators' added to the objectives
- The removal of the Indemnity clause as insurance for all parties are adequate to cover foreseeable losses arising out of each of their own potential liabilities. The parties agree that any insurance or indemnity issue arising under this MoU will be determined having regard to the common law principles of liability.

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ITEM NO: 10.1.2
(EXECUTIVE ASSISTANT TO THE
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(EXECUTIVE MANAGER CORPORATE
GOVERNANCE, AMANDA CHADWICK)

MEMORANDUM OF UNDERSTANDING MOIRA SHIRE COUNCIL, HEALTH AND EDUCATION ALLIANCE (cont'd)

4. Issues

An alliance between health, education and Council is an important step in building greater community resilience and capacity, as well as providing significant outcomes in the way they all operate within the municipality. Integrating activities of the local government, education and health sectors at the local level will deliver better outcomes for local communities.

5. Strategic Alignment

Council Plan

1. Customer focused and responsive

A closely aligned and integrated approach to strategic planning and service delivery across the local government, health and education sectors will deliver improved, customer focused and responsive services for the Moira community.

6. Internal & External Engagement

Engagement

Internal Executive Leadership Team

Feedback

General support for the Memorandum of understanding to align the health, education, and local government sectors for better outcomes for the community.

External Yarrowonga Health
NCN Health
Cobram Secondary College
Cobram Anglican College
Yarrowonga P-12 College
Sacred Heart College Yarrowonga

General support for the Memorandum of Understanding to align the health, education, and local government sectors for better outcomes for the community.

7. Budget / Financial Considerations

There is no budget or financial contribution required through the signing of the proposed Memorandum of Understanding.

8. Risk & Mitigation

Where any dispute arises under this MoU, the organisations will take all necessary steps to resolve the dispute expeditiously by mutual agreement.

9. Conclusion

A Memorandum of Understanding (MoU) between Moira Shire Council and the local Health and Education sectors aims to strengthen awareness and outcomes of identified services through an integrated and mutually supportive approach by all three sectors.

Amendments to the MoU in consultation with the stakeholders ensures the effectiveness of the alliance in building greater community resilience and capacity.

Attachments

- 1 Memorandum of Understanding Moira Shire Council, Health and Education Alliance

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.1.2
(EXECUTIVE ASSISTANT TO THE
ADMINISTRATORS, DANIELLE
METZNER)
(EXECUTIVE MANAGER CORPORATE
GOVERNANCE, AMANDA CHADWICK)

MEMORANDUM OF UNDERSTANDING MOIRA SHIRE COUNCIL, HEALTH AND EDUCATION ALLIANCE (cont'd)

ATTACHMENT No [1] - Memorandum of Understanding Moira Shire Council, Health and Education Alliance

Memorandum of Understanding Moira Shire Council Health and Education Alliance

Purpose

The purpose of this Memorandum of Understanding (MoU) is to form a strategic alliance and broader co-operation between local government (Moira Shire Council), education and health sectors in delivering better outcomes for the Moira Shire in education, health and general community wellbeing.

Background

The strength of a local community is often reflected in the health, wellbeing and education of its residents. Local service providers have a deep understanding of local needs and the delivery environment in the geographical area where the service operates.

The Moira Shire is an excellent example of this. It offers a broad range of services and initiatives in local government and in the health and education sectors. There is an opportunity to strengthen the awareness and outcomes of these services through a combined approach by all three sectors.

An alliance between health, education and council services is an important step in building greater community resilience and capacity, as well as providing significant outcomes in the way they all operate within the municipality.

Principles:

This Memorandum of Understanding (MoU) between the three sectors is underpinned by a number of agreed founding principles.

These principles establish the basis for the mutual commitment to and management of this agreement.

These principles are, where possible, to:

- appreciate each sectors' perspective and work towards finding common ground;
- cooperate and collaborate;
- open information sharing;
- maximising service delivery opportunities to meet a common community need;
- avoid duplication of effort and create efficiencies for community benefit;
- seek to be innovative.

The objectives of this MoU are to:

- Adopt a collaborative and community-orientated approach to planning, funding and implementing services, programs and projects for the Moira Shire communities.
- Deliver improved social and economic outcomes for the communities;
- Invite and encourage other stakeholders to participate in the alliance
- Align strategic priorities between sectors to improve Moira Shire health, wellbeing, education and economic indicators;
- Determine key initiatives and services for the combined initiatives by the alliance;
- Gain endorsement by the sectors to initiatives and services; and
- When appropriate engage and consult the community to ensure we speak with one voice.

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MEMORANDUM OF UNDERSTANDING MOIRA SHIRE COUNCIL, HEALTH AND EDUCATION ALLIANCE (cont'd)

ATTACHMENT No [1] - Memorandum of Understanding Moira Shire Council, Health and Education Alliance

Memorandum of Understanding Moira Shire Council Health and Education Alliance

Implementation of the Agreement

The responsibility for ensuring the progression and fulfilment of this MoU is held by the Chief Executive Officers of Moira Shire Council, NCN Health and Yarrowonga Health and the Principals of Cobram Secondary College, Cobram Anglican Grammar School, Yarrowonga College P-12 and Sacred Heart College Yarrowonga.

The implementation of this MoU will be driven by a bi-annual workshop at which current and future priorities and opportunities for collaboration will be discussed. Representatives and officers from each organisation will be invited to attend.

Officers from each organisation will ensure design and delivery of services, programs and projects occurs in light of, and with a view to, progressing the objectives of this MoU.

Status of the Memorandum of Understanding

The three sectors acknowledge the MoU is not legally enforceable but relies on a spirit of cooperation between the sectors for the betterment of the community.

The three sectors acknowledge the potential for fluctuations in resourcing capability and capacity to support joint initiatives from time to time.

They will seek to contribute to joint initiatives in a matter that is reflective of the relative cost and benefit to each sector for the betterment of the community.

It is acknowledged that while the three sectors have many shared objectives they also have their unique perspectives and points of difference.

This agreement is not intended to remove power from each sector to make policy decisions.

Final policy decisions remain with each organisation.

Review of this Memorandum of Understanding

The MoU will be reviewed annually with a view to a formal update every five years.

The MoU may be amended at any time by agreement in writing of the parties.

Conduct of Members

Members acknowledge that they have a mutual interest in the successful planning, development and delivery of projects.

Sharing of Information

Members will make all efforts to investigate and share information relevant to projects or initiatives with each other. In the normal course of events, the members will work on the assumption that information should be freely exchanged.

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**MEMORANDUM OF UNDERSTANDING MOIRA SHIRE COUNCIL, HEALTH
AND EDUCATION ALLIANCE (cont'd)**

**ATTACHMENT No [1] - Memorandum of Understanding Moira Shire Council, Health
and Education Alliance**

**Memorandum of Understanding
Moira Shire Council Health and Education Alliance**

Confidentiality

Members must keep confidential and not allow, make or cause any disclosure of, or in relation to confidential information, without the prior written consent of the party which owns the rights to the confidential information. Such consent may be given or withheld, or given with directions, at the owning party's sole discretion.

Dispute Resolution

Where any dispute arises under this MoU, the organisations will take all necessary steps to resolve the dispute expeditiously by mutual agreement.

Termination of MoU

A party to this MoU may withdraw from it at any time by providing written notice of their withdrawal to the other parties to this MoU. Such withdrawal will not obviate any project activity obligations previously committed to by the withdrawing party, and the withdrawing party remains obligated to provide such information and funds as are required to meet those commitments between the time of withdrawal and the end of the financial year during which the notice of withdrawal is given. This will enable contractual arrangements already entered into to be fulfilled in their entirety.

Hold Harmless

The parties agree to hold harmless the other parties, its servants and agents, and each of them in connection with all claims resulting from damage, loss, death or injury whatsoever which may otherwise be brought or made or claimed by the parties.

Expiry of MoU

The MoU will expire on 30 June 2028

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**MEMORANDUM OF UNDERSTANDING MOIRA SHIRE COUNCIL, HEALTH
AND EDUCATION ALLIANCE (cont'd)**

**ATTACHMENT No [1] - Memorandum of Understanding Moira Shire Council, Health
and Education Alliance**

Memorandum of Understanding
Moira Shire Council Health and Education Alliance

SIGNED for and on behalf of Moira Shire Council

.....
Authorised signatory

.....
Name of signatory (PRINT)

In the presence of:

.....
Witness

.....
Name of witness (PRINT)

Date:

This Memorandum of Understanding is brought into effect this day 27 March 2024.

Signature confirms the acceptance of the conditions of the Memorandum of Understanding for the
Moira Shire Council.

Name _____

Title _____

Address _____

EXECUTED as an agreement.



FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
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ITEM NO: 10.1.2
(EXECUTIVE ASSISTANT TO THE
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**MEMORANDUM OF UNDERSTANDING MOIRA SHIRE COUNCIL, HEALTH
AND EDUCATION ALLIANCE (cont'd)**

**ATTACHMENT No [1] - Memorandum of Understanding Moira Shire Council, Health
and Education Alliance**

**Memorandum of Understanding
Moira Shire Council Health and Education Alliance**

SIGNED for and on behalf of NCN Health

.....
Authorised signatory

.....
Name of signatory (PRINT)

In the presence of:

.....
Witness

.....
Name of witness (PRINT)

Date:

This Memorandum of Understanding is brought into effect this day 27 March 2024.

Signature confirms the acceptance of the conditions of the Memorandum of Understanding for the NCH Health.

Name _____

Title _____

Address _____

EXECUTED as an agreement.



FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.1.2
(EXECUTIVE ASSISTANT TO THE
ADMINISTRATORS, DANIELLE
METZNER)
(EXECUTIVE MANAGER CORPORATE
GOVERNANCE, AMANDA CHADWICK)

**MEMORANDUM OF UNDERSTANDING MOIRA SHIRE COUNCIL, HEALTH
AND EDUCATION ALLIANCE (cont'd)**

**ATTACHMENT No [1] - Memorandum of Understanding Moira Shire Council, Health
and Education Alliance**

Memorandum of Understanding
Moira Shire Council Health and Education Alliance

SIGNED for and on behalf of Cobram Secondary College

.....
Authorised signatory

.....
Name of signatory (PRINT)

In the presence of:

.....
Witness

.....
Name of witness (PRINT)

Date:

This Memorandum of Understanding is brought into effect this day 27 March 2024.

Signature confirms the acceptance of the conditions of the Memorandum of Understanding for the
Cobram Secondary College.

Name _____
Title _____
Address _____

EXECUTED as an agreement.



FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
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ITEM NO: 10.1.2
(EXECUTIVE ASSISTANT TO THE
ADMINISTRATORS, DANIELLE
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**MEMORANDUM OF UNDERSTANDING MOIRA SHIRE COUNCIL, HEALTH
AND EDUCATION ALLIANCE (cont'd)**

**ATTACHMENT No [1] - Memorandum of Understanding Moira Shire Council, Health
and Education Alliance**

**Memorandum of Understanding
Moira Shire Council Health and Education Alliance**

SIGNED for and on behalf of Cobram Anglican Grammar School

.....
Authorised signatory

.....
Name of signatory (PRINT)

In the presence of:

.....
Witness

.....
Name of witness (PRINT)

Date:

This Memorandum of Understanding is brought into effect this day 27 March 2024.

Signature confirms the acceptance of the conditions of the Memorandum of Understanding for the
Cobram Anglican Grammar School.

Name _____
Title _____
Address _____

EXECUTED as an agreement.

FILE NO:
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GOVERNANCE

ITEM NO: 10.1.2
(EXECUTIVE ASSISTANT TO THE
ADMINISTRATORS, DANIELLE
METZNER)
(EXECUTIVE MANAGER CORPORATE
GOVERNANCE, AMANDA CHADWICK)

**MEMORANDUM OF UNDERSTANDING MOIRA SHIRE COUNCIL, HEALTH
AND EDUCATION ALLIANCE (cont'd)**

**ATTACHMENT No [1] - Memorandum of Understanding Moira Shire Council, Health
and Education Alliance**

**Memorandum of Understanding
Moira Shire Council Health and Education Alliance**

SIGNED for and on behalf of Yarrawonga Health

.....
Authorised signatory

.....
Name of signatory (PRINT)

In the presence of:

.....
Witness

.....
Name of witness (PRINT)

Date:

This Memorandum of Understanding is brought into effect this day 27 March 2024.

Signature confirms the acceptance of the conditions of the Memorandum of Understanding for the
Yarrawonga Health.

Name _____

Title _____

Address _____

EXECUTED as an agreement.



Sacred Heart
College
Yarrawonga



FILE NO:
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ITEM NO: 10.1.2
(EXECUTIVE ASSISTANT TO THE
ADMINISTRATORS, DANIELLE
METZNER)
(EXECUTIVE MANAGER CORPORATE
GOVERNANCE, AMANDA CHADWICK)

**MEMORANDUM OF UNDERSTANDING MOIRA SHIRE COUNCIL, HEALTH
AND EDUCATION ALLIANCE (cont'd)**

**ATTACHMENT No [1] - Memorandum of Understanding Moira Shire Council, Health
and Education Alliance**

Memorandum of Understanding
Moira Shire Council Health and Education Alliance

SIGNED for and on behalf of Yarrawonga College P -12

.....
Authorised signatory

.....
Name of signatory (PRINT)

In the presence of:

.....
Witness

.....
Name of witness (PRINT)

Date:

This Memorandum of Understanding is brought into effect this day 27 March 2024.

Signature confirms the acceptance of the conditions of the Memorandum of Understanding for the
Yarrawonga College P-12.

Name _____

Title _____

Address _____

EXECUTED as an agreement.



FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
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ITEM NO: 10.1.2
(EXECUTIVE ASSISTANT TO THE
ADMINISTRATORS, DANIELLE
METZNER)
(EXECUTIVE MANAGER CORPORATE
GOVERNANCE, AMANDA CHADWICK)

**MEMORANDUM OF UNDERSTANDING MOIRA SHIRE COUNCIL, HEALTH
AND EDUCATION ALLIANCE (cont'd)**

**ATTACHMENT No [1] - Memorandum of Understanding Moira Shire Council, Health
and Education Alliance**

Memorandum of Understanding
Moira Shire Council Health and Education Alliance

SIGNED for and on behalf of Sacred Heart College Yarrawonga

.....
Authorised signatory

.....
Name of signatory (PRINT)

In the presence of:

.....
Witness

.....
Name of witness (PRINT)

Date:

This Memorandum of Understanding is brought into effect this day 27 March 2024.

Signature confirms the acceptance of the conditions of the Memorandum of Understanding for the
Sacred Heart College Yarrawonga.

Name _____
Title _____
Address _____

EXECUTED as an agreement.



FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.1.3
(CHIEF EXECUTIVE OFFICER, MATTHEW
MORGAN)
(CHIEF EXECUTIVE OFFICER, MATTHEW
MORGAN)

YARRAWONGA LIBRARY, EVENTS AND PERFORMANCE PRECINCT (YLEPP) PROJECT RESET

Recommendation

That Council with specific regard to the Yarrowonga Library, Events and Performance Precinct Project (YLEPP) and as detailed in the body of the report:

1. Endorse the updated project governance structure and arrangements for the YLEPP Project as defined in section 3.A of this report;
2. Endorse the project specific delegations and reporting mechanisms as defined in table 3A.1 of this report.
3. Endorse the scope and deliverables of Stage 1 and Stage 2 for the YLEPP project as defined in section 3.B of this report;
4. Endorse the attached terms of reference to establish a 'Yarrowonga Town Hall Future Use Advisory Group' to engage community on the future use scenarios of the Town Hall which will inform the final design deliverables of Stage 2 of the YLEPP project including key elements such as the provision of food preparation areas, beverage services areas, green room access for performers and all abilities access within the facility;
5. Call for nominations for the Yarrowonga Town Hall Future Use Advisory Group.

1. Executive Summary

The Yarrowonga Library, Events and Performance Precinct (YLEPP) Project dates back to 2015 when the initial study and needs analysis for facilities was completed. Between 2015 to 2021 there were various forms of community engagement and discussion around the project, scope and built form with a construction design tendered and ultimately awarded in February 2022.

The project is a flagship project for Council and the community and it is vital that clarity of scope and deliverables exists so that the project can be effectively executed and achieves the desirable long term outcomes.

After an internal review of the project, it is clear that a project 'reset' is required in order to effectively execute and deliver this project, as it has already been subject to significant delays resulting in construction cost increases. It is also clear that there has been a lack of clarity and potential confusion around commitments made in the past and how this translates through into the proposed built form and use of spaces within the YLEPP, which if left unresolved creates the very real possibility of a functionally unfit space which fails to meet expectations.

In terms of a reset, the following needs to occur:

- Clear definition of roles and responsibilities for the project delivery team including updated governance structure and delegations,
- Clarity on the scope and deliverables for the two stages of the project, Stage 1 (relating to the new construction) and Stage 2 (relating to the existing Town Hall building),

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(CHIEF EXECUTIVE OFFICER, MATTHEW
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(CHIEF EXECUTIVE OFFICER, MATTHEW
MORGAN)

YARRAWONGA LIBRARY, EVENTS AND PERFORMANCE PRECINCT (YLEPP) PROJECT RESET (cont'd)

- Update to the overarching budget for the project including realistic cost estimation to complete Stage 1 and Stage 2 respectively,
- Establishment of an advisory group to conduct a 'deep dive' into the future use needs of the Town Hall in order to ensure the final Stage 2 scope and deliverables meet the needs of Council and the community into the future.

As there is already a construction contract in place and works have commenced on site (construction contract issued in 2022), the priority for Council resolution is items one and two of the reset which Council is being asked to provide clarity on this month (March), with a full budget reforecast due at the April council meeting and the establishment of the advisory group to commence immediately with a call for nominations.

Once clarity is resolved a clear and transparent process of communication with the community will be maintained about the deliverables and the staging of project. Noting that there will be different views and perspectives, it is important that everyone is clear on the commitment of Council.

2. Conflict of interest declaration

No conflicts of interest declared.

3. Background & Context

3.A - PROJECT GOVERNANCE STRUCTURE

Council plays an important role in making the investment decisions for use of resources based on justification of the business need, affordability and cost-effectiveness and whole-of-life value for money of the project. It sets the project objectives and the maximum resources available for the project, including overall funding.

An update of the governance framework is proposed for Yarrowonga Library Events and Performance Precinct. It is recommended a similar framework also be applied to the significant flagship projects of the Yarrowonga Multisport Stadium, and Numurkah Flood Levee.

Council endorsement is sought to implement a revised Governance Structure which includes a Project Control Board (PCB), Project Funding Committee (PFC), Project Sponsor and Project Manager.

The PCB has the authority to commit approved resources to the project and is responsible for the ongoing management and provision of these resources. The PCB's role is to ensure that the business objectives are met by the project, and that the project is adequately resourced in terms of financial, human and other physical resources.

The PCB's responsibilities are to:

1. Endorse the Project Management Plan (PMP);
2. Approve funding and expenditure for the project within tolerances delegated by Council;
3. Approve changes to the project scope that exceed the tolerances delegated to the Project Manager;
4. Monitor achievement of the project objectives and delivery of benefits for which it was originally commissioned;
5. Endorse the Post Implementation Review outcomes;

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YARRAWONGA LIBRARY, EVENTS AND PERFORMANCE PRECINCT (YLEPP) PROJECT RESET (cont'd)

6. Ensure the scope of the project is appropriate and clearly defined;
7. Ensure appropriate risk management processes are applied;
8. Ensure the objectives and outcomes align with the Council's strategic goals;
9. Ensure that due consideration is given prior to approving any significant change sought once the project commences; and
10. Ensure the project is completed on time and within budget.

Project Control Board (PCB) Members

- CEO (Project Sponsor)
- Director Infrastructure (Superintendent of contract)
- Director Community
- Director Sustainable Development
- Director Corporate Performance
- Project Manager (Superintendent's representative of the contract)

Project Control Board (Guests)

- Manager Engineering
- Department Manager (end user) responsible for the ongoing operation of the asset.

The **Project Funding Committee (PFC)** is a committee established by the Project Sponsor primarily to keep funding stakeholders engaged and updated on the progress of the project.

Project Sponsor is responsible for:

1. Owning the project;
2. Having ultimate accountability and responsibility for the project;
3. Managing highest level communication and interactions with external stakeholders;
4. Monitoring the satisfactory progress of the project;
5. Providing authority for the project to proceed in the lifecycle;
6. Resolving issues and significant scope changes;
7. Approving major deliverables; and
8. Providing high level direction.

Project Manager

The Project Manager has delegated responsibility for the management of the contracts for the project. The Project Manager provides the ongoing interface between Council, the project stakeholders, design consultants, and contractor/s.

As the interface between the contractors, architects and stakeholders, the Project Manager is the primary point of contact and recipient of project Requests for Information (RFIs), queries, variations, and other relevant communications.

The Project Manager reports to the Manager Engineering as required.

Project Reporting

Project control reports are updated by the Project Manager at the end of each month for consideration by the PCB. The reports include:

- Project charter
- Project milestones and schedule

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MORGAN)

**YARRAWONGA LIBRARY, EVENTS AND PERFORMANCE PRECINCT (YLEPP)
PROJECT RESET (cont'd)**

- Financial and communications reporting
- Risks and issues
- Recommendations and actions.

Project Escalation Framework and Reporting Tolerances

The aim of the escalation framework and reporting tolerances include:

- Minimising delays in delivering the project;
- Driving accountability in the decision making process;
- Saving time and energy by providing a clear escalation path for decision-making; and
- Educating new team members on how to make decisions quickly.

TABLE 3.A.1 – PROJECT DELEGATIONS AND REPORTING

The proposed delegations and tolerances for reporting of project matters are set out in the table below:

Target Area	Reporting Tolerances	Report to and manage variation		
		PM	PCB	Council
SCHEDULE				
Delivery of Major Project Milestones	Delay of 1 week or less	X		
	Delay of 2 weeks or more, up to 1 month		X	
	Delay of 1 month or more			X
Construction Start	Any delay	X		
	Delay of 4 weeks or more, up to 2 months		X	
	Delay of 2 months or more			X
FINANCIAL VARIATIONS				
Contracts for construction, professional services or other on the project*	Increase less than \$50K	X		
	Increase of \$50K or more up to \$350K		X	
	Increase of \$350K or greater			X
<i>*Note that these amounts are not cumulative, variations can be approved within these tolerances as long as they fall within the total project budget.</i>				
Budget	Negligible change on total project budget of less than 2% can be reported to Council as part of budget quarterly budget reviews.			
	Changes of greater than 2% of total project budget must be reported to Council at the earliest Council meeting.			
SCOPE				
Minor Scope Changes	Any change in scope inclusions, but does not impact on the project objectives	X	X	
Major Scope Changes	Any change in scope inclusions and impact on the project objectives			X
RISK MANAGEMENT				

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YARRAWONGA LIBRARY, EVENTS AND PERFORMANCE PRECINCT (YLEPP) PROJECT RESET (cont'd)

This relates to the escalation of risks in the project risk register based on residual risk after treatments are applied.

	All risks	X		
	Residual risk rating of Medium or above		X	
	Residual risk rating of High or above			X

3.B - PROJECT SCOPE AND STAGING CLARIFICATION

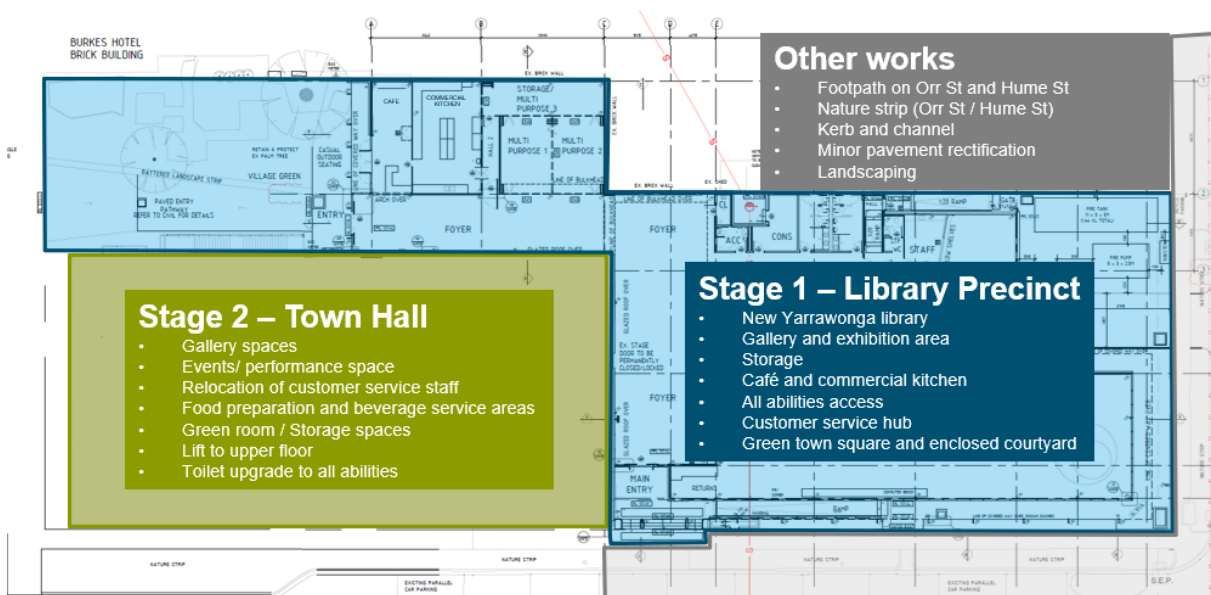
Throughout the project, two stages of project delivery have evolved, however the interrelationship of resulting functional use of the stages and the project deliverables for the two stages has been unclear at times and has possibly shifted to ameliorate concerns raised by interested parties.

Through internal review, the PCB has considered the two stages, the current design and construction contract, the desired future needs and uses of all users and generally considers that the current lack of clarity around some of the spaces needs to be resolved in order to move on with the project with clarify and redefine commitments and expectations to stakeholders.

Of particular concern is the lack of clarity around the proposed café and commercial kitchen, the provision of access to this (or another food preparation area) for other users of the town hall facilities, green room space for users of the stage and the movement of people through the foyer space in the new library area as well as storage space.

The sensitivities of these discussions is noted, particularly due to the concern raised by some community members about the demolition of the old community hall and the loss of those facilities. However, this stresses even more the need for clarity and commitment, without compromising the end result.

The YLEPP layout plan below shows the staging and key deliverables of the project



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MORGAN)

YARRAWONGA LIBRARY, EVENTS AND PERFORMANCE PRECINCT (YLEPP) PROJECT RESET (cont'd)

Stage 1 is the 'Library precinct' with the following scope previously being defined in the project funding agreement with external funding bodies:

- A new Yarrowonga Library tripling the capacity of the current library floor area with multipurpose meeting rooms and spaces including:
 - Modern, all abilities toilets and baby change facilities
 - Display and event spaces
 - Wi-Fi for personal devices
 - Plenty of casual seating and tables
 - Quiet reading areas and study areas
 - Separate youth areas
 - Multi-purpose meeting room available to the public
 - Technology services with free Wi-Fi and internet access
 - Public computers with access to internet, printing and copying facilities
 - Library service desk including self-service borrowing
 - Online access to e-Books, e-Audio Books, e-Magazines, children's stories and video streaming
 - Access to more than 11,000 books and resources onsite and more than 2.5 million resources from the network of Goulburn Valley and Victorian libraries.
- A community event and exhibition space including:
 - Flexible gallery, exhibition, and performance areas available for use by the library and community
 - Accessible storage facilities
 - Commercial kitchen with all abilities access
 - Potential Cafe
 - All abilities access to the entire precinct
 - Acoustics to include inter-space noise controls with sound absorbing and reflecting surfaces
 - Customer service hub
- Outdoor areas located on Belmore Street and from the rear car park including:
 - A green town square on Belmore Street
 - An enclosed courtyard
 - Improved natural light into the library and views into the gardens and green areas
 - Dedicated car parking

Project scope clarification – Stage 1 Library Precinct

The scope as defined in the funding agreement includes provision of dedicated car parking. To meet fire standards a fire tank and fire pump are required. The essential fire suppression infrastructure is to be installed in the proposed concept design car park, removing dedicated parking facilities from the scope of the project.

Council is asked to note the removal of dedicated car parking from the scope to ensure compliance with Australian fire safety standards, this has no impact on planning or building consent for the project.

It is also important to clarify that a café and commercial kitchen is a vital component in ensuring that Council has ongoing lease revenue coming in to pay down the investment in this facility.

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MORGAN)

YARRAWONGA LIBRARY, EVENTS AND PERFORMANCE PRECINCT (YLEPP) PROJECT RESET (cont'd)

Stage 2 is the 'Town Hall' and comprises works within the Yarrawonga town hall as defined in the funding agreement:

- Re-establishing the town hall as a premier performance and events venue by:
 - Gallery and event spaces inside the foyer by relocating the Council's customer services into the service hub. The service hub is a combined customer service area where the library service desk is also located
 - Enabling all abilities access to the upper levels of the historic town hall by installing a lift
 - Improving town hall toilet facilities for all ages and abilities
 - Linking with the precinct's new services and facilities

Project scope clarification – Stage 2 Town Hall

The following changes to the scope of YLEPP Stage 2 being recommended for inclusion are:

- Provision of food preparation area.
- Provision of beverage service area.
- Minor or major refurbishment of the town hall building and interfaces with surrounding precinct.
- Refurbishment of green room spaces.
- Provision of storage.

As the delivery of Stage 1 has progressed, the need for greater engagement, understanding of the existing building condition, and future use assessment has become clear.

YLEPP Stage 2 would encompass the development of a business case and thorough communications plan to ensure recognition of the existing conditions of the site and previous extensive community engagement. The project is proposed to comprise a masterplan for the future use of the building, prioritised list of improvements to serve current and future need, and execution of minor works to prevent and repair building degradation due to water ingress.

The budget for the Town Hall (stage 2) estimated in 2019 and 2021 was \$230,000. A current high-level estimate for the scope of Stage 2 as described in the funding agreement and to open the town hall fit for use by the public will be considerably more than this.

It is important that if the event space is to be successful that separate food and beverage areas will be required to support events in this space, and it is recommended that these be formally added to the scope of stage 2 subject to validation via the work of the advisory committee and to provide for the needs of community use of the facility.

3.C - YARRAWONGA TOWN HALL FUTURE USE ADVISORY GROUP

On 26 July 2023, Council endorsed the YTH Refurbishment Committee ToR. On 20 September 2023, Kismet Forward were appointed as lead consultants on the YTH Precinct. The consultants were engaged to ensure that meaningful input had been gained from the community and to ensure a thorough engagement process could be demonstrated. One of the specific key functions of the consultants is to:

"Establish and facilitate an Advisory Group which would comprise recent users of the Town Hall and people who represent potential and future uses of the Town Hall Precinct (with some differing needs likely) as well as Council staff, Goulburn Valley

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**YARRAWONGA LIBRARY, EVENTS AND PERFORMANCE PRECINCT (YLEPP)
PROJECT RESET (cont'd)**

Libraries (GVL) and the consultant team.”

As part of this work, it was appropriate for Kismet Forward to review the ToR endorsed by Council in July 2023. As part of this review, the consultants in conjunction with the Manager Community identified that the ToR needed to be updated so that they were more concise in terms of who makes up the Group, renamed so it better reflects the role of the Group, revised in terms of the composition of the Group and updated to include a selection criteria and conduct of members section. An overall review of the document was undertaken to ensure it was succinct and clear. Attached is an updated version of the ToR for Council’s consideration.

It is vitally important that this consultation work and the formation of the advisory group commences as soon as possible to help inform the final scope and deliverables for Stage 2 of the YLEPP project.

4. Strategic Alignment

Council Plan

5. Transparent and accountable governance

Council are committed to continuous improvement in the transparent and accountable reporting and decision making on major projects.

5. Internal & External Engagement

Engagement

Internal Project Control Board

Feedback

Endorsed recommendation to clarify scope between Stage 1 and Stage 2 of the project, which may need clarification also in funding agreements, as they specifically reference components such as the lift.

External Local Government Victoria (LGV)

Initial conversation held to identify risks and actions associated with a variation to the project funding agreement.

External

LGV are undertaking further consultation with the CEO (date to be advised),
Creation of Town Hall Future Use Advisory Committee

6. Budget / Financial Considerations

A full budget reforecast for this project will be provided to Council in April. The current budget is based largely around the construction contract for Stage 1 of the project, which does not include other costs such as professional fees, contingency or internal cost allocations.

The current endorsed contract sum for the project is \$7,457,395.30 excluding GST (Council Meeting 24 May 2023) with \$1,000,000 committed from the Living Libraries Infrastructure

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**YARRAWONGA LIBRARY, EVENTS AND PERFORMANCE PRECINCT (YLEPP)
PROJECT RESET (cont'd)**

Program (LLIP) and \$3,750,000 borrowed under the Community Infrastructure Loan Scheme (CILS), and remainder from Council contributions.

Council have previously endorsed the project schedule for 18 months from May 2023 (November 2024).

This will be factored into the budget reforecast to provide a much more accurate and realistic indication of the true cost of the project as well as factoring in the 'escalations' that will occur between the 2022 tendered construction prices and current market conditions. It is not unrealistic to consider cost escalations in the realm of 20% to 30% on the project.

A revised project budget and schedule will be tabled with Council following approval of the scope variation described above. The revised budget and schedule will include the total project costs for the delivery of Stage 1 including construction of the library, interfacing works, resourcing costs, and costs to date.

An estimate of Stage 2 cost will also be provided. It's not unrealistic to consider that the final total cost of delivering the YLEPP could be between in excess of \$10M, however the resulting outcomes will be highly engaging, functional and usable facilities for the community for the long term future.

It is expected that at the conclusion of the work of the Town Hall Future Use advisory committee, that a final stage 2 project budget will be determined and presented to Council for consideration for funding to complete the Yarrowonga Library, Events and Performance Precinct.

Discussions will be held with funding partners in the coming weeks with regard to the clarification of deliverables expected for the project out of stage 1 vs stage 2 and redefining the timeframes associated with these components. For example, core components of stage 2 such as the lift for the Town Hall, aren't deliverable as part of stage 1 without understanding the final need and use cases for stage 2.

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YARRAWONGA LIBRARY, EVENTS AND PERFORMANCE PRECINCT (YLEPP) PROJECT RESET (cont'd)

7. Risk & Mitigation

Risk	Mitigation
Financial	The delivery of the YLEPP will be over the original and approved budget estimates for the project, have clarity on the extent and scope of stages 1 and 2 will allow accurate reforecasting of budget implications which will be provided at the April Council meeting.
Economic (regional context or broader economic impact)	There are no significant impacts of the recommendations in this report.
Heritage	To ensure works are within the heritage listing limitations, the revised Stage 2 will undertake building condition assessments to determine works required to mitigate and repair damage to the interior of the building and identify scope for future projects to enhance the use of the town hall.
Reputational	A communications plan will be drafted following approval by Council to ensure the community involved in the project are well informed. Development of Stage 2 will include a thorough communications and engagement approach to recognise the prior contributions from community and inform the future use of the facility.
Legislative Compliance	Variations to the funding agreement may require Ministerial approval. Further discussion with LGV are scheduled to understand the extent of approvals required for scope, budget, and schedule variations.

.8 Conclusion

In order to ensure the successful delivery of the Yarrawonga Library, Events and Performance Precinct (YLEPP) Project, clarity on project scope and deliverables is required. This report provides a pathway to achieving that along with setting down the framework for engaging key stakeholders in a targeted discussion around the future use of the Town Hall to help refine the exact scope and deliverables for stage 2 of the project.

Attachments

- 1 DRAFT Terms of Reference - Yarrawonga Town Hall Future Use Advisory Group

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**YARRAWONGA LIBRARY, EVENTS AND PERFORMANCE PRECINCT
(YLEPP) PROJECT RESET (cont'd)**

**ATTACHMENT No [1] - DRAFT Terms of Reference - Yarrowonga Town Hall Future
Use Advisory Group**



Terms of Reference
Yarrowonga Town Hall Future Use
Advisory Group

May 2024 – May 2025

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YARRAWONGA LIBRARY, EVENTS AND PERFORMANCE PRECINCT (YLEPP) PROJECT RESET (cont'd)

ATTACHMENT No [1] - DRAFT Terms of Reference - Yarrowonga Town Hall Future
Use Advisory Group

Terms of Reference

Yarrowonga Town Hall Future Use Advisory Group



1. CONTEXT

The upgrade to the Yarrowonga Library, Events and Performance Precinct (YLEPP) includes two stages:

Stage 1: the new Yarrowonga Library

Stage 2: Yarrowonga Town Hall

2. PURPOSE

The Yarrowonga Town Hall Future Use Advisory Group will give representative advice to Council about future uses and users of the Yarrowonga Town Hall. This advice will include informing the scope and deliverables of YLEPP Stage 2 works that will be needed to support future Town Hall uses.

3. DEFINITIONS

Unless otherwise stated, the;

Advisory Group means the Yarrowonga Town Hall Future Use Advisory Group.

Chair means independent consultant.

CEO means the Chief Executive Officer of Moira Shire Council.

Council means Moira Shire Council.

Town Hall means the Yarrowonga Town Hall.

4. OBJECTIVES

The key objective of the Advisory Group is to serve as a community engagement mechanism to gain information and knowledge to inform Council's determination about the Yarrowonga Town Hall and long term functionalities to best serve the community.

Specifically this involves:

- 4.1. Establishing an Advisory Group that is represented by previous user groups.
- 4.2. Providing feedback to Council about achievable requirements to maximise the range of use and users.

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YARRAWONGA LIBRARY, EVENTS AND PERFORMANCE PRECINCT (YLEPP) PROJECT RESET (cont'd)

ATTACHMENT No [1] - DRAFT Terms of Reference - Yarrowonga Town Hall Future Use Advisory Group

Terms of Reference

Yarrowonga Town Hall Future Use Advisory Group



- 4.3. Ensuring a range of perspectives are considered to ensure the Town Hall is relevant and used by many over its life span.
- 4.4. Providing constructive and collaborative input that recognises the spatial and financial limitations of the project and the need to ensure a vast range of activities are accommodated.
- 4.5. Noting that the input of the Advisory Group will be respected by Council, however Council is not under obligation to act under the direction of the Advisory Group and will balance a range of needs and factors in decision making about the Town Hall.

5. SELECTION CRITERIA

The Advisory Group composition should have members from a broad range of demographic and experiential backgrounds.

- 5.1. Successful applicants will be endorsed by Council and have demonstrated in their application that they;
 - i. Live or work or represent a community group in the Moira Shire area or be a representative from a:
 - Local Secondary College; or
 - Moira Shire All Abilities Advisory Committee; or
 - Goulburn Valley Libraries.
 - ii. Have authorisation from any community group they seek to represent on the Advisory Group.
 - iii. Agree to work in accordance with the Terms of Reference.
 - iv. Genuinely wish to work constructively and collaboratively to enable the Advisory Group to fulfil its purpose.

Will help to ensure a diverse range of views are considered in determining the future users and uses of the Yarrowonga Town Hall.

6. COMPOSITION AND PROCEEDINGS

- 6.1. Council will advertise and invite Expressions of Interest for the Advisory Group.

Expressions of Interest will be considered by a panel including the Independent Chair in consultation with the CEO and an officer from Moira Shire Community Department.

Council will have final endorsement the of Advisory Group Members to ensure equitable

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YARRAWONGA LIBRARY, EVENTS AND PERFORMANCE PRECINCT (YLEPP) PROJECT RESET (cont'd)

ATTACHMENT No [1] - DRAFT Terms of Reference - Yarrowonga Town Hall Future Use Advisory Group

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Yarrowonga Town Hall Future Use Advisory Group



representation as per section 4.1. Additional community representatives may be included by approval of Council.

6.2. The Advisory Group will be made up of up to 16 members, as follows:

- i. Two interested community members who are residents of the Yarrowonga / Mulwala district.
- ii. Eight representatives of groups or organisations that have previously utilised space in the Town Hall or the former Community Hall.
- iii. Two representatives of community groups or organisations that have not previously used either Hall but could do so in the future.
- iv. Two student representatives (one from each Secondary College in Yarrowonga).
- v. One representative of the Moira Shire All Abilities Advisory Committee
- vi. One representative of the Goulburn Valley Libraries.

6.3. One person cannot fill positions across multiple categories. For example, they cannot be both a Community Member according to Section 4.1.i and a User Group representative according to Section 4.1. ii.

Independent consultant and Moira Shire Officers will attend scheduled meetings as observers or to provide facilitation, admin support and information relevant to the progress of the project.

7. OPERATIONAL GUIDELINES

7.1. A consultant appointed by Moira Shire will act as an Independent Chair of the Advisory Group. The Independent Chair will not represent Moira Shire and will be responsible for expert facilitation (in accordance with this Terms of Reference) and production of meeting agendas and minutes.

7.2. The CEO will support and encourage the Advisory Group representatives to:

- a) Assist with providing information when required to the consultants, the representative groups and the public; and
- b) Provide feedback to Council, and any other relevant bodies, on matters relating to the Yarrowonga Town Hall as required.

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ATTACHMENT No [1] - DRAFT Terms of Reference - Yarrowonga Town Hall Future Use Advisory Group

Terms of Reference

Yarrowonga Town Hall Future Use Advisory Group



- 7.3. Decisions on the use of the Yarrowonga Town Hall, Financial Analysis and Business Case and future improvements on the site rest with Council after giving due regard to the community engagement framework that has been established to guide the site's development.
- 7.4. On the resignation of, or in the case of a community representative being incapable of acting as a representative body, the CEO may be directed by Council to appoint a replacement.
- 7.5. All organisations and persons nominated to serve on the Advisory Group are subject to the initial and continued approval of the Council. Revocation provisions are contained in section 10.

An advisory group member who misses 3 consecutive meetings will be considered to have resigned from the group. If the member was a representative of a group or organisation, CEO will contact that group's executive to arrange a replacement.

8. CONDUCT OF MEMBERS

- 8.1. Members of the Advisory Group will actively discuss the future use of the Town Hall with members of their and other groups so as to bring a representative voice to Advisory Group discussions. Representative feedback will take precedence over personal or individual opinion.
- 8.2. Advisory Group discussions will focus on the future, the Town Hall and the purpose of each meeting.
- 8.3. Members are expected to consider whole of community benefit rather than focusing on the needs of their group.
- 8.4. Members will make space for all to contribute, without interrupting each other.
- 8.5. Disagreements will be respectful, focusing on the issues (rather than on individuals).
- 8.6. Members will use information with integrity (outside meetings).
- 8.7. Advisory Group members are not authorised to speak publicly on behalf of the Group, other members or Council.
- 8.8. The Council reserves the right to revoke membership of representatives who do not follow the above guidelines.

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ATTACHMENT No [1] - DRAFT Terms of Reference - Yarrowonga Town Hall Future Use Advisory Group

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Yarrowonga Town Hall Future Use Advisory Group



Council commits to providing accurate, trustworthy, relevant and specific information to assist the group to fulfill its purpose.

9. INDEMNITY

The Council will indemnify members of the Advisory Group against any action, liability, claim or demand on account of any matter or thing done by them on behalf of the Advisory Group when they are acting in accordance with the Terms of Reference in a honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Advisory Group.

10. CONFLICT OF INTEREST / CONFLICTING DUTY

10.1. The *Local Government Act 2020* is the primary source of guidance on conflict of interest.

10.2. If a member of the Advisory Group has a conflict of interest or conflicting duty in any matter in which the Advisory Group is concerned, the member must disclose the nature of that interest at the meeting at which the matter is discussed. The member must leave the room and remain outside until conclusion of discussion or any vote on the item.

10.3. A conflict of interest is considered to apply if an Advisory Group member:

a) has a direct or indirect financial interest in the matter; or

is of the opinion that the nature of the interest in the matter is such that it may conflict with the proper performance of their public duties in respect of the matter.

11. MEETINGS

11.1. Meetings of the Advisory Group will be held bi-monthly or as required.

11.2. Meetings will be held at a time and date determined most suitable for the majority of the members with a minimum of seven days' notice.

11.3. Agendas will be emailed to members by the Independent Chair no less than one week before meetings, along with relevant information to enable members to discuss key points with their groups and bring an informed position or feedback to the meeting.

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ATTACHMENT No [1] - DRAFT Terms of Reference - Yarrowonga Town Hall Future Use Advisory Group

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- 11.4. Members will be encouraged to suggest relevant items for meeting agendas (no less than one week beforehand).
- 11.5. The Advisory Group will operate on a consensus basis for its deliberations. If all do not agree with a proposal, the range of views will be included in the meeting notes.
- 11.6. The Independent Chair shall ensure that the independently produced minutes of each meeting (including an action list) are circulated to all members for review within two weeks of a meeting. Revised minutes will be submitted to the next meeting for confirmation.
- One third of the Advisory Group constitutes a quorum. No business shall be transacted at any meeting unless a quorum is present.

12. TERM OF APPOINTMENT

The term of Advisory Group members will commence on 1 May 2024 and will be for a period of twelve months until a resignation is submitted prior or unless terminated in writing prior to the conclusion of twelve months by the CEO.

13. REVOCATION

Membership may be revoked via resolution of Council.

14. ADVISORY GROUP REPRESENTATION

Chairs of community groups represented on the Advisory Group must notify the CEO in writing if their representative intends to resign from the Advisory Group. This notification should include suggestions for a replacement member.

15. CONFIDENTIALITY

On occasions the Advisory Group may be required to deal with a matter that has been identified as confidential in nature. Advisory Group members are required to deal with such matters in confidence and with discretion.

16. INTELLECTUAL PROPERTY

All intellectual property remains the property of the Council unless otherwise contracted to a third party.

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ITEM NO: 10.1.4
(EXECUTIVE MANAGER CORPORATE
GOVERNANCE, AMANDA CHADWICK)
(CHIEF EXECUTIVE OFFICER, MATTHEW
MORGAN)

MOIRA SHIRE COUNCIL USE OF COMMON SEAL AND CONDUCT AT MEETINGS (AMENDMENT) LOCAL LAW 2024

Recommendation

That Council:

1. Having complied with its statutory obligations, adopt the Moira Shire Council Use of Common Seal and Conduct at Meetings (Amendment) Local Law 2024; and
2. Following the making of the Local Law, authorise the Chief Executive Officer to publish the statutory notices as stipulated in section 74 of the Local Government Act 2020; and
3. Authorise the Chief Executive Officer to affix the Common Seal of Council to the Amendment Local Law.

1. Executive Summary

This report seeks Council's endorsement to adopt the Moira Shire Council Use of Common Seal and Conduct at Meetings (Amendment) Local Law 2024 (**Amendment Local Law**).

The power to make a local law is provided for in section 71 of the *Local Government Act 2020* (the Act).

On 28 February 2024 Council resolved to release the draft Amendment Local Law to the community for consultation in accordance with Council's Community Engagement Policy.

A summary of the consultation program undertaken is included within this report.

2. Conflict of interest declaration

There are no conflict of interest declarations to consider as part of this report.

3. Background & Context

The use of the Common Seal is governed by Part 2 of the Local Law, which requires a Council resolution for the use of the Common Seal. This creates an administrative burden and causes a delay in the administration of the planning system by requiring each section 173 Agreement to be presented to Council, accompanied by an officer's report in order to obtain a Council resolution to affix the Common Seal.

The execution of a section 173 Agreement requires the Common Seal to be affixed in accordance with Section 174(1) of the Act.

The purpose of the Local Law is to:

- Regulate the use of the Common Seal;
- Prohibit unauthorized use of the Common Seal; and
- Make it an offence for non-compliance with the conduct provisions with Councils Governance Rules applying to Council Meetings.

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MOIRA SHIRE COUNCIL USE OF COMMON SEAL AND CONDUCT AT MEETINGS (AMENDMENT) LOCAL LAW 2024 (cont'd)

Clause 2.2 of the Local Law describes the authority for the use of the Common Seal stating:

“the common seal may only be affixed to a document for the purpose of giving effect to a decision which has been made by Council resolution”.

The Amendment Local Law will provide authorisation to the CEO to affix the Common Seal to section 173 Agreements once these documents are ready for execution by amending clause 2.2 and substituting it with the following:

The Common Seal must only be affixed to a document –

- a. for the purpose of giving effect to a decision that has been made by Council resolution; or*
- b. by the Chief Executive Officer in order to seal any agreement required to be made under the Planning and Environment Act 1987.*

4. Issues

The current process to affix the common seal on section 173 Agreements creates an administrative burden and can lead to delays in the processing of Planning Permits.

5. Strategic Alignment

This report relates to Council Plan Strategic Objectives 4 ‘Customer Focused and Responsive’ and Objective 5 ‘Transparent and Accountable Governance’.

6. Internal & External Engagement

Internal engagement on the amendment to the Local Law occurred with the Executive Leadership Team including the Chief Executive Officer, Manager Planning and the Governance Team.

External engagement occurred in accordance with the Community Engagement Policy and included a Public Notice on the Council website from 29 February 2024 and in local newspapers from 6 March 2024. A copy of the proposed Amendment Local Law was made available for public inspection at the Cobram and Yarrawonga Service Centres from 29 February 2024.

The engagement ran for 21 days and closed on 20 March 2023 in which Council received no submissions.

7. Budget / Financial Considerations

Council engaged Macquarie Local Government Lawyers to review and prepare the Moira Shire Council Common Seal and Conduct at Meetings (Amendment) Local Law 2024.

The cost of this exercise, in addition to the costs associated with the community engagement program were included within the operational budget.

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**MOIRA SHIRE COUNCIL USE OF COMMON SEAL AND CONDUCT AT MEETINGS
(AMENDMENT) LOCAL LAW 2024 (cont'd)**

8. Risk & Mitigation

Delays in processing section 173 Agreements are caused by an administrative requirement for authorising of the use of the common seal via Council resolution. The amendment to the Local Law provides authorisation to the CEO reducing delays and provides efficiency in processing Planning Permits.

9. Conclusion

Following a community engagement program to seek submissions on the proposal to amend the Local Law, it is recommended that Council endorse the Moira Shire Council Use of Common Seal and Conduct at Meetings (Amendment) Local Law 2024 to authorise the CEO to affix the common seal on section 173 agreements once they are ready for execution, reducing the administrative burden that causes delays in processing planning permits.

Attachments

- 1 Moira Shire Council Use of the Common Seal and Conduct at Council Meetings (Amendment) Local Law 2024 - Final
- 2 Legal Certification - Amendment Local Law

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**MOIRA SHIRE COUNCIL USE OF COMMON SEAL AND CONDUCT AT
MEETINGS (AMENDMENT) LOCAL LAW 2024 (cont'd)**

ATTACHMENT No [1] - Moira Shire Council Use of the Common Seal and Conduct
at Council Meetings (Amendment) Local Law 2024 - Final



**Moira Shire Council
Use of the Common Seal and
Conduct at Council Meetings
(Amendment) Local Law 2024**

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MOIRA SHIRE COUNCIL USE OF COMMON SEAL AND CONDUCT AT MEETINGS (AMENDMENT) LOCAL LAW 2024 (cont'd)

ATTACHMENT No [1] - Moira Shire Council Use of the Common Seal and Conduct at Council Meetings (Amendment) Local Law 2024 - Final

Moira Shire Council Use of the Council Seal and
Conduct at Council Meetings (Amendment) Local Law 2024



Part 1 – Introduction

1.1 Title

This Local Law is titled Moira Shire Council Use of the Common Seal and Conduct at Council Meetings (Amendment) Local Law 2024.

1.2 Purpose of this Local Law

The purpose of this Local Law is to amend the Moira Shire Council Use of the Common Seal and Conduct at Council Meetings Local Law No1 2021.

1.3 Authorising Provisions

This Local Law is made under section 71(1) of the *Local Government Act 2020*.

1.4 Commencement, Revocation and Area of Operation

This Local Law:

- (a) comes into operation on 28 March 2024;
- (b) unless sooner revoked, ceases to operate on the day on which the Moira Shire Council Use of the Common Seal and Conduct at Council Meetings Local Law No. 1 2021 ceases to operate; and
- (c) operates throughout the municipal district.

1.5 Other Legislation

Anything allowed under any Act, Regulation or Planning Scheme is not affected by any prohibition, requirement or restriction under this Local Law.

1.6 Definitions

Unless the contrary intention appears in this Local Law, the following words and phrases are defined to mean:

“Council”	means Moira Shire Council
“Municipal district”	means the municipal district of the Council
“Principal Local Law”	means the Councils Use of the Common Seal and Conduct at Council Meetings Local Law No 1 2021

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**MOIRA SHIRE COUNCIL USE OF COMMON SEAL AND CONDUCT AT
MEETINGS (AMENDMENT) LOCAL LAW 2024 (cont'd)**

**ATTACHMENT No [1] - Moira Shire Council Use of the Common Seal and Conduct
at Council Meetings (Amendment) Local Law 2024 - Final**

Moira Shire Council Use of the Council Seal and
Conduct at Council Meetings (Amendment) Local Law 2024



Part 2 – Amendment to the Principal Local Law

2.1 Clause to be substituted

In clause 2.2 of the Principal Local Law replace the existing clause which reads:

- a. *"The common seal may only be affixed to a document for the purpose of giving effect to a decision which has been made by Council resolution."*

With the following –

2.2 Authority for Use of the Common Seal

The Common Seal must only be affixed to a document –

- a. for the purpose of giving effect to a decision that has been made by Council resolution; or
- b. by the Chief Executive Officer in order to seal any agreement required to be made under the *Planning and Environment Act 1987*.

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(EXECUTIVE MANAGER CORPORATE
GOVERNANCE, AMANDA CHADWICK)
(CHIEF EXECUTIVE OFFICER, MATTHEW
MORGAN)

**MOIRA SHIRE COUNCIL USE OF COMMON SEAL AND CONDUCT AT
MEETINGS (AMENDMENT) LOCAL LAW 2024 (cont'd)**

ATTACHMENT No [2] - Legal Certification - Amendment Local Law



MOIRA SHIRE COUNCIL

**Use of the Common Seal and Conduct at Council Meetings
(Amendment) Local Law 2024**

Solicitor's Certificate - s.74(1) of the *Local Government Act 2020*

Pursuant to sub-section 74(1) of the *Local Government Act 2020 (Act)*, I, Georgie Ward of Macquarie Local Government Lawyers, certify that the proposed Use of the Common Seal and Conduct at Council Meetings Local Law 2024, to be presented to the Council, is consistent with the Local Law requirements of section 72 of the Act which requires the following:

- A Local Law must not be inconsistent with any Act (including the *Charter of Human Rights and Responsibilities Act 2006*) or Regulations;
- A Local Law must not duplicate or be inconsistent with a Planning Scheme that is in force in the municipal district;
- A Local Law for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles;
- A Local Law must not exceed the power to make Local Laws conferred by the Act or any other authorising Act;
- A Local Law must be consistent with the objectives of the Act or any other authorising Act;
- A Local Law must be expressed as clearly and unambiguously as is reasonably possible;
- Unless there is clear and express power to do so under the Act or any other authorising Act, a Local Law must not –
 - seek to have a retrospective effect;

Georgie Ward Legal Services Pty Ltd (ACN 662 787 377) trading as Macquarie Local Government Lawyers
Level 6, 30 Collins St, Melbourne, VIC 3000 Ph: 03 9650 6700
georgiew@macquarielawyers.com.au www.macquarielawyers.com.au
Liability limited by a scheme approved under Professional Standards Legislation

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.1.4
(EXECUTIVE MANAGER CORPORATE
GOVERNANCE, AMANDA CHADWICK)
(CHIEF EXECUTIVE OFFICER, MATTHEW
MORGAN)

**MOIRA SHIRE COUNCIL USE OF COMMON SEAL AND CONDUCT AT
MEETINGS (AMENDMENT) LOCAL LAW 2024 (cont'd)**

ATTACHMENT No [2] - Legal Certification - Amendment Local Law

Macquarie Local Government Lawyers

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- impose any tax, fee, fine, imprisonment or other penalty; or
- authorise the sub-delegation of powers delegated under the Local Law; and
- A Local Law must comply with any details prescribed in the regulations relating to the preparation and content of Local Laws, of which at the time of providing this certification, no Regulations have been made.

In providing this certification, I confirm that I am an Australian lawyer who has been admitted to the legal profession for at least 5 years and that I am not a Councillor of the Council.

This certificate must be tabled at the Council meeting at which the proposed Local Law is to be made in compliance with sub-section 74(3) of the Act.

Yours faithfully

MACQUARIE LOCAL GOVERNMENT LAWYERS

Per:



Signed by Georgie Ward
In Victoria on 21 March 2024

FILE NO:
4. CUSTOMER FOCUSED AND RESPONSIVE

ITEM NO: 10.2.1
(GRANTS OFFICER, JESSICA BOLLEN)
(DIRECTOR CORPORATE PERFORMANCE,
MATT JARVIS)

FUNDING OPPORTUNITY - REGIONAL COMMUNITY SPORTS INFRASTRUCTURE FUND

Recommendation

That Council:

1. Note the funding opportunity with Sports and Recreation Victoria under the repurposed \$60m Commonwealth Games fund – Regional Community Sports Infrastructure Fund; and
2. Endorse the grant funding applications for the Kennedy Park, Yarrawonga All-Abilities Regional Park project, the Cobram Apex Reserve Lighting project and the Resurfacing of the Waaia Netball/Tennis Courts project under round one of the Regional Community Sports Infrastructure Fund.

1. Executive Summary

The Regional Community Sports Infrastructure Fund (RCSIF), administered by Sports and Recreation Victoria (SRV), represents an opportunity for Council to secure necessary funding for the enhancement and development of local sports and recreation facilities.

Under round 1 of the RCSIF, Council Officers are seeking endorsement to submit applications for three projects:

- Kennedy Park, Yarrawonga, development of an all-abilities regional park with an accessible play space and facilities;
- Cobram Apex Reserve Lighting Project; and
- Resurfacing of the Waaia Netball/Tennis Courts.

These projects are critical to addressing the growing demand for accessible, safe, and modern sports and recreation facilities within the municipality. Each project aligns with Council's strategic objectives of promoting health, well-being, and social cohesion through sports and recreation. They are also the subject of business cases, currently being developed as part of the 2024/2025 financial year budget cycle.

2. Conflict of interest declaration

No conflict of Interest.

3. Background & Context

In December 2023 SRV announced the launch of the RCSIF in response to the Victorian Government repurposing \$60 million in 2026 Commonwealth Games funds, split into two rounds. The first closing in March 2024 and the second in November 2024.

The RCSIF is designed to support the development of high-quality, accessible community sports infrastructure across Victoria. The fund focuses on enhancing the health and well-being of regional communities by encouraging increased participation in sports and physical activities.

Funding is distributed across several streams, each targeting specific types of projects, such as facility upgrades, new constructions, and lighting improvements.

FILE NO:
4. CUSTOMER FOCUSED AND RESPONSIVE

ITEM NO: 10.2.1
(GRANTS OFFICER, JESSICA BOLLEN)
(DIRECTOR CORPORATE PERFORMANCE,
MATT JARVIS)

FUNDING OPPORTUNITY - REGIONAL COMMUNITY SPORTS INFRASTRUCTURE FUND (cont'd)

The four streams available are:

- Indoor Stadiums and Aquatic Facilities
- Community Facilities
- Women and Girls Facilities
- All Abilities Infrastructure

Each stream attracts a cap of \$1 million, except the indoor stadium and aquatic facilities attracts a cap of \$3 million.

For every \$1 of Council contribution, SRV will contribute \$4.

SRV's funding guidelines require submission of a substantial number of attachments that effectively demonstrate the project as 'shovel ready' which is a significant portion of the work currently being undertaken to ensure our associated attachments meet the funding guidelines and make us competitive.

4. Projects

4.1 Kennedy Park, Yarrawonga – All-Abilities Regional Park

This project proposes the development of Kennedy Park, Yarrawonga into a regional park and play space. Subject to final detailed design, the project would cover landscaping and play space works including play areas and other park infrastructure for a wide range of abilities and age groups.

Regional parks or play spaces tend to serve a wider catchment than local play spaces and provide for longer visits. They provide for a wider range of abilities and age groups and attract larger numbers of people who stay for longer periods of time.

4.2 Cobram Apex Reserve Lighting Project

This project, subject to final design, proposes an upgrade in LUX lighting of the main pitch to meet the relevant sporting standards.

Expected benefits from the project include improved light coverage, reduced operating costs and enhancing the efficiency of the facility broadening opportunities for participation.

4.3 Resurfacing of the Waaia Netball/Tennis Courts

Arising from a Hard Court Facility Audit, this project proposes, subject to final design, renewal of 2 courts to Australian standards including a new concrete slab, acrylic surface and fencing.

Expected benefits from the project include a reduced maintenance burden for users and committees of management, mitigation of risks of injury of users and increased participant satisfaction.

FILE NO:
4. CUSTOMER FOCUSED AND RESPONSIVE

ITEM NO: 10.2.1
(GRANTS OFFICER, JESSICA BOLLEN)
(DIRECTOR CORPORATE PERFORMANCE,
MATT JARVIS)

FUNDING OPPORTUNITY - REGIONAL COMMUNITY SPORTS INFRASTRUCTURE FUND (cont'd)

5. Issues

Capacity and Delivery Constraints:

Council faces a significant challenge in balancing its current capital delivery commitments with the opportunity presented by the RCSIF. The primary concern is our capacity to deliver within the 24-month delivery timeframes set by the funding program. Moira Shire is currently tasked with a substantial capital delivery task, stretching our resources and capabilities. Failing to capitalise on the RCSIF could represent a missed opportunity to enhance community services and infrastructure significantly leading to dissatisfaction within the community and key community groups. This presents a significant reputational risk as sporting and recreational clubs have been advised of the funding opportunity as the Minister’s Office has understandably heavily promoted the program.

Alignment with Funding Timelines:

An issue arises from the misalignment between the grant funding timelines and Council's budget cycle. This discrepancy introduces uncertainty regarding the availability of council co-contributions, and Council approval of the business cases complicating the development of a competitive grant application.

The tight funding timelines further exacerbate the challenge, limiting the ability to prepare and refine funding submissions to meet the high standards required by the funding body.

Moving Forward:

In response to these challenges, council staff are diligently working to understand and mitigate the requirements for developing a more competitive submission in this and future rounds. This involves a comprehensive review of feedback from unsuccessful grant applications and a strategic reassessment of project priorities and resource allocation leading to the recommendations of this report. The goal is to navigate these complexities effectively, ensuring that future submissions not only meet the criteria set forth by funding bodies but also align with our strategic objectives and capacity to deliver.

Strategic Alignment

Council Plan

4. Customer focused and responsive

Moira Shire Council’s Wellbeing for All Ages Strategy 2021-2025

Moira Shire Council Recreation strategy 2016-2026

Recreation, sports facilities, programs and services respond to our diverse and emerging community needs.

Community and Stakeholder Feedback, Focus areas to improve health and wellbeing included “Invest in infrastructure to support community health and wellbeing.

increase opportunities for physical activity and recreation; Key Priority Area 1 (page 2). Sustainable provision of sports facilities and services;

FILE NO:
4. CUSTOMER FOCUSED AND RESPONSIVE

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FUNDING OPPORTUNITY - REGIONAL COMMUNITY SPORTS INFRASTRUCTURE FUND (cont'd)

Active Victoria; Strategic Direction 1 (page 5)	Recommendation 5 (page 3), Prioritise projects that support local participation
AFL Victoria's Football Facilities Development Strategy 'Growing the Heartland'	Meeting demand, Increase the capacity of sport and active recreation infrastructure; Invest in a network of international, metropolitan regional and local infrastructure. Key areas of change (page 20): Increasing capacity of facilities and infrastructure: New and existing infrastructure that 'works harder for longer'. Also, High-capacity regional sport and active recreation facilities an infrastructure complementing local community facilities, Maximised use of existing spaces and also Strategic Direction 3 (Page 24), Invest in infrastructure that enables active recreation. provision of a sufficient number of well located, accessible and welcoming football facilities that support the growth of the game" and priorities 1, 4 and 5. Priority 1 (page 30); Increase the Quality/functionality and maximise the carrying capacity of existing facilities. Priority 5 (page 34): continue to enhance our relationship with Government (particularly Local Government) in the planning and provision of facilities. Kennedy Park recommended for development into a new regional (premier) play space.
Moirra Shire Play Strategy 2023	

6. Internal & External Engagement

Engagement (who did you engage with?)	Feedback
Internal Recreation Team	Team members have led the development of the business cases to secure Council co-contribution. They have also led the development of the project priorities, communication with the clubs and development of the project
Internal Parks & Facilities Team	Team members have led the development of the business

FILE NO:
4. CUSTOMER FOCUSED AND RESPONSIVE

ITEM NO: 10.2.1
(GRANTS OFFICER, JESSICA BOLLEN)
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FUNDING OPPORTUNITY - REGIONAL COMMUNITY SPORTS INFRASTRUCTURE FUND (cont'd)

External	SRV representatives	case to secure Council co-contribution & have led the development of the project In principal support for our project initiatives that provided we meet the funding guidelines could be considered competitive.
Internal/External	Community consultation	Team members have led the development of the development of the project including community consultation and commencement of the designs

7. Budget / Financial Considerations

Project Name	Total Estimated Project Cost*	Council Contribution	Other Contribution	Grant Amount
Kennedy Park Yarrowonga	\$1,500,000	\$500,000		\$1,000,000
Cobram Apex Reserve Lighting Project	\$224,380	\$40,000	Club \$40,000	\$144,380
Resurfacing of Waaia Netball/Tennis Courts	\$865,000	\$133,000	Club \$30,000 In Kind \$10,000	\$692,000

*The Total Project Costs are estimates only and subject to change

8. Risk & Mitigation

Risk	Issue	Mitigation
Financial	Kennedy Park's business case was submitted for development in 2 stages. This grant submission aspires to maximise the amount of grant funding available and therefore, combine the stages meaning the amount of Council budget sought increases in the 24/25 FY to combine the stages seeking a contribution of \$500,000.	Council brings forward budget from the 2 stages to maximise the funding opportunity and ability to deliver a meaningful project to the community of Yarrowonga.

Capacity to Deliver	The size of the capital delivery task and the	Project developers
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FILE NO:
4. CUSTOMER FOCUSED AND RESPONSIVE

ITEM NO: 10.2.1
(GRANTS OFFICER, JESSICA BOLLEN)
(DIRECTOR CORPORATE PERFORMANCE,
MATT JARVIS)

FUNDING OPPORTUNITY - REGIONAL COMMUNITY SPORTS INFRASTRUCTURE FUND (cont'd)

resourcing challenge associated with the task is acknowledged. Should Council be successful in attracting investment, these projects increase the size of that task. However, while the projects must be completed within 24 months of signing the grant agreement, it would be the latter part of 2024 that those agreements would be signed. These projects are considered shovel ready, therefore, 24 months to deliver these projects should be feasible. Particularly, as this year sees the completion or progression of a number of projects already 'on the books'.

Council's Parks team have delivered two regional park developments in 2022, both within budget and a 12 month timeframe.

Reputational

In relation to progressing investment at Kennedy Park in Yarrawonga, advancing another significant project in Yarrawonga risks exacerbating perceptions of unequal investment across our geographically diverse Shire, potentially undermining public trust. With two major projects already in progress in Yarrawonga, there's concern over reinforcing a narrative of preferential treatment towards one community, necessitating a balanced approach to project selection and transparent communication to affirm our commitment to equitable development across all areas.

The RSCIF has received substantial promotion from the Minister's office, including direct outreach to numerous sporting clubs. If Council decides against pursuing this funding opportunity, we face the risk of alienating our local sporting clubs and broader community. Such a decision could be perceived as a failure to leverage available investment opportunities for enhancing sports infrastructure, potentially leading to significant disappointment and criticism from stakeholders who have been encouraged to anticipate benefits from this program. This scenario underscores the importance of actively engaging with the funding process to avoid damaging community relationships and trust in the council's commitment to local sports development.

consider building significant contingency and project management costs into the project budget so that if needed, contracting out project management of these projects is possible.

Internal Parks team see capacity to deliver and project manage this similar size project.

Develop an engagement strategy.

Council progresses submission of projects under both rounds of the funding program.

Community consultation for the redevelopment of Kennedy Park was conducted in 2021 with 130 responses received that were overall very supportive. The information gathered was incorporated into the design brief. The draft design will be placed out for community consultation mid-2024 with active engagement planned with our younger residents such as schools and the Youth Council.

FILE NO:
4. CUSTOMER FOCUSED AND RESPONSIVE

ITEM NO: 10.2.1
(GRANTS OFFICER, JESSICA BOLLEN)
(DIRECTOR CORPORATE PERFORMANCE,
MATT JARVIS)

**FUNDING OPPORTUNITY - REGIONAL COMMUNITY SPORTS INFRASTRUCTURE
FUND (cont'd)**

9. Conclusion

In December 2023 SRV announced the launch of the Regional Community Sports Infrastructure Fund (RCSIF) in response to the Victorian Government repurposing \$60 million in 2026 Commonwealth Games funds, split into two rounds. The first closing in March 2024 and the second in November 2024.

Under round 1 of the RCSIF, Council Officers are seeking Council endorsement to submit applications for three projects:

- Kennedy Park, Yarrowonga, development of an all-abilities regional park with an accessible play space and facilities;
- Cobram Apex Reserve Lighting Project; and
- Resurfacing of the Waaia Netball/Tennis Courts.

These projects are critical to addressing the growing demand for accessible, safe, and modern sports and recreation facilities within the municipality. Each project aligns with Council's strategic objectives of promoting health, well-being, and social cohesion through sports and recreation. They are also the subject of business cases, currently being developed as part of the 2024/2025 financial year budget cycle.

Attachments

Nil

FILE NO:
1. A WELCOMING AND INCLUSIVE PLACE

ITEM NO: 10.2.2
(DIRECTOR CORPORATE PERFORMANCE,
MATT JARVIS)
(CHIEF EXECUTIVE OFFICER, MATTHEW
MORGAN)

LIVING LIBRARIES INFRASTRUCTURE PROGRAM - FUNDING APPLICATION

Recommendation

That Council endorse a funding application under the Living Libraries Infrastructure Program for the Cobram and Nathalia libraries.

1. Executive Summary

The Living Libraries Infrastructure Program (LLIP) enables Councils to deliver minor works for library infrastructure for their communities.

Funding from the LLIP (\$39,366) is being sought with a financial contribution from Moira Shire Council (\$14,455), to improve security measures at the Nathalia and Cobram libraries. These improvement works are intended to provide a more secure and safe environment for GV Libraries staff and patrons and create opportunities for increasing access to the facility outside of standard operating hours.

Should the grant application be successful, works are proposed to commence and be completed in the 2024/2025 financial year.

2. Conflict of interest declaration

Nil

3. Background & Context

The Living Libraries Infrastructure Program (LLIP) enables Councils and/or Regional Library Corporations to deliver minor works for library infrastructure for their communities.

The program supports the provision of library facilities that meet the needs of communities and enhances the role of libraries in strengthening communities and encouraging opportunities for community participation.

Funding from the LLIP of between \$10,000 and \$200,000 are available. Works must commence within 6 months of the grant being announced, and construction must be completed within 12 months of commencement (see attached guidelines).

4. Proposed Funding Application – Cobram Library and Nathalia Library

A grant funding application under the Living Libraries Infrastructure Program (LLIP) is proposed for the Cobram and Nathalia libraries to address a current lack of security measures by installing security alarms, cameras and access devices.

The above measures aim to mitigate potential risks and create a more secure and safe environment for GV Libraries staff and patrons. The infrastructure improvements also create opportunities for increasing access to the facility outside of standard operating hours.

FILE NO:
1. A WELCOMING AND INCLUSIVE PLACE

ITEM NO: 10.2.2
(DIRECTOR CORPORATE PERFORMANCE,
MATT JARVIS)
(CHIEF EXECUTIVE OFFICER, MATTHEW
MORGAN)

LIVING LIBRARIES INFRASTRUCTURE PROGRAM - FUNDING APPLICATION
(cont'd)

5. Strategic Alignment

Council Plan

1. A welcoming and inclusive place

1.02 Our artistic, cultural programs and services will promote inclusiveness, social wellbeing and reflect the needs and values of communities.

1.07 We promote the health and wellbeing of our communities

6. Internal & External Engagement

Engagement (who did you engage with?)
Internal Information Technology

Feedback

Confirmation regarding any requirements for standardization of security hardware.

External GV Libraries CEO

The GV Libraries CEO has advocated to improve the security of GV Libraries staff and patrons.

7. Budget / Financial Considerations

Under the Living Libraries Infrastructure Program (LLIP), Moira Shire Council is classified as a regional and rural council which requires a 3:1 contribution from Council. The below table details the amount of funding being sought, and the proposed financial contribution from Moira Shire Council should the grant be successful. Works are proposed to commence and be completed in the 2024/2025 financial year.

	Living Libraries Grant Funding \$ (GST ex)	Moira Shire Contribution \$ (GST ex)	Total Amount \$ (GST ex)
Cobram Library*	\$19,247	\$6,416	\$25,663
Nathalia Library*	\$19,619	\$6,539	\$26,158
Project Management	\$500	\$500	\$1,000
Contingency		\$1,000	\$1,000
Total	\$39,366	\$14,455	\$53,821

*Current estimates for library buildings are based on quotes and are subject to change.

FILE NO:
1. A WELCOMING AND INCLUSIVE PLACE

ITEM NO: 10.2.2
(DIRECTOR CORPORATE PERFORMANCE,
MATT JARVIS)
(CHIEF EXECUTIVE OFFICER, MATTHEW
MORGAN)

LIVING LIBRARIES INFRASTRUCTURE PROGRAM - FUNDING APPLICATION
(cont'd)

8. Risk & Mitigation

Risk

Reputational

Mitigation

Installation of security measures will create a more secure and safe environment for GV Libraries staff and patrons. The infrastructure improvements also create opportunities for increasing access to the facility outside of standard operating hours.

9. Conclusion

The Living Libraries Infrastructure Program (LLIP) enables Councils to deliver minor works for library infrastructure for their communities. Funding from the LLIP of \$39,366 is being sought with a financial contribution from Moira Shire Council of \$14,455, to improve security measures at the Nathalia and Cobram libraries.

Attachments

Nil

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.3
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE PERFORMANCE
MATT JARVIS)

LOCAL GOVERNMENT PERFORMANCE REPORTING FRAMEWORK - HALF YEAR REPORT

Recommendation

That Council note the results for Moira Shire under the Local Government Performance Reporting Framework for the first six months of 2023/24.

1. Executive Summary

This report details Moira Shire Council's performance against the Local Government Performance Reporting Framework for the first 6 months of 2023/24.

Council's Performance Reporting Framework comprises of 58 indicators measuring financial and non-financial performance and is based on the Local Government Performance Reporting Framework (LGPRF) and the Governance and Management Checklist.

The report has been prepared in accordance with Moira Shire's Performance Reporting Policy and Performance Reporting Framework and fulfils Council's reporting statutory and policy obligations.

2. Conflict of interest declaration

There are no council officer conflicts associated with the preparation of this report.

3. Background & Context

Council is required to prepare and publish a half-yearly report detailing performance against Council's Performance Reporting Framework that includes the Local Government Performance Reporting Indicators.

Council's full year report is published in the Annual Report and is made available via the [Local Government Victoria](#) website. While the full year report is audited, the half-yearly report is not audited but provides an opportunity to review processes and performance.

Report highlights

- Council animal management officers place a strong focus on returning animals to their owners. A number of unexpected contributing factors have led to lower results in the reclaiming and rehoming of animals
 - 22% of the animals collected were reclaimed by their owners with a further 28% of animals collected being surrendered by their owners
 - a number of organisations that assist Council with rehoming or rehousing animals collected have been at capacity and at that time were unable to assist. 10% of animals collected were waiting to be rehomed when this report period closed.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.3
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE PERFORMANCE
MATT JARVIS)

LOCAL GOVERNMENT PERFORMANCE REPORTING FRAMEWORK - HALF YEAR REPORT (cont'd)

- Moira Shire Environmental Health services remain consistent with high level results including:
 - Follow up visits on all critical and major non-compliance outcomes being completed
 - Inspections completed on all premises requiring an annual food safety assessment.
- Governance cost of elected representatives is averaged over the number of elected members. The increase in costs has largely been attributed to three Administrators in place, where previously it was nine Councillors.
- Participation rate for the number of children who attended the Maternal and Child Health services showed a decline in the six-month report to December 2023. This trend is consistent with previous half yearly reports, however, the current trend indicates an improvement on the full year. Administration hours have been increased in the second half of the reporting year with a key focus on scheduling overdue appointments. Full year reporting will provide a more accurate representation of participation.
 - The time taken to determine planning applications has reduced from 69 days as at 30 June 2023 to 47 days at 31 December 2023.
- Moira Shire residents continue to achieve excellent results of diverting waste from landfill. Results shown are the highest since reporting of this indicator commenced in 2014/15.

4. Strategic Alignment

The report aligns with the council objective Transparent and Accountable Governance.

5. Internal & External Engagement

Consultation was conducted internally with the officers responsible for managing the data, Managers and Senior Managers.

Commentary has been prepared in consultation with the relevant Managers, Directors and the Director Corporate Performance.

6. Budget / Financial Considerations

There are no financial issues associated with this report.

7. Risk & Mitigation

Regular reporting enables Council to monitor progress against the Council Plan objectives and other performance indicators.

This report ensures compliance with Council's Performance Reporting Policy and statutory obligations.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.3
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE PERFORMANCE
MATT JARVIS)

**LOCAL GOVERNMENT PERFORMANCE REPORTING FRAMEWORK - HALF YEAR
REPORT (cont'd)**

8. Conclusion

This report fulfills Council's requirement for half yearly reporting in accordance with Moira Shire Councils Performance Reporting Policy and Performance Reporting Framework. The report presents highlights that have occurred in the first 6 months of the 2023/24 reporting period.

It is recommended that Council note this half-year progression of this report.

Attachments

- 1 LGPRF December 2023 - Half Year report

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.3
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)

**LOCAL GOVERNMENT PERFORMANCE REPORTING FRAMEWORK - HALF
YEAR REPORT (cont'd)**

ATTACHMENT No [1] - LGPRF December 2023 - Half Year report



Moira Shire Council
Local Government Performance Reporting Framework

Reporting Period	1 July to 31 December 2023
Date endorsed by ELT	5 March 2024



FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.3
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)

**LOCAL GOVERNMENT PERFORMANCE REPORTING FRAMEWORK - HALF
YEAR REPORT (cont'd)**

ATTACHMENT No [1] - LGPRF December 2023 - Half Year report

LGPRF Indicator	Performance Measure	2020/21	2021/22	2022/23	6 mths July to Dec 2023	Comments
Indicator - Service Performance						
Aquatic Facilities						
To provide safe, accessible and well utilised facilities						
AF2	Health inspections of aquatic facilities [Number of authorised officer inspections of council aquatic facilities / Number of council aquatic facilities]	0.86	0.29	1.00	1.00	Inspections have been conducted on all council's facilities.
AF6	Utilisation of aquatic facilities [Number of visits to aquatic facilities / Municipal population]	1.34	1.68	1.50	0.78	The summer season for outdoor pools commenced December. Half-yearly results are consistent with the same period last year. Full year reporting will show a more accurate representation of visits to Councils aquatic facilities.
AF7	Cost of aquatic facilities [Direct cost of aquatic facilities less income received / Number of visits to aquatic facilities]	\$17.08	\$18.05	\$20.89	\$15.09	The summer season for outdoor pools commenced December. Impact of costs on outdoor pools is not fully reflected in this report. Full year reporting will show a more accurate representation of costs.
Animal Management						
To protect the health and safety of animals, humans and the environment						
AM1	Time taken to action animal management requests [Number of days between receipt and first response action for all animal management requests / Number of animal management requests]	3.38	3.82	2.29	2.12	Officers continue to place an emphasis on responding to the customer promptly.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.3
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)

**LOCAL GOVERNMENT PERFORMANCE REPORTING FRAMEWORK - HALF
YEAR REPORT (cont'd)**

ATTACHMENT No [1] - LGPRF December 2023 - Half Year report

LGPRF Indicator	Performance Measure	2020/21	2021/22	2022/23	6 mths July to Dec 2023	Comments
Animal Management cont'd						
To make and implement decisions in the best interests of the community						
AM2	Animals reclaimed [Number of animals reclaimed / Number of animals collected]	29.52%	24.81%	25.50%	22.84%	Council continues a strong focus of reuniting pets with their owners but unfortunately pet owner's circumstances can change where they are no longer in a position to care for them and surrender their pet/s to Council. 28% of impounded animals were surrendered.
AM5	Animals rehomed [Number of animals rehomed/Number of animals collected] x 100	33.84%	21.45%	31.32%	23.28%	Council has agreements with a number of organisations to assist with rehousing surrendered or unclaimed animals. During the reporting period a number of these organisations were at capacity and at the time unable to assist Council. 10% of animals collected were waiting to be rehomed at the end of this reporting period.
AM6	Cost of animal management service per population [Direct cost of animal management service/Population]	\$11.49	\$11.32	\$11.61	\$6.07	This result is for the 6-month reporting period. Full year reporting will show more accurate representation of cost.
AM7	Animal management prosecutions [Number of successful animal management prosecutions/Number of animal management prosecutions] x 100	0.00%	0.00%	0.00%	0.00%	No prosecutions occurred in this reporting period.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.3
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)

**LOCAL GOVERNMENT PERFORMANCE REPORTING FRAMEWORK - HALF
YEAR REPORT (cont'd)**

ATTACHMENT No [1] - LGPRF December 2023 - Half Year report

LGPRF Indicator	Performance Measure	2020/21	2021/22	2022/23	6 mths July to Dec 2023	Comments
Food Safety To protect public health by preventing the sale of unsafe food						
FS1	Time taken to action food complaints [Number of days between receipt and first response action for all food complaints / Number of food complaints]	1.00	1.00	1.00	1.13	Council has a strong commitment to food safety and to action same day response to complaints. Results are reflective of when 2 food complaints were promptly addressed the following morning after being received late on the previous day.
FS2	Food safety assessments [Number of registered class 1 food premises and class 2 food premises that receive an annual food safety assessment in accordance with the Food Act 1984 / Number of registered class 1 food premises and class 2 food premises that require an annual food safety assessment in accordance with the Food Act 1984] x100	103.70%	100.00%	109.14%	100.00%	Assessments have been conducted on all premises required during the reporting period. Results remain consistent with previous years.
FS3	Cost of food safety service [Direct cost of the food safety service / Number of food premises registered or notified in accordance with the Food Act 1984]	\$435.27	\$370.51	\$403.25	\$206.09	The number of registered (including temporary) premises fluctuates from year to year. Full year reporting will show a more accurate representation of cost.
FS4	Critical and major non-compliance outcome notifications [Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises followed up / Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises] x100	100.00%	100.00%	100.00%	100.00%	Council has ensured that those premises which recorded a major or critical non-compliance outcome were followed up and re-assessed at various points of the year. Highlights Council's strong commitment to food safety.

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**LOCAL GOVERNMENT PERFORMANCE REPORTING FRAMEWORK - HALF
YEAR REPORT (cont'd)**

ATTACHMENT No [1] - LGPRF December 2023 - Half Year report

LGPRF Indicator	Performance Measure	2020/21	2022/23	2022/23	6 months July to Dec 2023	Comments
<p>Governance To make and implement decisions in the best interests of the community</p>						
G1	<p>Council decisions made at meetings closed to the public</p> <p>[Number of council resolutions made at ordinary or special meetings of council, or at meetings of a special committee consisting only of councillors, closed to the public / Number of council resolutions made at ordinary or special meetings of council or at meetings of a special committee consisting only of councillors] x100</p>	7.69%	2.86%	3.74%	4.04%	The number of decisions made at meetings closed to the public continues to remain low with 4 decisions being made in camera out of a total of 95 decisions being made in an open meeting of council.
G2	<p>Satisfaction with community consultation and engagement</p> <p>[Community satisfaction rating out of 100 with how council has performed on community consultation and engagement]</p>	55.00	45.00	41.00	N/A	Reported annually.
G3	<p>Councillors attendance at Councils meetings</p> <p>[The sum of the number of councillors who attended each ordinary and special council meeting / (Number of ordinary and special council meetings) x (Number of councillors elected at the last council general election)] x100</p>	98.15%	96.58%	87.76%	100.00%	Administrators have met the requirement of attendance at all Council meetings in this period.
G4	<p>Cost of elected representation</p> <p>[Direct cost of the governance service / Number of councillors elected at the last council general election]</p>	\$37,520.56	\$39,578.22	\$55,352.00	\$127,931.00	<p>This is the first full 6-month report under Administration.</p> <p>The costs are averaged over the number of elected members, so they will always be higher with only three Administrators in place, compared to the previous nine Councillors.</p>

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**LOCAL GOVERNMENT PERFORMANCE REPORTING FRAMEWORK - HALF
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ATTACHMENT No [1] - LGPRF December 2023 - Half Year report

LGPRF Indicator	Performance Measure	2020/21	2021/22	2022/23	6 months July to Dec 2023	Comments
Governance cont'd						
To make and implement decisions in the best interests of the community						
G5	Satisfaction with Councils decisions [Community satisfaction rating out of 100 with how council has performed in making decisions in the interest of the community]	54.00	48.00	41.00	N/A	Reported annually.
Libraries						
To provide free accessible and well utilised print and digital based resources						
LB1	Physical library collection usage [Number of physical library collection item loans / Number of library physical collection items]	2.08	2.19	2.26	1.45	This result is for the 6-month reporting period. Full year reporting will show more accurate representation of library collections items usage.
LB2	Recently purchased library collection [Number of library collection items purchased in the last 5 years / Number of library collection items] x100	53.91%	51.07%	49.74%	56.70%	During the reporting period an extensive weeding of the library collections has occurred eLibrary resources have been enhanced with more than 9,000 items purchased. The collection has been refreshed making it more relevant to the community.
LB4	Active library borrowers in municipality [Number of active library borrowers in the last three years / The sum of the population for the last three years] x100	14.72%	13.08%	13.09%	11.55%	Half yearly results are slightly lower than previous years. Works to refresh and modernise the Numurkah library have been completed and the library is now welcoming new members.
LB5	Cost of library service per population [Direct cost of the library service/Population]	\$20.44	\$20.12	\$20.55	\$10.44	This result is for the first 6-month reporting period and is showing consistency with previous financial year's results. Full year reporting will show a more accurate representation of cost.

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**LOCAL GOVERNMENT PERFORMANCE REPORTING FRAMEWORK - HALF
YEAR REPORT (cont'd)**

ATTACHMENT No [1] - LGPRF December 2023 - Half Year report

LGPRF Indicator	Performance Measure	2020/21	2021/22	2022/23	6 mths July to Dec 2023	Comments
Maternal and Child Health						
To promote healthy outcomes for children in their families						
MC2	Infant enrolments in MCH service [Number of infants enrolled in the MCH service (from birth notifications received) / Number of birth notifications received] x100	101.25%	100.28%	100.28%	100.67%	Results are consistent with previous year's data.
MC3	Cost of MCH service [Cost of the MCH service / Hours worked by MCH nurses	\$100.64	\$101.90	\$107.02	\$105.21	Results are consistent with previous year's data.
MC4	Participation in the MCH service [Number of children who attend the MCH service at least once (in the year) / Number of children enrolled in the MCH service] x100	83.18%	85.65%	83.38%	71.98%	Since December 2023 Council has increased administration hours for the Maternal & Child Service with a key focus on scheduling overdue appointments. Vulnerable families are monitored to ensure Key Age and Stage appointments are scheduled. Full year results will show a more accurate representation of participation. Current trends indicate an improvement on prior year.
MC5	Participation in MCH service by Aboriginal children [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	93.83%	96.37%	89.13%	78.66%	Moirá MCH is working with Cumeragunja Aboriginal Cooperative and the Flood Recovery team to increase engagement with aboriginal families. MCH monitor aboriginal children Key Age and Stage visits to ensure appointments are scheduled. Full year results will show a more accurate representation of participation. Current trends indicate an improvement on prior year.

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ATTACHMENT No [1] - LGPRF December 2023 - Half Year report

LGPRF Indicator	Performance Measure	2020/21	2021/22	2022/23	6 mths July to Dec 2023	Comments
Maternal and Child Health cont'd To promote healthy outcomes for children in their families						
MC6	Participation in 4-week Key Age and Stage visit [Number of 4-week key age and stage visits/ Number of birth notifications received] x 100	95.33%	100.56%	97.50%	102.01%	Maternal and Child Health Team offer a number of programs to support parents and the growth and development of their child. <ul style="list-style-type: none"> • Infant Program promotes healthy eating/active play. • Play Therapy program helps children problem solve and learn to socialize in a supportive environment.
Roads To provide a sealed local road network that is safe and efficient						
R1	Sealed local road requests [Number of sealed local road requests / Kilometres of sealed local roads] x100	22.38	25.12	30.64	16.28	An increase in requests have been attributed to a number of factors; adverse weather conditions; rise in population growth and tourism, more demands are being placed on our roads; an escalation in the number of heavy-loading multi-combination vehicles. Full year reporting will show a more accurate representation of requests.
R2	Sealed local roads below the intervention level [Number of kilometres of sealed local roads below the renewal intervention level set by council / Kilometres of sealed local roads] x100	95.88%	96.06%	98.49%	N/A	Reported annually.
R3	Cost of sealed local road reconstruction [Direct cost of sealed local road reconstruction / Square metres of sealed local roads reconstructed]	\$30.69	\$19.51	\$44.51	N/A	Reported annually.
R4	Cost of sealed local road resealing [Direct cost of sealed local road resealing / Square metres of sealed local roads resealed]	\$5.07	\$3.80	\$5.95	N/A	Reported annually.

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ATTACHMENT No [1] - LGPRF December 2023 - Half Year report

LGPRF Indicator	Performance Measure	2020/21	2021/22	2022/23	6 mths July to Dec 2023	Comments
Roads cont'd To provide a sealed local road network that is safe and efficient						
R5	Satisfaction with sealed local roads [Community satisfaction rating out of 100 with how council has performed on the condition of sealed local roads]	52.00	43.00	35.00	N/A	Reported annually.
Statutory Planning To make planning application decisions which are consistent with the local planning scheme						
SP1	Time taken to decide planning applications [The median number of days between receipt of a planning application and a decision on the application]	59.50	66.00	69.00	47.00	The reduction in time taken to determine planning applications from 69 days as at 30 June 2023 to 47 days has been attributed to continual process improvements.
SP2	Planning applications decided within 60 days [Number of planning application decisions made within 60 days / Number of planning application decisions made] x100	58.99%	45.09%	62.87%	69.09%	The Planning team continues to work hard at improving overall service standards.
SP3	Cost of statutory planning service [Direct cost of statutory planning service / Number of planning applications received]	\$923.26	\$956.90	\$1,199.68	\$1,172.79	Results show there is a slight decrease in costs for the first six months of the 2023/24 financial year. Full year reporting will show a more accurate representation of overall costs.
SP4	Planning decisions upheld at VCAT [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	0.00%	66.67%	0.00%	100.00%	One VCAT decision occurred in this report period. The matter was resolved at mediation with consent orders issued varying the permit conditions.

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ATTACHMENT No [1] - LGPRF December 2023 - Half Year report

LGPRF Indicator	Performance Measure	2020/21	2021/22	2022/23	6 mths July to Dec 2023	Comments
Waste Collection						
To maximise the amount of kerbside waste diverted from landfill						
WC1	Kerbside bin collection requests [Number of kerbside garbage and recycling bin collection requests / Number of kerbside bin collection households] x1,000	35.82	131.22	159.14	78.73	This indicator represents request from ratepayers to replace stolen or damaged bins, repairs to bins or for additional bins. Full year reporting will show a more accurate representation of requests.
WC2	Kerbside collection bins missed [Number of kerbside garbage and recycling bin collection requests / Number of kerbside bin collection households] x1,000	1.02	0.59	0.95	0.71	Moirā continues to maintain a low rate of missed bins in comparisons statewide. While indicator suggests a trended increase, the July to Dec 2023 figure reflects 41 missed bins across almost 580,000 bin lifts in a 6-month period. Full year reporting will show a more accurate representation of bins missed.
WC3	Cost of kerbside garbage bin collection service [Direct cost of the kerbside garbage bin collection service / Number of kerbside collection bins	\$144.84	\$148.13	\$158.21	\$77.23	Results show there is slight decrease in costs for the first six months of the 2023/24 financial year. Full year reporting will show a more accurate representation of overall costs.
WC4	Cost of kerbside recyclables bin collection service [Direct cost of the kerbside recyclables bin collection service / Number of kerbside recyclables collection bins]	\$70.20	\$74.55	\$77.56	\$32.39	Moirā has changed to new processing facility which provides better value to council reducing the total recycling processing operational costs. Full year reporting will show a more accurate representation of costs.
WC5	Kerbside collection waste diverted from landfill [Weight of recyclables and green organics collected from kerbside bins / Weight of garbage, recyclables and green organics collected from kerbside bins] x100	56.98%	57.54%	55.58%	59.67%	Moirā Shire residents have achieved the highest result of waste diverted from landfill since reporting of this indicator commenced in 2014/15.

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ATTACHMENT No [1] - LGPRF December 2023 - Half Year report

LGPRF Indicator	Performance Measure	2020/21	2021/22	2022/23	6 mnths July to Dec 2023	Comments
Indicator - Financial Performance						
Efficiency						
Uses resources efficiently						
E2	Expenses per property assessment [Total expenses / Number of property assessments]	\$3,288.41	\$3,280.43	\$3,497.89	\$3,958.42	Forecasted result, impact of final second half actuals expected to lower the result at full year.
E4	Average rate per property assessment [Total rate revenue/Number of property assessments]	\$1,731.54	\$1,761.07	\$1,792.79	\$1,864.32	Rate Cap in 2023/24 is 3.5%, also new properties to be added in the second half will bring the result down.
Liability						
To make and implement decisions in the best interests of the community						
L1	Current assets compared to current liabilities [Current assets / Current liabilities] x100	259.88%	346.04%	330.43%	307.46%	Cash contains higher term deposits balance from early receipt of Financial Assistance Grant, these funds will be utilised in the second half.
L2	Unrestricted cash compared to current liabilities [Unrestricted cash / Current liabilities] x100	208.08%	285.73%	189.29%	247.06%	Cash contains higher term deposits balance from early receipt of Financial Assistance Grant, these funds will be utilised in the second half.
Obligations						
Appropriate level of long term obligations						
O2	Loans and borrowings compared to rates [Interest and principal repayments on interest bearing loans and borrowings / Rate revenue] x100	2.23%	1.97%	1.20%	16.31%	Result includes forecast loan drawdown in second half of 2023/24 for Yarrowonga Library and Multisport Stadium, as per Council adopted December 2023 Quarterly Budget Review.
O3	Loans and borrowings repayments compared to rates [Interest and principal repayments on interest bearing loans and borrowings / Rate revenue] x100	1.80%	1.64%	0.73%	0.21%	Long outstanding loan borrowings now completed. New borrowings have only been partly drawn with repayments for new borrowings to be included in 2024/25 budget.

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ATTACHMENT No [1] - LGPRF December 2023 - Half Year report

LGPRF Indicator	Performance Measure	2020/21	2021/22	2022/23	6 mnths July to Dec 2023	Comments
Obligations cont'd Appropriate level of long term obligations						
O4	Non-current liabilities compared to own source revenue [Non-current liabilities / Own source revenue] x100	30.30%	28.94%	21.99%	31.70%	EOFY adjustments for provisions and non-current liabilities transfer to current liabilities to be completed.
O5	Asset renewal and asset upgrade compared to depreciation [Asset renewal and asset upgrade expense/Asset depreciation] x 100	100.48%	106.15%	97.89%	100.62%	Final capitalisation of 2023/24 capital program should result in a higher depreciation expense, and we expect the indicator will come in lower.
Operating position General an adjusted underlying surplus						
OP1	Adjusted underlying surplus (or deficit) [Adjusted underlying surplus (deficit)/ Adjusted underlying revenue] x100	2.91%	11.48%	11.75%	(5.98) %	Current year result impacted by full payment of 2023/24 Federal Financial Assistance Grant in 2022/23 financial year.
Stability Generate revenue from a range of sources						
S1	Rates compared to adjusted underlying revenue [Rate revenue / Adjusted underlying revenue] x100	65.02%	60.55%	57.88%	63.75%	Forecast reduction in 2023/24 Federal Financial Assistance Grant (due to early receipt of grant funds in 2022/23) results in Rates Revenue contributing to a higher percentage of total revenue.
S2	Rates compared to property values [Rate revenue / Capital improved value of rateable properties in the municipality] x100	0.58%	0.53%	0.43%	0.38%	Supplementary assessments and rate revenue for second half of year not included in calculation.

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ATTACHMENT No [1] - LGPRF December 2023 - Half Year report

LGPRF Indicator	Performance Measure	2020/21	2021/22	2022/23	6 mnths July to Dec 2023	Comments
Sustainability Capacity Meet the agreed service needs of the community						
C1	Expenses per head of municipal population [Total expenses / Municipal population]	\$1,965.62	\$2,002.20	\$2,121.41	\$2,428.45	Forecasted result, impact of final second half actuals expected to lower the result at full year.
C2	Infrastructure per head of municipal population [Value of infrastructure / Municipal population]	\$16,740.32	\$16,989.03	\$20,786.18	\$22,196.49	Significant increase in building and infrastructure asset values occurred in the 2022/23 asset valuations.
C3	Population density per length of road [Municipal population / Kilometres of local roads]	8.21	8.21	8.35	8.35	No material change expected.
C4	Own source revenue per head of municipal population [Own-source revenue / Municipal population]	\$1,494.50	\$1,569.87	\$1,630.15	\$1,731.38	Growth in line with trend.
C5	Recurrent grants per head of municipal population [Recurrent grants / Municipal population]	\$511.09	\$654.81	\$673.67	\$553.99	Current year result impacted by full payment of 2023/24 Federal Financial Assistance Grant in 2022/23 financial year and subsequent forecast reduction of grant in 2023/24.
C6	Relative Socio-Economic Disadvantage [Index of Relative Socio-economic Disadvantage by decile]	2.00	2.00	2.00	2.00	No change to index.
C7	Percentage of staff turnover [Number of permanent staff resignations and terminations/Average number of permanent staff for the financial year] x 100	4.44%	18.35%	16.26%	12.00%	Results are reflective of challenging labour market conditions and are consistent when benchmarked with other Victorian Large Rural Councils.

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ATTACHMENT No [1] - LGPRF December 2023 - Half Year report

LGPRF Indicator	Performance Measure	2022/23	July to Dec 2023
Indicator – Governance and Management checklist			
Checklist Strong Governance and Management Frameworks			
1	Community engagement policy (policy under section 55 of the Local Government Act 2020 outlining Council's commitment to engaging with the community on matters of public interest)	Date of operation of current policy: 24 May 2023	No change
2	Community engagement guidelines (guidelines to assist staff to determine when and how to engage with the community)	Community Engagement Framework Date of Operation: 27 April 2022	No change
3	Financial Plan (plan under section 91 of the Local Government Act 2020 outlining the financial and non-financial resources required for at least the next 10 financial years)	Date adopted: 23 June 2021	No change
4	Asset Plan (plan under section 91 of the Local Government Act 2020 setting out the asset maintenance and renewal needs for key infrastructure asset classes for at least the next 10 years.)	Date adopted: 22 June 2022	No change
5	Revenue and Rating Plan (plan under section 93 of the Local Government Act 2020 setting out the rating structure of Council to levy rates and charges)	Date adopted: 23 June 2021	No change
6	Annual Budget (plan under section 94 of the Local Government Act 2020 setting out the services to be provided and initiatives to be undertaken during the budget year and the funding and other resources required.)	Date adopted: 28 June 2023	No change

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ATTACHMENT No [1] - LGPRF December 2023 - Half Year report

LGPRF Indicator	Performance Measure	2022/23	July to Dec 2023
Indicator – Governance and Management checklist			
Checklist Strong Governance and Management Frameworks			
7	Risk Management policy (policy outlining Council's commitment and approach to minimising the risks to Council's operations)	Date of operation of current policy: 23 October 2019	No change
8	Fraud Prevention and Control policy (policy outlining council's commitment and approach to minimising the risk of fraud)	Date of operation of current policy: 27 May 2020	No change
9	Municipal emergency management plan (plan under section 20 of the Emergency Management Act 1986 for emergency prevention, response and recovery)	Municipal Emergency Management Plan prepared 6 July 2016, Reviewed plan presented to Council meeting 24 July 2019. Plan is currently under review following the October 2022 flood event. The review will bring the Plan in line with the SEMP and legislative changes.	Municipal Emergency Management Plan prepared 6 July 2016, Reviewed plan presented to Council meeting 24 July 2019. Reviewed plan is currently in draft format in preparation for the assurance process to be applied.
10	Procurement policy (Policy under section 108 of the Local Government Act 2020 outlining the principles, processes and procedures that will apply to all purchases of goods and services by the Council)	Date adopted: 27 October 2021	No change
11	Business continuity plan (plan setting out the actions that will be undertaken to ensure that key services continue to operate in the event of a disaster)	Date of approval: 23 January 2018 Council continues to undertake a comprehensive review and development of a modern Business Continuity Plan. Limited resources and business disruptions have caused a delay in finalising this work.	No change
12	Disaster recovery plan (plan setting out the actions that will be undertaken to recover and restore business capability in the event of a disaster)	Date of operation of current plan: 22 May 2018 Updated: July 2022	No change

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LGPRF Indicator	Performance Measure	2022/23	July to Dec 2023
Indicator – Governance and Management checklist			
Checklist Strong Governance and Management Frameworks			
13	Risk management framework (framework outlining council's approach to managing risks to the Council's operations)	Council continues to undertake a comprehensive review and development of its current Risk Management Framework. Limited resources and business disruptions have caused a delay in finalising this work.	No change
14	Audit and Risk Committee (advisory committee of council under section 53 of the Local Government Act 2020 whose role is to monitor the compliance of Council policies and procedures, monitor Council's financial reporting, monitor and provide advice on risk management, and provide oversight on internal and external audit)	Date of establishment: 27 May 2020	No change
15	Internal audit (independent accounting professionals engaged by the Council to provide analyses and recommendations aimed at improving Council's governance, risk and management controls)	Date of engagement of current provider: 22 January 2020	No change
16	Performance reporting framework (a set of indicators measuring financial and non-financial performance, including the performance indicators referred to in section 131 of the Local Government Act 1989)	Date of operation of current framework: 10 December 2019 Framework under review to incorporate changes introduced for the 2023/24 financial year.	No change
17	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)	Reported prepared: 22 February 2023	Council plan adopted: 23 June 2021 Annual report: 25 October 2023

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LGPRF Indicator	Performance Measure	2022/23	July to Dec 2023
Indicator – Governance and Management checklist			
Checklist Strong Governance and Management Frameworks			
18	Quarterly Budget Reports (quarterly statements to Council under section 138(1) of the Local Government Act 1989 comparing budgeted revenue and expenditure with actual revenue and expenditure)	Annual Report: 23 November 2022 Quarterly Statements: 23 November 2022 22 February 2023 26 April 2023	Annual Report: 25 October 2023 Quarterly Statements: 25 October 2023
18	Quarterly Budget Reports (quarterly statements to Council under section 138(1) of the Local Government Act 1989 comparing budgeted revenue and expenditure with actual revenue and expenditure)	Annual Report: 23 November 2022 Quarterly Statements: 23 November 2022 22 February 2023 26 April 2023	Annual Report: 25 October 2023 Quarterly Statements: 25 October 2023
19	Risk reporting (six-monthly reports of strategic risks to council's operations, their likelihood and consequences of occurring and risk minimisation strategies)	Minutes: 21 July 2022 20 October 2022 9 February 2023 11 May 2023	Minutes: 20 July 2023 19 October 2023 Audit & Risk Committee meeting minutes presented to Council for noting at a Scheduled Council meeting.
20	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 Local Government Act 1989)	Annual report: 23 November 2022 Six monthly report: 22 February 2023	Annual Report: 25 October 2023
21	Annual report (annual report under sections 131, 132 and 133 of the Local Government Act 1989 to the community containing a report of operations and audited financial and performance statements)	Date considered: 23 November 2022	Date considered: 25 October 2023

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LGPRF Indicator	Performance Measure	2022/23	July to Dec 2023
Indicator – Governance and Management checklist			
Checklist Strong Governance and Management Frameworks			
22	Councillor Code of Conduct (Code under section 139 of the Local Government Act 2020 setting out the conduct principles and the dispute resolution processes to be followed by Councillors)	Date adopted: 24 February 2021	Administrator Code of Conduct Date adopted: 27 September 2023
23	Delegations (documents setting out the powers, duties and functions of council and the Chief Executive Officer that have been delegated to members of staff in accordance with sections 11 and 47 of the Local Government Act 2020.)	Date of review: 11 October 2022	No change
24	Meeting procedures (Governance Rules under section 60 of the Local Government Act 2020 governing the conduct of meetings of Council and delegated committees)	Date adopted: 26 October 2020 Reviewed: 24 August 2022	No change

FILE NO: F13/203
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.4
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE PERFORMANCE
MATT JARVIS)

APPOINTMENT AND AUTHORISATION OF COUNCIL OFFICERS UNDER THE PLANNING AND ENVIRONMENT ACT 1987

Recommendation

That Council in the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, Moira Shire Council resolves that:

1. the members of Council staff referred to in the Instrument of Appointment and Authorisation, be appointed and authorised as set out in the Instrument; and
2. authorise the Chief Executive Officer to affix the instrument with the Common Seal of Council; and
3. the Instrument come into force immediately following the seal being affixed to the Instrument, and remains in force until Council determines to vary or revoke it; and
4. upon the Instrument coming into force, the Instrument of Appointment and Authorisation to members of Council staff, as made by Council on 22 February 2023, is revoked.

1. Executive Summary

This report seeks approval of the attached Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) to reflect recent staff changes.

The appointments are necessary to ensure specific Council officers are appropriately authorised to undertake functions under the *Planning and Environment Act 1987*, including inspections and enforcements.

2. Conflict of interest declaration

There are no known conflicts of interest to consider with this report.

3. Background & Context

The *Planning and Environment Act 1987* requires that Council officers must be appointed and authorised directly by Council, rather than by the Chief Executive Officer, as there are no powers provided for this to be sub-delegated.

An Instrument of Appointment and Authorisation provides the legal basis for authorised officers to undertake inspections and carry out enforcement functions.

Appointments and authorisations are made to individuals by name – not position – and must therefore be updated whenever there are changes to staff carrying out these functions.

The attached Instrument of Appointment and Authorisation has been updated to include the names of current Council officers.

Changes include -

- the appointment of
 - Matthew Morgan, Chief Executive Officer
 - Bryan Sword, Director Sustainable Development: and

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5. TRANSPARENT AND ACCOUNTABLE
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ITEM NO: 10.2.4
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE PERFORMANCE
MATT JARVIS)

APPOINTMENT AND AUTHORISATION OF COUNCIL OFFICERS UNDER THE PLANNING AND ENVIRONMENT ACT 1987 (cont'd)

- Jenna Ross, Assistant Town Planner Town Planner
- Arvish Sharda, Town Planner
- the conclusion of employment of a
 - Town Planner; and
 - Senior Town Planner
- the following positions no longer require an appointment and authorisations as part of their roles or the position no longer exists
 - Acting Director Corporate Governance and Performance
 - Local Laws and Animal Management Coordinator
 - Safety and Amenity Officers

4. Strategic Alignment

The authorities contained in this report contributes to the Council Plan objective of “Transparent and Accountable Governance”.

5. Internal & External Engagement

This report has been informed by the advice provided by Maddocks Delegation and Authorisations Service, the Director Sustainable Development and the Acting Manager Planning.

6. Budget / Financial Considerations

Financial decisions are made in accordance with Council’s budget.

7. Risk & Mitigation

Without appropriate authorisations, the actions of Council officers are at risk of being invalid.

8. Conclusion

The updated Instrument of Appointment and Authorisations ensures that Council staff are appropriately authorised to carry out their duties under the *Planning and Environment Act 1987*.

Attachments

- 1 Draft - Planning & Environment Act 1987 - Instrument of Appointment & Authorisation - March 2024

FILE NO: F13/203
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.4
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)

**APPOINTMENT AND AUTHORISATION OF COUNCIL OFFICERS UNDER THE
PLANNING AND ENVIRONMENT ACT 1987 (cont'd)**

ATTACHMENT No [1] - Draft - Planning & Environment Act 1987 - Instrument of
Appointment & Authorisation - March 2024



Moira Shire Council

Instrument of Appointment and Authorisation

(Planning and Environment Act 1987)

27 March 2024

FILE NO: F13/203
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.4
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)

**APPOINTMENT AND AUTHORISATION OF COUNCIL OFFICERS UNDER THE
PLANNING AND ENVIRONMENT ACT 1987 (cont'd)**

**ATTACHMENT No [1] - Draft - Planning & Environment Act 1987 - Instrument of
Appointment & Authorisation - March 2024**

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



In this instrument "officer" means –

**Matthew Morgan, Chief Executive Officer
Joshua Lewis, Director Infrastructure
Matt Jarvis, Director Corporate Performance
Bryan Sword, Director Sustainable Development
Melissa Burns, Senior Town Planner
Travis Basham, Acting Manager Planning
James Andrew, Town Planner
Melissa Verduci, Land Use Planner
Rebecca Nye, Technical Support Officer
Jacqueline Miller, Development Compliance Officer
Jenna Ross, Assistant Town Planner
Deidre Andrews, Manager Sustainability
Arvish Sharda, Town Planner**

By this instrument of appointment and authorisation Moira Shire Council –

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 313 of the *Local Government Act 2020* authorises the officers generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Moira Shire Council made on the 27 March 2024.

The common seal of the
Moirā Shire Council
was hereunto affixed in the presence of

..... Chief Executive Officer

on the day of..... 2024.

FILE NO: F13/202
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.5
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE PERFORMANCE
MATT JARVIS)

REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND COUNCIL STAFF

Recommendation

That in the exercise of the powers conferred by section 11(1)(b)1) of the *Local Government Act 2020* (the Act) and the other legislation referred to in the attached instruments of delegation, Moira Shire Council resolves the following:

Chief Executive Officer delegations

- be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument.
- Authorise the Chief Executive Officer to affix the Common Seal of Council to the Delegations.
- That the instrument comes into force immediately upon the common seal of Council being affixed to the instrument.
- on the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
- That 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.

Council Staff delegations

- be delegated to the members of Council staff holding, acting in or performing the duties of the officers of positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.
- Authorise the Chief Executive Officer to affix the common seal of Council to the Delegations.
- That the Instrument comes into force immediately the common seal of Council is affixed to the instrument.
- on the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
- That 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.

1. Executive Summary

To support good governance and efficient business operations, Council may delegate specific powers, duties or functions to the Chief Executive Officer or to Council Staff by way of an Instrument of Delegation.

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5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.5
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE PERFORMANCE
MATT JARVIS)

REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND COUNCIL STAFF (cont'd)

This report seeks Council's approval of the reviewed Instrument of Delegation to the Chief Executive Officer and the Instrument of Delegation to Members of Council Staff.

These delegations include updates to legislation and any organisational changes from the delegations adopted by Council in September 2022.

2. Conflict of interest declaration

There are no known conflict of interest considerations with this report.

3. Background & Context

Council may, by instrument of delegation, delegate to members of a delegated committee; or the CEO under section 11(1) of the Act and Council must review its delegations within 12 months of a general election - section 11(7).

Instruments are then updated regularly to ensure that they include the latest changes to legislations.

Aside from the Act, other specific Acts and Regulations such as the *Planning and Environment Act 1987* and the *Food Act 1984* also give Councils the ability to delegate their powers, duties and functions to staff.

However, unlike section 11 of the Act, the other Acts do not provide an express power of sub-delegation. Therefore, it is assumed that the power of delegation contained in the other Acts may only be delegated directly by Council to members of staff.

The delegations authorise staff to make timely, day to day decisions necessary to provide responsive and high-quality services to the community.

Once the instruments have been adopted by Council they will be signed and sealed and then implemented in accordance with statutory requirements, with advice provided to delegates.

4. Issues

Moira Shire Council subscribes to the Maddocks Delegations and Authorisations Advisory Service and the revised Instruments of Delegation have been updated based on the most recent advice provided by Maddocks and in consultation with staff.

Conditions and restrictions on delegations

The Instrument of Delegations specifically identifies the item that is delegated, to whom it is delegated and the conditions and limits that Council applies to the exercise of the delegation.

For example, the delegations limit a delegated officer's ability to determine a permit application by requiring permits that receive more than 5 objections to be determined by council.

Delegations to the Chief Executive Officer (S5)

The Instrument of Delegation to the Chief Executive Officer specifically identifies the items that are delegated, to whom it is delegated and the conditions and limits that Council applies to the exercise of the delegation.

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ITEM NO: 10.2.5
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MATT JARVIS)

REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND COUNCIL STAFF (cont'd)

The current financial delegation of \$350,000 excluding GST for the Chief Executive Officer was adopted 27 October 2021. Since that time, significant annual increases in inflation have eroded the delegation. Benchmarking with other Victorian Councils has also identified a range of delegations between \$300,000 to \$1 million. Indigo Shire and Campaspe Shire Council, two neighbouring Councils, have delegations of \$500,000 and \$1 million respectively.

Delegations to Members of Council Staff (S6)

A number of changes have affected the content of this instrument since the last update which are summarized below.

- Position titles have been updated to reflect the two organisational structures while the new structure is being implemented.
- Sections 125 and 149B of the *Planning and Environment Act 1987* relating to Enforcement and Legal process has been inserted.

Council decisions:

The following table list provisions under the *Planning and Environment Act 1987* that have been delegated to officers, previously these decisions were not delegated and remained with Council.

Provision	Power or Function delegated	Delegate / Conditions
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, Director Sustainable Development, Manager Planning, Planning Coordinator
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, Director Sustainable Development, Manager Planning, Planning Coordinator
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CEO, Director Sustainable Development, Manager Planning, Planning Coordinator <i>where 5 or more objections received – not delegated – stays with Council</i>
s 97C	Power to request Minister to decide the application	CEO, Director Sustainable Development, Manager Planning <i>Council to be briefed on the matter</i>

5. Strategic Alignment

This report aligns with the Council Plan objective of Transparent and Accountable Governance.

6. Internal & External Engagement

Legal advice through Maddock's update service has formed the basis of this report, together with consultation on organisational needs with the Director Infrastructure, Director Corporate Governance, Chief Financial Officer, Manager of Community Wellbeing, Acting Manager Engineering, the Acting Manager of Planning, the Local Law and Animal Management Coordinator and by consideration of the Executive Leadership Team.

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MATT JARVIS)

REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND COUNCIL STAFF (cont'd)

7. Budget / Financial Considerations

This report will seek an increase in the financial delegation of the CEO from \$350,000 excluding GST to \$500,000 excluding GST.

8. Risk & Mitigation

The review and updating of Council's delegations support Council's management of business risks and commitment to good governance. The increased financial delegation will lead to improved responsiveness in allocating resources by reducing delays and will streamline decision making.

9. Conclusion

The revised Instruments of Delegations attached to this report will provide the appropriate level of delegation to ensure that the powers, duties and functions from Council to the Chief Executive Officer and Council staff can be carried out effectively.

The report recommendation seeks Council's approval of the delegations and the necessary steps to give effect to the delegations.

Attachments

- 1 Proposed - S5 Instrument of Delegation to the Chief Executive Officer
- 2 Proposed - S6 Instrument of Delegation - Members of Staff - March 2024 - Council

FILE NO: F13/202
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.5
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)

**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
COUNCIL STAFF (cont'd)**

**ATTACHMENT No [1] - Proposed - S5 Instrument of Delegation to the Chief
Executive Officer**

S5 Instrument of Delegation to the Chief Executive Officer



Instrument of Delegation

In exercise of the power conferred by section 11(1) of the *Local Government Act 2020* (the Act) and all other powers enabling it, the Moira Shire Council (Council) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 27 March 2024
2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts;
and
 - 2.4 remains in force until Council resolves to vary or revoke it.

"The Common Seal of the
Moirá Shire Council

was hereunto affixed in the presence of

.....Chief Executive Officer

on the day of 2024

FILE NO: F13/202
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.5
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)

REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND COUNCIL STAFF (cont'd)

ATTACHMENT No [1] - Proposed - S5 Instrument of Delegation to the Chief Executive Officer

S5 Instrument of Delegation to the Chief Executive Officer



The power to:

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

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

Conditions and Limitations

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

4. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 4.1 awarding a contract or making expenditure exceeding a value of \$500,000 (excluding GST); [for avoidance to doubt, the delegate is able to approve all variations and extensions to contracts where the value of such variation or extension, or is expenditure which Council is, by or under legislation, required to make does not exceed the threshold amount]
 - 4.2 appointing an Acting Chief Executive Office for a period exceeding 28 days
 - 4.3 electing a Mayor or Deputy Mayor
 - 4.4 granting a reasonable request for leave under section 35 of the Act
 - 4.5 making any decision in relation to the employment dismissal or removal of the Chief Executive Officer
 - 4.6 approving or amending the Council Plan
 - 4.7 adopting or amending any policy that Council is required to adopt under the Act
 - 4.8 adopting or amending the Governance Rules
 - 4.9 appointing the chair or the members to a delegated committee
 - 4.10 making, amending or revoking a local law
 - 4.11 approving the Budget or Revised Budget
 - 4.12 approving the borrowing of money; or
 - 4.13 subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges; or
5. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
6. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

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ITEM NO: 10.2.5
(SENIOR GOVERNANCE OFFICER,
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PERFORMANCE MATT JARVIS)

**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
COUNCIL STAFF (cont'd)**

**ATTACHMENT No [1] - Proposed - S5 Instrument of Delegation to the Chief
Executive Officer**

S5 Instrument of Delegation to the Chief Executive Officer



7. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 7.1 policy; or
 - 7.2 strategy adopted by Council; or
8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
9. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

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ITEM NO: 10.2.5
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)

**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
COUNCIL STAFF (cont'd)**

**ATTACHMENT No [2] - Proposed - S6 Instrument of Delegation - Members of Staff -
March 2024 - Council**

S6 Instrument of Delegation – Members of Council Staff



In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

- 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;
- record that references in the Schedule are as follows:

Positions

Abbreviation	Position
ASO-Pln	Administration Support Officer - Planning
AC	Assets Coordinator
CEO	Chief Executive Officer
CFO	Chief Financial Officer
DCO	Development Compliance Officer
DCGP	Director Corporate Governance & Performance
DCP	Director Corporate Performance
DIS	Director Infrastructure
DSD	Director Sustainable Development
LLAMC	Local Laws & Animal Management Coordinator
LLSO	Local Law Support Officer
ME	Manager Engineering
MF	Manager Finance
MGP	Manager Governance and Performance
MGRP	Manager Governance Risk & Performance
MLLE	Manager Local Laws and Environment
MO	Manager Operations
MP	Manager Planning
MSA	Manager Strategic Assets
PC	Planning Coordinator

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GOVERNANCE

ITEM NO: 10.2.5
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)

**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
COUNCIL STAFF (cont'd)**

**ATTACHMENT No [2] - Proposed - S6 Instrument of Delegation - Members of Staff -
March 2024 - Council**

S6 Instrument of Delegation – Members of Council Staff



Abbreviation	Position
RSSO	Regulatory Services Support Officer
Stays with Council	Stays with Council
SP	Strategic Planner
SWS	Superintendent Works & Services
TLA-Pln	Team Leader Administration - Planning
TLABP	Team Leader Administration Building and Planning
TLA	Team Leader Assets
TLC	Team Leader Construction
TSO	Technical Support Officer

Positions Groups

Positions Group	Position	Positions
ABPG	Administration Building and Planning Group	ASOBP1, ASOBP2, ASOBP3, SAOBP, TLABP
AG	Assets Group	ATO, TLA, TOA, ASIE, TO
AMLL	Animal Management & Local Laws	AMLL1, AMLL2, AMLL3, AMLL4, AMLLTO
GO	Governance Officers	SGO2, GovO, GRC, G&RA
SAO	Safety and Amenity Officer	SATO, SAO6, SAO1, SAO3, SAO5
TLP	Team Leaders Parks	TLPTM1, TLPTM2, TLPTM3
TLRs	Team Leaders Roads	TLR1, TLR2
TP	Town Planning	STP, TP1, LUP, TP2, TP3, STP2, ATP, SP, SSP

FILE NO: F13/202
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.5
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)

**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
COUNCIL STAFF (cont'd)**

**ATTACHMENT No [2] - Proposed - S6 Instrument of Delegation - Members of Staff -
March 2024 - Council**

S6 Instrument of Delegation – Members of Council Staff



3. declares that:
- 3.1 this Instrument of Delegation is authorised by resolution of Council passed on 27 March 2024 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;
 - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategy adopted by Council;
 - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
 - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

The Common Seal of the
Moirā Shire Council
was hereunto affixed in the presence of

..... Chief Executive Officer
on the <date> day of <month> 2024

FILE NO: F13/202
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.5
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)

**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
COUNCIL STAFF (cont'd)**

**ATTACHMENT No [2] - Proposed - S6 Instrument of Delegation - Members of Staff -
March 2024 - Council**

S6 Instrument of Delegation – Members of Council Staff



Delegation Sources

- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

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ITEM NO: 10.2.5
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)

**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
COUNCIL STAFF (cont'd)**

ATTACHMENT No [2] - Proposed - S6 Instrument of Delegation - Members of Staff -
March 2024 - Council

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65478	C	Domestic Animals Act 1994	s 41A(1)	Power to declare a dog to be a menacing dog	CEO, DSD, LLAMC, MILLE, SAO, AMILL	Council may delegate this power to a Council authorised officer SAO or AMILL delegated only when CEO, DSD, LLAMC or MILLE unavailable and matter is considered urgent.
65484	C	Food Act 1984	s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	CEO, DSD, MILLE	If s 19(1) applies
65485	C	Food Act 1984	s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	CEO, DSD, MILLE	If s 19(1) applies
167016	C	Food Act 1984	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	CEO, DSD,	If s 19(1) applies Only in relation to temporary food premises or mobile food premises

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MARGARET HINCK)
(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)

**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
COUNCIL STAFF (cont'd)**

ATTACHMENT No [2] - Proposed - S6 Instrument of Delegation - Members of Staff -
March 2024 - Council

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65486	C	Food Act 1984	s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CEO, DSD, MLLE	If s 19(1) applies
65487	C	Food Act 1984	s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	CEO, DSD, MLLE	If s 19(1) applies
65488	C	Food Act 1984	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	CEO, DSD, MLLE	If s 19(1) applies
65489	C	Food Act 1984	s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	CEO, DSD, MLLE	Where Council is the registration authority
65490	C	Food Act 1984	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	CEO, DSD, MLLE	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so

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65491	C	Food Act 1984	s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	CEO, DSD, MILLE	Where Council is the registration authority
65492	C	Food Act 1984	s 19CB(4)(b)	Power to request copy of records	CEO, DSD, MILLE	Where Council is the registration authority
65493	C	Food Act 1984	s 19E(1)(d)	Power to request a copy of the food safety program	CEO, DSD, MILLE	Where Council is the registration authority
594271	C	Food Act 1984	s 19EA(3)	Function of receiving copy of revised food safety program	CEO, DSD, MILLE	Where Council is the registration authority
65494	C	Food Act 1984	s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CEO, DSD, MILLE	Where Council is the registration authority

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594272	C	Food Act 1984	s 19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	CEO, DSD, MILLE	Where Council is the registration authority
594273	C	Food Act 1984	s 19IA(2)	Duty to give written notice to the proprietor of the premises	CEO, DSD, MILLE	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
65495	C	Food Act 1984	s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	CEO, DSD, MILLE	Where Council is the registration authority
594274	C	Food Act 1984	s 19N(2)	Function of receiving notice from the auditor	CEO, DSD, MILLE	Where Council is the registration authority
65496	C	Food Act 1984	s 19NA(1)	Power to request food safety audit reports	CEO, DSD, MILLE	Where Council is the registration authority

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65497	C	Food Act 1984	s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	CEO, DSD, MLLE	
65498	C	Food Act 1984	s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CEO, DSD, MLLE	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
65499	C	Food Act 1984	s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CEO, DSD, MLLE	Where Council is the registration authority
65500	C	Food Act 1984	s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CEO, DSD, MLLE	Where Council is the registration authority
65501	C	Food Act 1984	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	CEO, DSD, MLLE	Where Council is the registration authority

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65502	C	Food Act 1984		Power to register or renew the registration of a food premises	CEO, DSD, MLLE	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
482971	C	Food Act 1984	s 36A	Power to accept an application for registration or notification using online portal	CEO, DSD, MLLE	Where Council is the registration authority
482972	C	Food Act 1984	s 36B	Duty to pay the charge for use of online portal	CEO, DSD, MLLE	Where Council is the registration authority
65503	C	Food Act 1984	s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	CEO, DSD, MLLE	Where Council is the registration authority
65504	C	Food Act 1984	s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in	CEO, DSD, MLLE	Where Council is the registration authority

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				accordance with a declaration under s 38AB(1)		
65505	C	Food Act 1984	s 38A(4)	Power to request a copy of a completed food safety program template	CEO, DSD, MLLE	Where Council is the registration authority
65506	C	Food Act 1984	s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	CEO, DSD, MLLE	Where Council is the registration authority
65507	C	Food Act 1984	s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	CEO, DSD, MLLE	Where Council is the registration authority
65508	C	Food Act 1984	s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	CEO, DSD, MLLE	Where Council is the registration authority
65509	C	Food Act 1984	s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	CEO, DSD, MLLE	Where Council is the registration authority

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65510	C	Food Act 1984	s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	CEO, DSD, MILLE	Where Council is the registration authority
65511	C	Food Act 1984	s 38D(3)	Power to request copies of any audit reports	CEO, DSD, MILLE	Where Council is the registration authority
65512	C	Food Act 1984	s 38E(2)	Power to register the food premises on a conditional basis	CEO, DSD, MILLE	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
65513	C	Food Act 1984	s 38E(4)	Duty to register the food premises when conditions are satisfied	CEO, DSD, MILLE	Where Council is the registration authority
65514	C	Food Act 1984	s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CEO, DSD, MILLE	Where Council is the registration authority
482973	C	Food Act 1984	s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	CEO, DSD, MILLE	Where Council is the registration authority

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594275	C	Food Act 1984	s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	CEO, DSD, MILLE	Where Council is the registration authority
482974	C	Food Act 1984	s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	CEO, DSD, MILLE	Where Council is the registration authority
594276	C	Food Act 1984	s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	CEO, DSD, MILLE	
65515	C	Food Act 1984	s 39A	Power to register, or renew the registration of a food premises despite minor defects	CEO, DSD, MILLE	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
594277	C	Food Act 1984	s 39A (6)	Duty to comply with a direction of the Secretary	CEO, DSD, MILLE	

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594278	C	Food Act 1984	s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	CEO, DSD, MLLE	Where Council is the registration authority
65516	C	Food Act 1984	s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	CEO, DSD, MLLE	
65517	C	Food Act 1984	s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CEO, DSD, MLLE	Where Council is the registration authority
65518	C	Food Act 1984	s 40D(1)	Power to suspend or revoke the registration of food premises	CEO, DSD, MLLE	Where Council is the registration authority
594279	C	Food Act 1984	s 40E	Duty to comply with direction of the Secretary	CEO, DSD, MLLE	

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482975	C	Food Act 1984	s 40F	Power to cancel registration of food premises	CEO, DSD	Where Council is the registration authority
594280	C	Food Act 1984	s 43	Duty to maintain records of registration	CEO, DSD, MLLE	Where Council is the registration authority
65519	C	Food Act 1984	s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business	CEO, DSD, MLLE	Where Council is the registration authority
65520	C	Food Act 1984	s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	CEO, DSD, MLLE	Where Council is the registration authority
594281	C	Food Act 1984	s 45AC	Power to bring proceedings	CEO, DSD, MLLE	

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65521	C	Food Act 1984	s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CEO, DSD, MLLE	Where Council is the registration authority
65522	C	Heritage Act 2017	s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO, DSD	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
261519	A*	Local Government Act 1989	s 185L(4)	Power to declare and levy a cladding rectification charge	CEO	The only member of staff who can be a delegate is the CEO

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65523	C	Planning and Environment Act 1987	s 4B	Power to prepare an amendment to the Victorian Planning Provisions	CEO, PC, MP, DSD	If authorised by the Minister once a decision approved by Council and Ministerial authorisation given
65524	C	Planning and Environment Act 1987	s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CEO, PC, MP, DSD	
65525	C	Planning and Environment Act 1987	s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	DCO, CEO, PC, MP, DSD, TP	
65526	C	Planning and Environment Act 1987	s 4I(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	DCO, CEO, PC, MP, DSD, TP	
65527	C	Planning and Environment Act 1987	s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CEO, PC, MP, DSD	

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65528	C	Planning and Environment Act 1987	s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CEO, PC, MP, DSD	subject to prior Council resolution
65529	C	Planning and Environment Act 1987	s 8A(5)	Function of receiving notice of the Minister's decision	CEO, MP, DSD	
65530	C	Planning and Environment Act 1987	s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	CEO, PC, MP, DSD	subject to prior Council resolution
65531	C	Planning and Environment Act 1987	s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	CEO, PC, MP, DSD	subject to prior Council resolution
65532	C	Planning and Environment Act 1987	s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	CEO, PC, MP, DSD	DSD must authorise expenditure and regularly report to Council to review any studies

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65534	C	Planning and Environment Act 1987	s 12B(1)	Duty to review planning scheme	CEO, PC, MP, DSD	
65535	C	Planning and Environment Act 1987	s 12B(2)	Duty to review planning scheme at direction of Minister	CEO, PC, MP, DSD	
65536	C	Planning and Environment Act 1987	s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	CEO, PC, MP, DSD	
65537	C	Planning and Environment Act 1987	s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-Pln, TLA-Pln	
65538	C	Planning and Environment Act 1987	s 17(1)	Duty of giving copy amendment to the planning scheme	CEO, PC, MP, DSD	apply together if s.173 relates to amendment

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65539	C	Planning and Environment Act 1987	s 17(2)	Duty of giving copy s 173 agreement	CEO, PC, MP, DSD	
65540	C	Planning and Environment Act 1987	s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CEO, PC, MP, DSD	
65541	C	Planning and Environment Act 1987	s 18	Duty to make amendment etc. available in accordance with public availability requirements	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-Pln, TLA-Pln	Until the proposed amendment is approved or lapsed
65542	C	Planning and Environment Act 1987	s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	CEO, PC, MP, DSD, TP	Council approval to preparation of an amendment is required

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65543	C	Planning and Environment Act 1987	s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CEO, PC, MP, DSD, TP	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.
65544	C	Planning and Environment Act 1987	s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	CEO, PC, MP, DSD, TP	Where Council is a planning authority once approved by Council
65545	C	Planning and Environment Act 1987	s 21(2)	Duty to make submissions available in accordance with public availability requirements	CEO, PC, MP, DSD, TP	Until the end of 2 months after the amendment comes into operation or lapses
65546	C	Planning and Environment Act 1987	s 21A(4)	Duty to publish notice	CEO, PC, MP, DSD, TP	

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65547	C	Planning and Environment Act 1987	s 22(1)	Duty to consider all submissions received before the date specified in the notice	CEO, PC, MP, DSD, TP	Except submissions which request a change to the items in s 22(5)(a) and (b) action must be reported to Council
628468	C	Planning and Environment Act 1987	s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	CEO, PC, MP, DSD, TP	Except submissions which request a change to the items in s 22(5)(a) and (b) action must be reported to Council
65548	C	Planning and Environment Act 1987	s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CEO, PC, MP, DSD, TP	
65549	C	Planning and Environment Act 1987	s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CEO, PC, MP, DSD, TP	Council must approve referral to a panel

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65550	C	Planning and Environment Act 1987	s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CEO, PC, MP, DSD, TP	
65551	C	Planning and Environment Act 1987	s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	CEO, PC, MP, DSD, TP	
65552	C	Planning and Environment Act 1987	s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	CEO, PC, MP, DSD, TP	During the inspection period
65553	C	Planning and Environment Act 1987	s 27(2)	Power to apply for exemption if panel's report not received	CEO, PC, MP, DSD	once approved by Council
65554	C	Planning and Environment Act 1987	s 28(1)	Duty to notify the Minister if abandoning an amendment	CEO, PC, MP, DSD, TP	Note: the power to make a decision to abandon an amendment cannot be delegated once approved by Council

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546338	C	Planning and Environment Act 1987	s 28(2)	Duty to publish notice of the decision on Internet site	CEO, PC, MP, DSD, TP	
546339	C	Planning and Environment Act 1987	s 28(4)	Duty to make notice of the decision available on Council's internet site for a period of at least 2 months	CEO, PC, MP, DSD, TP	
65555	C	Planning and Environment Act 1987	s 30(4)(a)	Duty to say if amendment has lapsed	CEO, PC, MP, DSD, TP	
65556	C	Planning and Environment Act 1987	s 30(4)(b)	Duty to provide information in writing upon request	CEO, PC, MP, DSD, TP	
65557	C	Planning and Environment Act 1987	s 32(2)	Duty to give more notice if required	CEO, PC, MP, DSD, TP	
65558	C	Planning and Environment Act 1987	s 33(1)	Duty to give more notice of changes to an amendment	CEO, PC, MP, DSD, TP	

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**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65559	C	Planning and Environment Act 1987	s 36(2)	Duty to give notice of approval of amendment	CEO, PC, MP, DSD, TP	action must be reported to Council
65560	C	Planning and Environment Act 1987	s 38(5)	Duty to give notice of revocation of an amendment	CEO, PC, MP, DSD, TP	action must be reported to Council
65561	C	Planning and Environment Act 1987	s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	DCO, CEO, PC, MP, DSD, TP	VCAT determination to be reported to Council
65562	C	Planning and Environment Act 1987	s 40(1)	Function of lodging copy of approved amendment	CEO, PC, MP, DSD, TP	
65563	C	Planning and Environment Act 1987	s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	DCO, CEO, PC, MP, DSD, TP	

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546340	C	Planning and Environment Act 1987	s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	DCO, CEO, PC, MP, DSD, TP	
65564	C	Planning and Environment Act 1987	s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	DCO, CEO, PC, MP, DSD, TP	
201452	C	Planning and Environment Act 1987	s 46AW	Function of being consulted by the Minister	CEO, PC, MP, DSD, TP	Where Council is a responsible public entity
201453	C	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	CEO, PC, MP, DSD, TP	Where Council is a responsible public entity

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
72894	C	Planning and Environment Act 1987	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	CEO, PC, MP, DSD, TP	Where Council is a responsible public entity
72895	C	Planning and Environment Act 1987	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	CEO, PC, MP, DSD, TP	Where Council is a responsible public entity
72896	C	Planning and Environment Act 1987	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	CEO,	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
201454	C	Planning and Environment Act 1987	s 46GJ(1)	Function of receiving written directions from the Minister in relation to the	CEO, CFO, DCGP, MP, DCP, DSD	

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201455	C	Planning and Environment Act 1987	s 46GK	preparation and content of infrastructure contributions plans Duty to comply with a Minister's direction that applies to Council as the planning authority	GEO, PC, MP, DSD, TP, CFO, DCP, DCGP	
201456	C	Planning and Environment Act 1987	s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	GEO, PC, MP, DSD, TP, CFO, DCP, DCGP	
201457	C	Planning and Environment Act 1987	s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	GEO, PC, MP, DSD, TP, CFO, DCP, DCGP	
201458	C	Planning and Environment Act 1987	s 46GP	Function of receiving a notice under s 46GO	GEO, PC, MP, DSD, TP, CFO, DCP, DCGP	Where Council is the collecting agency

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
201459	C	Planning and Environment Act 1987	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	CEO, PC, MP, DSD, TP, CFO, DCP, DCGP	
201460	C	Planning and Environment Act 1987	s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CEO, PC, MP, DSD, TP, CFO, DCP, DCGP	
201461	C	Planning and Environment Act 1987	s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	CEO, PC, MP, DSD, TP, CFO, DCP, DCGP	
201462	C	Planning and Environment Act 1987	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	CEO, PC, MP, DSD, TP, CFO, DCP, DCGP	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
201463	C	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	CEO, PC, CFO, DCGP, MP, DCP, DSD, TP	
201464	C	Planning and Environment Act 1987	s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CEO, PC, CFO, DCGP, MP, DCP, DSD, TP	
201465	C	Planning and Environment Act 1987	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	CEO, PC, CFO, DCGP, MP, DCP, DSD, TP	
201466	C	Planning and Environment Act 1987	s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CEO, PC, CFO, DCGP,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
201467	C	Planning and Environment Act 1987	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	GEO, PC, CFO, DCGP, MP, DCP, DSD, TP	
201468	C	Planning and Environment Act 1987	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	GEO, PC, MP, DSD, TP, MBS, CFO, DCP, DCGP	Where Council is the collecting agency
201469	C	Planning and Environment Act 1987	s 46GV(3)(b)	Power to enter into an agreement with the applicant	GEO, PC, MP, DSD, TP, MBS, CFO, DCP, DCGP	Where Council is the collecting agency

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
201470	C	Planning and Environment Act 1987	s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO, PC, MP, DSD, DI, TP	Where Council is the development agency
201471	C	Planning and Environment Act 1987	s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO, PC, MP, DSD, DI, TP	Where Council is the collecting agency
201472	C	Planning and Environment Act 1987	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	CEO	
201473	C	Planning and Environment Act 1987	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	CEO, PC, MP, DSD, DIS, TP	Where Council is the collecting agency
72897	C	Planning and Environment Act 1987	s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the	CEO, PC, MP, DSD, DIS, TP	Where Council is the collecting agency

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
201474	C	Planning and Environment Act 1987	s 46GX(2)	monetary component of an infrastructure contribution payable 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	GEO, PC, MP, DSD, DIS, TP	Where Council is the collecting agency
201475	C	Planning and Environment Act 1987	s 46GY(1)	Duty to keep proper and separate accounts and records	GEO, PC, CFO, DCGP, MP, DCP, DIS, DSD, TP	Where Council is the collecting agency
201476	C	Planning and Environment Act 1987	s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	GEO, PC, CFO, DCGP, MP, DCP, DIS, DSD, TP	Where Council is the collecting agency

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
201477	C	Planning and Environment Act 1987	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	CEO, PC, CFO, DCGP, MP, DCP, DIS, DSD, TP	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
201478	C	Planning and Environment Act 1987	s 46GZ(2)(a)	Function of receiving the monetary component	CEO, PC, CFO, DCGP, MP, DCP, DIS, DSD, TP	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
72898	C	Planning and Environment Act 1987	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	CEO, PC, CFO, DCGP, MP, DCP, DIS, DSD, TP	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

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201479	C	Planning and Environment Act 1987	s 46GZ(2)(b)	Function of receiving the monetary component	CEO, PC, CFO, DCGP, MP, DCP, DIS, DSD, TP	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
201480	C	Planning and Environment Act 1987	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)	CEO, PC, CFO, DCGP, MP, DCP, DIS, DSD, TP	Where Council is the collecting agency under an approved infrastructure contributions plan
72899	C	Planning and Environment Act 1987	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	CEO, PC, CFO, DCGP, MP, DCP, DIS, DSD, TP	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

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201481	C	Planning and Environment Act 1987	s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	CEO, PC, CFO, DCGP, MP, DCP, DIS, DSD, TP	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
201482	C	Planning and Environment Act 1987	s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	CEO, PC, CFO, DCGP, MP, DCP, DIS, DSD, TP	Where Council is the collecting agency under an approved infrastructure contributions plan
72900	C	Planning and Environment Act 1987	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	CEO, CFO, DCGP, DCP, DIS, DSD	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)

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201483	C	Planning and Environment Act 1987	s 46GZ(9)	Function of receiving the fee simple in the land	CEO, CFO, DCGP, DCP, DIS, DSD	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
201484	C	Planning and Environment Act 1987	s 46GZA(1)	Duty to keep proper and separate accounts and records	CEO, PC, CFO, DCGP, MP, DCP, DIS, DSD, TP	Where Council is the development agency under an approved infrastructure contributions plan

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72901	C	Planning and Environment Act 1987	s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CEO, PC, CFO, DCGP, MP, DCP, DIS, DSD, TP	Where Council is a development agency under an approved infrastructure contributions plan
201485	C	Planning and Environment Act 1987	s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	CEO, PC, CFO, DCGP, MP, DCP, DIS, DSD, TP	Where Council is a development agency under an approved infrastructure contributions plan
72902	C	Planning and Environment Act 1987	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	CEO, PC, CFO, DCGP, MP, DCP, DIS, DSD, TP	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

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201486	C	Planning and Environment Act 1987	s 46GGZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GGZD(2)(a) and (b)	CEO, PC, CFO, DCGP, MP, DCP, DIS, DSD, TP	Where Council is the development agency under an approved infrastructure contributions plan
201487	C	Planning and Environment Act 1987	s 46GGZD(3)	Duty to follow the steps set out in s 46GGZD(3)(a) and (b)	CEO, PC, CFO, DCGP, MP, DCP, DIS, DSD, TP	Where Council is the collecting agency under an approved infrastructure contributions plan
72903	C	Planning and Environment Act 1987	s 46GGZD(5)	Duty to make payments under s 46GGZD(3) in accordance with ss 46GGZD(5)(a) and 46GGZD(5)(b)	CEO, PC, CFO, DCGP, MP, DCP, DIS, DSD	Where Council is the collecting agency under an approved infrastructure contributions plan
72904	C	Planning and Environment Act 1987	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	CEO, PC, CFO, DCGP, MP, DCP, DIS, DSD, TP	Where Council is the development agency under an approved infrastructure contributions plan

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201488	C	Planning and Environment Act 1987	s 46GZE(2)	Function of receiving the unexpended land equalisation amount	CEO, PC, CFO, DCGP, MP, DCP, DIS, DSD, TP	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
201489	C	Planning and Environment Act 1987	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)	CEO, PC, CFO, DCGP, MP, DCP, DIS, DSD, TP	Where Council is the collecting agency under an approved infrastructure contributions plan
201490	C	Planning and Environment Act 1987	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	CEO, CFO, DCGP, DCP, DIS, DSD	Where Council is the development agency under an approved infrastructure contributions plan

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				purpose approved by the Minister or sell the public purpose land		
201491	C	Planning and Environment Act 1987	s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	CEO, CFO, DCGP, DCP, DIS, DSD	Where Council is the development agency under an approved infrastructure contributions plan
201492	C	Planning and Environment Act 1987	s.46GZF(3)	Function of receiving proceeds of sale	CEO, CFO, DCGP, DCP, DIS, DSD	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency
201493	C	Planning and Environment Act 1987	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)	CEO, CFO, DCGP, DCP, DIS, DSD	Where Council is the collecting agency under an approved infrastructure contributions plan

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
201494	C	Planning and Environment Act 1987	s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	CEO, CFO, DCGP, DCP, DIS, DSD	Where Council is the collecting agency under an approved infrastructure contributions plan
201495	C	Planning and Environment Act 1987	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	CEO, CFO, DCGP, DCP, DIS, DSD	Where Council is the collecting agency under an approved infrastructure contributions plan
72905	C	Planning and Environment Act 1987	s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	CEO, PC, CFO, DCGP, MP, DCP, DIS, DSD	Where Council is a collecting agency or development agency
201496	C	Planning and Environment Act 1987	s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	CEO, PC, CFO, DCGP, MP, DCP, DIS, DSD, TP	Where Council is a collecting agency or development agency
201497	C	Planning and Environment Act 1987	s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a	CEO, PC, CFO, DCGP,	

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**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
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ATTACHMENT No [2] - Proposed - S6 Instrument of Delegation - Members of Staff -
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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65566	C	Planning and Environment Act 1987	s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CEO, PC, MP, DSD, TP	in accordance with Development Contribution Plan
65567	C	Planning and Environment Act 1987	s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CEO, PC, MP, DSD	
65568	C	Planning and Environment Act 1987	s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CEO, PC, MP, DSD	
65569	C	Planning and Environment Act 1987	s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	CEO, PC, MP, DSD	

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65570	C	Planning and Environment Act 1987	s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, PC, MP, DSD	not delegated
65571	C	Planning and Environment Act 1987	s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CEO, PC, MP, DSD	must have terms included in the agreements to adequately cover security
65572	C	Planning and Environment Act 1987	s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, PC, MP, DSD	
65573	C	Planning and Environment Act 1987	s 46Q(1)	Duty to keep proper accounts of levies paid	CEO, MF, CFO, DCGP, DCP, DSD	
65574	C	Planning and Environment Act 1987	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	CEO, PC, MP, DSD	

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65575	C	Planning and Environment Act 1987	s 46Q(2)	preparation costs incurred by a development agency Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	CEO, PC, MP, DSD	
65576	C	Planning and Environment Act 1987	s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CEO, PC, MP, DSD	Only applies when levy is paid to Council as a 'development agency'
65577	C	Planning and Environment Act 1987	s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	CEO, PC, MP, DSD	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

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65578	C	Planning and Environment Act 1987	s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CEO, PC, MP, DSD	Must be done in accordance with Part 3
65579	C	Planning and Environment Act 1987	s46Q(4)(e)	Duty to expend that amount on other works etc.	CEO, PC, MP, DSD	With the consent of, and in the manner approved by, the Minister
65580	C	Planning and Environment Act 1987	s 46QC	Power to recover any amount of levy payable under Part 3B	CEO, MF, CFO, DCGP, DCP, DSD	
72906	C	Planning and Environment Act 1987	s 46QD	Duty to prepare report and give a report to the Minister	CEO, PC, CFO, DCGP, MP, DCP, DSD	Where Council is a collecting agency or development agency
65583	C	Planning and Environment Act 1987	s 47	Power to decide that an application for a planning permit does not comply with that Act	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-Pln, TLA-Pln	

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65584	C	Planning and Environment Act 1987	s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-Pln, TLA-Pln	
65585	C	Planning and Environment Act 1987	s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-Pln, TLA-Pln	
65586	C	Planning and Environment Act 1987	s 50(4)	Duty to amend application	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-Pln, TLA-Pln	

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65587	C	Planning and Environment Act 1987	s 50(5)	Power to refuse to amend application	CEO, PC, MP, DSD, TP	
236498	C	Planning and Environment Act 1987	s 50(6)	Duty to make note of amendment to application in register	DCO, CEO, TSO, PC, TLABP, TLA-Pln, MP, DSD, TP	
65589	C	Planning and Environment Act 1987	s 50A(1)	Power to make amendment to application	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-Pln, TLA-Pln	
65590	C	Planning and Environment Act 1987	s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-Pln, TLA-Pln	

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65591	C	Planning and Environment Act 1987	s 50A(4)	Duty to note amendment to application in register	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-Pln, TLA-Pln	
65592	C	Planning and Environment Act 1987	s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-Pln, TLA-Pln	
65593	C	Planning and Environment Act 1987	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	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-Pln, TLA-Pln	

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65594	C	Planning and Environment Act 1987	s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-Pln, TLA-Pln	
65595	C	Planning and Environment Act 1987	s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-Pln, TLA-Pln	
65596	C	Planning and Environment Act 1987	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	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	
65597	C	Planning and Environment Act 1987	s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if	DCO, CEO, TSO, PC, MP, DSD,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65598	C	Planning and Environment Act 1987	s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	
65599	C	Planning and Environment Act 1987	s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	
65600	C	Planning and Environment Act 1987	s 52(3)	Power to give any further notice of an application where appropriate	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65601	C	Planning and Environment Act 1987	s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	must be notified on prescribed form
65602	C	Planning and Environment Act 1987	s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	
65603	C	Planning and Environment Act 1987	s 54(1)	Power to require the applicant to provide more information	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	
65604	C	Planning and Environment Act 1987	s 54(1A)	Duty to give notice in writing of information required under s 54(1)	DCO, CEO, TSO, PC, MP, DSD,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65605	C	Planning and Environment Act 1987	s 54(1B)	Duty to specify the lapse date for an application	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	
65606	C	Planning and Environment Act 1987	s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	
65607	C	Planning and Environment Act 1987	s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65608	C	Planning and Environment Act 1987	s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	
65609	C	Planning and Environment Act 1987	s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, PC, MP, DSD	
65610	C	Planning and Environment Act 1987	s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	
65611	C	Planning and Environment Act 1987	s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65612	C	Planning and Environment Act 1987	s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	
65613	C	Planning and Environment Act 1987	s 57A(5)	Power to refuse to amend application	CEO, PC, MP, DSD, TP	
65614	C	Planning and Environment Act 1987	s 57A(6)	Duty to note amendments to application in register	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	

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65615	C	Planning and Environment Act 1987	s 57B(1)	Duty to determine whether and to whom notice should be given	DCO, CEO, PC, MP, DSD, TP	
65616	C	Planning and Environment Act 1987	s 57B(2)	Duty to consider certain matters in determining whether notice should be given	DCO, CEO, PC, MP, DSD, TP	
65617	C	Planning and Environment Act 1987	s 57C(1)	Duty to give copy of amended application to referral authority	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	
65618	C	Planning and Environment Act 1987	s 58	Duty to consider every application for a permit	DCO, CEO, TSO, PC, MP, DSD, TP	
65619	C	Planning and Environment Act 1987	s 58A	Power to request advice from the Planning Application Committee	CEO, PC, MP, DSD	

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65620	C	Planning and Environment Act 1987	s 60	Duty to consider certain matters	DCO, CEO, TSO, PC, MP, DSD, TP	
65621	C	Planning and Environment Act 1987	s 60(1A)	Duty to consider certain matters	DCO, CEO, TSO, PC, MP, DSD, TP	
72907	C	Planning and Environment Act 1987	s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	DCO, CEO, TSO, PC, MP, DSD, TP	
65622	C	Planning and Environment Act 1987	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	DCO, CEO, TSO, PC, MP, DSD, TP	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006 TP and TSO with concurrence of PC or MP or DSD

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65623	C	Planning and Environment Act 1987	s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	DCO, CEO, TSO, PC, MP, DSD, TP	Where 5 or more objection/s received, not delegated - Stays with Council If relevant determining referral authority refuses permit, Council must refuse permit
273381	C	Planning and Environment Act 1987	s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	DCO, CEO, TSO, PC, MP, DSD, TP	If relevant determining referral authority refuses permit, Council must refuse permit
65627	C	Planning and Environment Act 1987	s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DCO, CEO, TSO, PC, MP, DSD, TP	TP and TSO with concurrence of PC or MP or DSD

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65628	C	Planning and Environment Act 1987	s 62(1)	Duty to include certain conditions in deciding to grant a permit	DCO, CEO, TSO, PC, MP, DSD, TP	
65629	C	Planning and Environment Act 1987	s 62(2)	Power to include other conditions	DCO, CEO, TSO, PC, MP, DSD, TP	TP and TSO with concurrence of PC or MP or DSD
65630	C	Planning and Environment Act 1987	s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DCO, CEO, TSO, PC, MP, DSD, TP	
65631	C	Planning and Environment Act 1987	s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DCO, CEO, TSO, PC, MP, DSD, TP	TP and TSO with concurrence of PC or MP or DSD
65632	C	Planning and Environment Act 1987	s 62(5)(b)	Power to include a permit condition that specified works be provided on or	DCO, CEO, TSO, PC,	

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65633	C	Planning and Environment Act 1987	s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	DCO, CEO, TSO, PC, MP, DSD, TP	TP and TSO with concurrence of PC or MP or DSD
65634	C	Planning and Environment Act 1987	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)	DCO, CEO, TSO, PC, MP, DSD, TP	
65635	C	Planning and Environment Act 1987	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)	DCO, CEO, TSO, PC, MP, DSD, TP	
65636	C	Planning and Environment Act 1987	s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	DCO, CEO, TSO, PC,	

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GOVERNANCE

ITEM NO: 10.2.5
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)

**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
COUNCIL STAFF (cont'd)**

ATTACHMENT No [2] - Proposed - S6 Instrument of Delegation - Members of Staff -
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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65637	C	Planning and Environment Act 1987	s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	
65638	C	Planning and Environment Act 1987	s 64(3)	Duty not to issue a permit until after the specified period	DCO, CEO, TSO, PC, MP, DSD, TP	
65639	C	Planning and Environment Act 1987	s 64(5)	Duty to give each objector a copy of an exempt decision	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	

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65640	C	Planning and Environment Act 1987	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	DCO, CEO, TSO, PC, MP, DSD, TP	
65641	C	Planning and Environment Act 1987	s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	
65642	C	Planning and Environment Act 1987	s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65643	C	Planning and Environment Act 1987	s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	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
65644	C	Planning and Environment Act 1987	s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
65645	C	Planning and Environment Act 1987	s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	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
65646	C	Planning and Environment Act 1987	s 69(1)	Function of receiving application for extension of time of permit	DCO, CEO, TSO, PC, MP, DSD,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65647	C	Planning and Environment Act 1987	s 69(1A)	Function of receiving application for extension of time to complete development	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	
65648	C	Planning and Environment Act 1987	s 69(2)	Power to extend time	DCO, CEO, TSO, PC, MP, DSD, TP	
65649	C	Planning and Environment Act 1987	s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65650	C	Planning and Environment Act 1987	s 71(1)	Power to correct certain mistakes	DCO, CEO, TSO, PC, MP, DSD, TP	
65651	C	Planning and Environment Act 1987	s 71(2)	Duty to note corrections in register	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	
65652	C	Planning and Environment Act 1987	s 73	Power to decide to grant amendment subject to conditions	DCO, CEO, TSO, PC, MP, DSD, TP	TP and TSO with concurrence of PC or MP or DSD
65653	C	Planning and Environment Act 1987	s 74	Duty to issue amended permit to applicant if no objectors	DCO, CEO, TSO, PC, MP, DSD, TP	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65654	C	Planning and Environment Act 1987	s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	
65655	C	Planning and Environment Act 1987	s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	
65656	C	Planning and Environment Act 1987	s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	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

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65657	C	Planning and Environment Act 1987	s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	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
65658	C	Planning and Environment Act 1987	s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	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
65659	C	Planning and Environment Act 1987	s 76D	Duty to comply with direction of Minister to issue amended permit	DCO, CEO, PC, MP, DSD, TP	
65660	C	Planning and Environment Act 1987	s 83	Function of being respondent to an appeal	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65661	C	Planning and Environment Act 1987	s 83B	Duty to give or publish notice of application for review	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	fee must be charged to the applicant for providing notice
65662	C	Planning and Environment Act 1987	s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CEO, PC, MP, DSD	Where 5 or more objection/s received, not delegated - Stays with Council
65663	C	Planning and Environment Act 1987	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	DCO, CEO, TSO, PC, MP, DSD, TP	
65664	C	Planning and Environment Act 1987	s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is	CEO, PC, MP, DSD	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65665	C	Planning and Environment Act 1987	s 84(6)	Duty to issue permit on receipt of advice within 3 business days	CEO, PC, MP, DSD	
201498	C	Planning and Environment Act 1987	s 84AB	Power to agree to confining a review by the Tribunal	DCO, CEO, PC, MP, DSD, TP	
65666	C	Planning and Environment Act 1987	s 86	Duty to issue a permit at order of Tribunal within 3 business days	DCO, CEO, PC, MP, DSD, TP	Council to be briefed on the matter
65667	C	Planning and Environment Act 1987	s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, PC, MP, DSD	Council to be briefed on the matter
65668	C	Planning and Environment Act 1987	s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	DCO, CEO, PC, MP, DSD, TP	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65669	C	Planning and Environment Act 1987	s 91(2)	Duty to comply with the directions of VCAT	DCO, CEO, PC, MP, DSD, TP	Council to be briefed on the matter
65670	C	Planning and Environment Act 1987	s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	DCO, CEO, PC, MP, DSD, TP	
65671	C	Planning and Environment Act 1987	s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	
65672	C	Planning and Environment Act 1987	s 93(2)	Duty to give notice of VCAT order to stop development	DCO, CEO, PC, MP, DSD, TP	Council to be briefed on the matter
65673	C	Planning and Environment Act 1987	s 95(3)	Function of referring certain applications to the Minister	CEO, PC, MP, DSD	Council to be briefed on the matter

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65674	C	Planning and Environment Act 1987	s 95(4)	Duty to comply with an order or direction	CEO, PC, MP, DSD	
65675	C	Planning and Environment Act 1987	s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, DIS, DSD	
65676	C	Planning and Environment Act 1987	s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, DIS, DSD	Council to be briefed on the matter
65677	C	Planning and Environment Act 1987	s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, PC, MP, DSD	Council to be briefed on the matter
65678	C	Planning and Environment Act 1987	s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CEO, PC, MP, DSD, TP	
65679	C	Planning and Environment Act 1987	s 96F	Duty to consider the panel's report under s 96E	CEO, PC, MP, DSD, TP	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65680	C	Planning and Environment Act 1987	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	CEO, PC, MP, DSD, TP	Council to be briefed on the matter
65681	C	Planning and Environment Act 1987	s 96H(3)	Power to give notice in compliance with Minister's direction	CEO, PC, MP, DSD, TP	
65682	C	Planning and Environment Act 1987	s 96J	Duty to issue permit as directed by the Minister	CEO, PC, MP, DSD, TP	Council to be briefed on the matter
65683	C	Planning and Environment Act 1987	s 96K	Duty to comply with direction of the Minister to give notice of refusal	CEO, PC, MP, DSD, TP	Council to be briefed on the matter

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65962	C	Planning and Environment Act 1987	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	Stays with Council	not delegated
65684	C	Planning and Environment Act 1987	s 97C	Power to request Minister to decide the application	Stays with Council	Not delegated
65685	C	Planning and Environment Act 1987	s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	DCO, CEO, PC, MP, DSD, TP	
65686	C	Planning and Environment Act 1987	s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	CEO, PC, MP, DSD	
65687	C	Planning and Environment Act 1987	s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65688	C	Planning and Environment Act 1987	s 97L	Duty to include Ministerial decisions in a register kept under s 49	ASO-PLN, TLA-PLN DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	
65689	C	Planning and Environment Act 1987	s 97MH	Duty to provide information or assistance to the Planning Application Committee	CEO, PC, MP, DSD, ABPG, TLA - Pln, ASO- Pln, TP	
65690	C	Planning and Environment Act 1987	s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	CEO, PC, MP, DSD	
65691	C	Planning and Environment Act 1987	s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CEO, PC, MP, DSD, TP	

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65692	C	Planning and Environment Act 1987	s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	DCO, CEO, PC, MP, DSD, TP	
65693	C	Planning and Environment Act 1987	s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DCO, CEO, PC, MP, DSD, TP	
65694	C	Planning and Environment Act 1987	s 97Q(4)	Duty to comply with directions of VCAT	DCO, CEO, PC, MP, DSD, TP	
65695	C	Planning and Environment Act 1987	s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	
65696	C	Planning and Environment Act 1987	s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	GEO, PC, MP, DSD	Council to be briefed on the matter

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65697	C	Planning and Environment Act 1987	s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, PC, MP, DSD	
65698	C	Planning and Environment Act 1987	s 101	Function of receiving claim for expenses in conjunction with claim	CEO, PC, MP, DSD	
65699	C	Planning and Environment Act 1987	s 103	Power to reject a claim for compensation in certain circumstances	CEO, PC, MP, DSD	Council to be briefed on the matter
65700	C	Planning and Environment Act 1987	s.107(1)	Function of receiving claim for compensation	CEO, PC, MP, DSD	Council to be briefed on matter
65701	C	Planning and Environment Act 1987	s 107(3)	Power to agree to extend time for making claim	CEO, DSD	
594282	C	Planning and Environment Act 1987	s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	CEO, DSD	

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65702	C	Planning and Environment Act 1987	s 114(1)	Power to apply to the VCAT for an enforcement order	DCO, CEO, PC, MP, DSD, TP	Council to be briefed on the matter
65703	C	Planning and Environment Act 1987	s 117(1)(a)	Function of making a submission to the VCAT where objections are received	DCO, CEO, PC, MP, DSD, TP	
65704	C	Planning and Environment Act 1987	s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DCO, CEO, PC, MP, DSD, TP	Council to be briefed on the matter
65705	C	Planning and Environment Act 1987	s 123(1)	Power to carry out work required by enforcement order and recover costs	DCO, CEO, PC, MP, DSD	Council to be briefed on the matter
65706	C	Planning and Environment Act 1987	s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	DCO, CEO, PC, MP, DSD	Except Crown Land

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703051	C	Planning and Environment Act 1987	s 125(1)	Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order.	DCO, CEO, PC, MP, DSD, TP	Section 123 of the Victorian Civil and Administrative Tribunal Act 1998 applies on an application to the Tribunal. Council to be notified prior
65707	C	Planning and Environment Act 1987	s 129	Function of recovering penalties	DCO, CEO, PC, MP, DSD, TP	
65708	C	Planning and Environment Act 1987	s 130(5)	Power to allow person served with an infringement notice further time	DCO, CEO, PC, MP, DSD, TP	
65709	C	Planning and Environment Act 1987	s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, PC, MP, DSD	
65710	C	Planning and Environment Act 1987	s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CEO, PC, MP, DSD	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
703052	C	Planning and Environment Act 1987	s 148B	Power to apply to the Tribunal for a declaration.	DCO, CEO, PC, MP, DSD, TP	
65711	C	Planning and Environment Act 1987	s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	CEO, PC, MP, DSD	Where Council is the relevant planning authority
65712	C	Planning and Environment Act 1987	s 171(2)(f)	Power to carry out studies and commission reports	CEO, PC, MP, DSD, SP	subject to approved budget
236499	C	Planning and Environment Act 1987	s 171(2)(g)	Power to grant and reserve easements	CEO, PC, MP, DIS, DSD	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
201499	C	Planning and Environment Act 1987	s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CEO, DSD, MP, DI	Where Council is a development agency specified in an approved infrastructure contributions plan
201500	C	Planning and Environment Act 1987	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)	CEO, DSD	Where Council is a collecting agency specified in an approved infrastructure contributions plan
201501	C	Planning and Environment Act 1987	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)	CEO, DSD	Where Council is the development agency specified in an approved infrastructure contributions plan
65714	C	Planning and Environment Act 1987	s 173(1)	Power to enter into agreement covering matters set out in s 174	CEO, DSD	
180532	C	Planning and Environment Act 1987	s 173(1A)	Power to enter into an agreement with an owner of land for the development	CEO, DSD	Where Council is the relevant responsible authority

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65715	C	Planning and Environment Act 1987		or provision of land in relation to affordable housing 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	CEO, PC, MP, DSD, TP	
65716	C	Planning and Environment Act 1987		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	CEO, PC, MP, DSD, TP	
65717	C	Planning and Environment Act 1987	s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, PC, MP, DSD	

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65718	C	Planning and Environment Act 1987	s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, PC, MP, DSD	
65719	C	Planning and Environment Act 1987	s 178A(1)	Function of receiving application to amend or end an agreement	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	
65720	C	Planning and Environment Act 1987	s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CEO, PC, MP, DSD, TP	
65721	C	Planning and Environment Act 1987	s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, PC, MP, DSD, TP	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65722	C	Planning and Environment Act 1987	s 178A(5)	Power to propose to amend or end an agreement	CEO, PC, MP, DSD, TP	
65723	C	Planning and Environment Act 1987	s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CEO, PC, MP, DSD, TP	
65724	C	Planning and Environment Act 1987	s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CEO, PC, MP, DSD, TP	
65725	C	Planning and Environment Act 1987	s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	CEO, PC, MP, DSD, TP	
65726	C	Planning and Environment Act 1987	s 178C(4)	Function of determining how to give notice under s 178C(2)	CEO, PC, MP, DSD, TP	

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65727	C	Planning and Environment Act 1987	s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, PC, MP, DSD, TP	
65728	C	Planning and Environment Act 1987	s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, PC, MP, DSD, TP	Must consider matters in s 178B
65729	C	Planning and Environment Act 1987	s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, PC, MP, DSD, TP	Must consider matters in s 178B
65730	C	Planning and Environment Act 1987	s 178E(2)(c)	Power to refuse to amend or end the agreement	CEO, PC, MP, DSD, TP	Must consider matters in s 178B
65731	C	Planning and Environment Act 1987	s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, PC, MP, DSD, TP	After considering objections, submissions and matters in s 178B

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65732	C	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, PC, MP, DSD, TP	After considering objections, submissions and matters in s 178B
65733	C	Planning and Environment Act 1987	s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, PC, MP, DSD, TP	After considering objections, submissions and matters in s.178B
65734	C	Planning and Environment Act 1987	s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO, PC, MP, DSD, TP	After considering objections, submissions and matters in s 178B
65735	C	Planning and Environment Act 1987	s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	CEO, PC, MP, DSD, TP	
65736	C	Planning and Environment Act 1987	s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CEO, PC, MP, DSD, TP	

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65737	C	Planning and Environment Act 1987	s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	CEO, PC, MP, DSD, TP	
65738	C	Planning and Environment Act 1987	s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO, PC, MP, DSD	
65739	C	Planning and Environment Act 1987	s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	CEO, PC, MP, DSD, TP	
65740	C	Planning and Environment Act 1987	s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, PC, MP, DSD, TP	
65741	C	Planning and Environment Act 1987	s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	DCO, CEO, TSO, PC, MP, DSD,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65742	C	Planning and Environment Act 1987	s 181	Duty to apply to the Registrar of Titles to record the agreement	DCO, CEO, TSO, PC, MP, DSD, TP	
65743	C	Planning and Environment Act 1987	s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CEO, PC, MP, DSD, TP	
65744	C	Planning and Environment Act 1987	s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CEO, PC, MP, DSD, TP	
65745	C	Planning and Environment Act 1987	s 182	Power to enforce an agreement	DCO, CEO, PC, MP, DSD, TP	Council to be briefed on the matter

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65746	C	Planning and Environment Act 1987	s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DCO, CEO, PC, MP, DSD, TP	
65747	C	Planning and Environment Act 1987	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, PC, MP, DSD, TP	
65748	C	Planning and Environment Act 1987	s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	CEO, PC, MP, DSD, TP	
65749	C	Planning and Environment Act 1987	s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	CEO, PC, MP, DSD, TP	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65750	C	Planning and Environment Act 1987	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	DCO, CEO, PC, MP, DSD, TP	
65751	C	Planning and Environment Act 1987	s 184G(2)	Duty to comply with a direction of the Tribunal	DCO, CEO, PC, MP, DSD, TP	
65752	C	Planning and Environment Act 1987	s 184G(3)	Duty to give notice as directed by the Tribunal	DCO, CEO, PC, MP, DSD, TP	
628472	C	Planning and Environment Act 1987	s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	CEO, PC, MP, DSD, TP	
65753	C	Planning and Environment Act 1987	s 198(1)	Function to receive application for planning certificate	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG,	

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65754	C	Planning and Environment Act 1987	s 199(1)	Duty to give planning certificate to applicant	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	Note: Minister for Planning is the responsible authority for issuing planning certificates
65755	C	Planning and Environment Act 1987	s 201(1)	Function of receiving application for declaration of underlying zoning	DCO, CEO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	Note: Minister for Planning is the responsible authority for issuing planning certificates
65756	C	Planning and Environment Act 1987	s 201(3)	Duty to make declaration	CEO, PC, MP, DSD, TP	Note: Minister for Planning is the responsible authority for issuing planning certificates

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65757	C	Planning and Environment Act 1987		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	DCO, CEO, TSO, PC, MP, DSD, TP	
65758	C	Planning and Environment Act 1987		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	DCO, CEO, TSO, PC, MP, DSD, TP	
65759	C	Planning and Environment Act 1987		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	DCO, CEO, TSO, PC, MP, DSD, TP	
65760	C	Planning and Environment Act 1987		Power to give written authorisation in accordance with a provision of a planning scheme	DCO, CEO, PC, MP, DSD, TP	
65761	C	Planning and Environment Act 1987	s 201UAB(1)	Function of providing the Victoria Planning Authority with information	CEO, PC, MP, DSD, TP	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65762	C	Planning and Environment Act 1987	s 201UAB(2)	relating to any land within municipal district Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CEO, PC, MP, DSD, TP	
65788	C	Residential Tenancies Act 1997	s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CEO, DSD, MLLE	
65789	C	Residential Tenancies Act 1997	s 522(1)	Power to give a compliance notice to a person	CEO, DSD, MLLE	
65790	C	Residential Tenancies Act 1997	s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO, DSD	
65791	C	Residential Tenancies Act 1997	s 525(4)	Duty to issue identity card to authorised officers	CEO, DCGP, MGP, DCP, MGRP, GO	

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						must be signed by Chief Executive Officer
65792	C	Residential Tenancies Act 1997	s 526(5)	Duty to keep record of entry by authorised officer under s 526	CEO, DSD, MILLE	
65793	C	Residential Tenancies Act 1997	s 526A(3)	Function of receiving report of inspection	CEO, DSD, MILLE	
65794	C	Residential Tenancies Act 1997	s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO, DSD	delegate to consult with Chief Executive Officer
65795	C	Road Management Act 2004	s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	CEO, TLA, DIS, ME, MSA, AC	Obtain consent in circumstances specified in s 11(2) subject to Council resolution declaring road
65796	C	Road Management Act 2004	s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	CEO, TLA, DIS, ME, MSA, AC	subject to Council resolution to name the road

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65797	C	Road Management Act 2004	s 11(9)(b)	Duty to advise Registrar	CEO, TLA, DIS, ME, MSA, AC	subject to Council resolution to name the road
65798	C	Road Management Act 2004	s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	CEO, TLA, DIS, ME, MSA, AC	Subject to s 11(10A) subject to Council resolution to declare, name, discontinue ect
65799	C	Road Management Act 2004	s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	CEO, TLA, ME, DIS, MSA, AC	Where Council is the coordinating road authority
65800	C	Road Management Act 2004	s 12(2)	Power to discontinue road or part of a road	CEO, DCGP, DCP, DIS	Where Council is the coordinating road authority subject to Council resolution to discontinue the road
65801	C	Road Management Act 2004	s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	CEO, TLA, DCGP, DIS	Power of coordinating road authority where it is the discontinuing body

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65802	C	Road Management Act 2004	s 12(5)	Duty to consider written submissions received within 28 days of notice	ME, DCP, MSA, AC	Unless s 12(11) applies Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
65803	C	Road Management Act 2004	s 12(6)	Function of hearing a person in support of their written submission	CEO, DCGP, DCP	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
65804	C	Road Management Act 2004	s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	CEO, DCGP, DCP	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
65805	C	Road Management Act 2004	s 12(10)	Duty to notify of decision made	CEO, DCGP, DCP	Duty of coordinating road authority where it is the discontinuing body

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65806	C	Road Management Act 2004	s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	CEO, TLA, DIS, ME, MSA, AC	Does not apply where an exemption is specified by the regulations or given by the Minister Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate subject to Council resolution to fix a boundary road
65807	C	Road Management Act 2004	s 14(4)	Function of receiving notice from the Head, Transport for Victoria	CEO, DIS,	
65808	A*	Road Management Act 2004	s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	CEO	
65809	A*	Road Management Act 2004	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	Stays with Council	not delegated

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65810	A*	Road Management Act 2004	s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	Stays with Council	not delegated
65811	C	Road Management Act 2004	s 15(2)	Duty to include details of arrangement in public roads register	CEO, TLA, DIS, ME, MSA, AC	
65812	A*	Road Management Act 2004	s 16(7)	Power to enter into an arrangement under s 15	Stays with Council	not delegated
65813	C	Road Management Act 2004	s 16(8)	Duty to enter details of determination in public roads register	CEO, TLA, DIS, ME, MSA, AC	
65814	C	Road Management Act 2004	s 17(2)	Duty to register public road in public roads register	CEO, TLA, DIS, ME, MSA, AC	Where Council is the coordinating road authority

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65815	A*	Road Management Act 2004	s 17(3)	Power to decide that a road is reasonably required for general public use	Stays with Council	Where Council is the coordinating road authority not delegated
65816	C	Road Management Act 2004	s 17(3)	Duty to register a road reasonably required for general public use in public roads register	CEO, TLA, DIS, ME, MSA, AC	Where Council is the coordinating road authority
65817	A*	Road Management Act 2004	s 17(4)	Power to decide that a road is no longer reasonably required for general public use	Stays with Council	Where Council is the coordinating road authority not delegated
65818	C	Road Management Act 2004	s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	CEO, TLA, DIS, ME, MSA, AC	Where Council is the coordinating road authority subject to Council resolution that road no longer reasonably required for general public use
65819	C	Road Management Act 2004	s 18(1)	Power to designate ancillary area	CEO, TLA, DIS, ME, MSA, AC	Where Council is the coordinating road authority, and obtain consent

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65820	C	Road Management Act 2004	s 18(3)	Duty to record designation in public roads register	CEO, TLA, DIS, ME, MSA, AC	in circumstances specified in s 18(2) Where Council is the coordinating road authority
65821	C	Road Management Act 2004	s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	CEO, TLA, DIS, ME, MSA, AC	
65822	C	Road Management Act 2004	s 19(4)	Duty to specify details of discontinuance in public roads register	CEO, TLA, DIS, ME, MSA, AC	
65823	C	Road Management Act 2004	s 19(5)	Duty to ensure public roads register is available for public inspection	CEO, TLA, DIS, ME, MSA, AC	
65824	A*	Road Management Act 2004	s 21	Function of replying to request for information or advice	CEO, DIS	Obtain consent in circumstances specified in s 11(2)

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65825	A*	Road Management Act 2004	s 22(2)	Function of commenting on proposed direction	CEO, DIS	
65826	C	Road Management Act 2004	s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	CEO, TLA, DCGP, DIS, MGP, ME, DCP, MSA, AC, MGRP, GO	
65827	C	Road Management Act 2004	s 22(5)	Duty to give effect to a direction under s 22	CEO, TLA, DIS, ME, MSA, AC	
65828	C	Road Management Act 2004	s 40(1)	Duty to inspect, maintain and repair a public road.	CEO, SWS, MO, MSA, DIS, ME, AC, AG, TLRs, TLP	
65829	C	Road Management Act 2004	s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CEO, MO, MSA, DIS,	

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65830	C	Road Management Act 2004	s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	GEO, TLA, MO, TLC, DIS, ME, MSA, AC	
65831	C	Road Management Act 2004	s 42(1)	Power to declare a public road as a controlled access road	GEO, TLA, TLC, DIS, ME, MSA, AC	Power of coordinating road authority and sch 2 also applies subject to Council resolution to declare
65832	C	Road Management Act 2004	s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	GEO, TLA, DIS, DCP, DCGP, MGP, ME, MSA, AC, MGRP, GO	Power of coordinating road authority and sch 2 also applies subject to Council resolution to amend or revoke
65833	C	Road Management Act 2004	s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	GEO, TLA, DIS, ME, MSA, AC	Where Council is the coordinating road authority

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65834	C	Road Management Act 2004	s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	CEO, TLA, DIS, ME, MSA, AC	If road is a municipal road or part thereof 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
65835	C	Road Management Act 2004	s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	CEO, TLA, SWS, MO, DIS, ME, MSA, AC	Where Council is the responsible road authority, infrastructure manager or works manager
65836	C	Road Management Act 2004	s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	CEO, TLA, MO, DIS, ME, MSA, AC	

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65838	C	Road Management Act 2004	s 49	Power to develop and publish a road management plan	CEO, TLA, MO, DIS, ME, MSA, AC	must be adopted by Council before publishing
65839	A*	Road Management Act 2004	s 51	Power to determine standards by incorporating the standards in a road management plan	Stays with Council	not delegated
65840	C	Road Management Act 2004	s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CEO, TLA, DIS, ME, MSA, AC	subject to Council resolution of amendment etc of document
65841	C	Road Management Act 2004	s 54(2)	Duty to give notice of proposal to make a road management plan	GEO, TLA, DIS, ME, MSA, AC	subject to Council resolution of proposal to make a road management plan
65842	C	Road Management Act 2004	s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	GEO, TLA, MO, DIS,	

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65843	A*	Road Management Act 2004	s 54(6)	Power to amend road management plan	ME, MSA, AC	not delegated
65844	C	Road Management Act 2004	s 54(7)	Duty to incorporate the amendments into the road management plan	CEO, TLA, MO, DIS, ME, MSA, AC	
65845	C	Road Management Act 2004	s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	CEO, TLA, DIS, ME, MSA, AC	
65846	C	Road Management Act 2004	s 63(1)	Power to consent to conduct of works on road	CEO, SWS, MO, DIS, ME, AG, AC	Where Council is the coordinating road authority
65847	C	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	CEO, TLA, SWS, MO, DIS, ME,	Where Council is the infrastructure manager

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65848	C	Road Management Act 2004	s 64(1)	Duty to comply with cl 13 of sch 7	MSA, AC, TLRs GEO, TLA, SWS, MO, DIS, ME, MSA, AC	Where Council is the infrastructure manager or works manager
65849	C	Road Management Act 2004	s 66(1)	Power to consent to structure etc	GEO, MO, DIS, ME	Where Council is the coordinating road authority advertising signs are subject to consultation with Safety and Amenity / Town Planning
65850	C	Road Management Act 2004	s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	GEO, TLA, DIS, RSSO, MP, ME, DSD, MSA, AC, LLAMC, MLLE, SAO, AMILL, LLSO	Where Council is the coordinating road authority

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65851	C	Road Management Act 2004	s 67(3)	Power to request information	CEO, TLA, DIS, RSSO, MP, ME, MSA, AC, LLAMC, LLSO, MILLE, SAO, AMILL	Where Council is the coordinating road authority
65852	C	Road Management Act 2004	s 68(2)	Power to request information	CEO, TLA, DIS, DSD, RSSO, MP, ME, MSA, AC, LLAMC, LLSO, MILLE, SAO, AMILL	Where Council is the coordinating road authority
65853	C	Road Management Act 2004	s 71(3)	Power to appoint an authorised officer	CEO, DIS, DSD	

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65854	C	Road Management Act 2004	s 72	Duty to issue an identity card to each authorised officer	CEO, DCGP, MGP, DCP, MGRP, GO	must be signed by Chief Executive Officer
65855	C	Road Management Act 2004	s 85	Function of receiving report from authorised officer	CEO, TLA, DIS, DSD, RSSO, MP, ME, MSA, AC, LLAMC, MLLE, SAO, AMLL, LSSO, DSD	
65856	C	Road Management Act 2004	s 86	Duty to keep register re s 85 matters	CEO, TLA, DIS, DSD, RSSO, MP, ME, MSA, AC, LLAMC, MLLE, SAO, AMLL, LSSO	
65857	C	Road Management Act 2004	s 87(1)	Function of receiving complaints	CEO, TLA, DIS, DSD,	

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65858	C	Road Management Act 2004	s 87(2)	Duty to investigate complaint and provide report	RSSO, MP, ME, MSA, AC, LLAMC, MILLE, SAO, AMILL, LSSO	
594283	A*	Road Management Act 2004	s 96	Power to authorise a person for the purpose of instituting legal proceedings	CEO	
65859	C	Road Management Act 2004	s 112(2)	Power to recover damages in court	CEO, DIS, DSD, MP, LLAMC, MILLE	

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65860	C	Road Management Act 2004	s 116	Power to cause or carry out inspection	CEO, SWS, MO, DIS, ME, AG, AC, MSA	
65861	C	Road Management Act 2004	s 119(2)	Function of consulting with the Head, Transport for Victoria	CEO, TLA, MO, DIS, ME, MSA, AC	
65862	C	Road Management Act 2004	s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	CEO, TLA, MO, DIS, ME, MSA, AC, TLRs	
65863	C	Road Management Act 2004	s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	CEO, TLA, SWS, MO, DIS, ME, MSA, AC, TLRs	
65864	C	Road Management Act 2004	s 121(1)	Power to enter into an agreement in respect of works	CEO, TLA, MO, DIS	

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65865	C	Road Management Act 2004	s 122(1)	Power to charge and recover fees	ME, MSA, AC CEO, TLA, MO, DIS, ME, MSA, AC	Fees and charges set by Council during budget process
65866	C	Road Management Act 2004	s 123(1)	Power to charge for any service	CEO, TLA, MO, DIS, ME, MSA, AC	Fees and charges set by Council during budget process
65867	A*	Road Management Act 2004	sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	CEO, DIS	
65868	A*	Road Management Act 2004	sch 2 cl 3(1)	Duty to make policy about controlled access roads	Stays with Council	not delegated
65869	A*	Road Management Act 2004	sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	Stays with Council	not delegated

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65870	C	Road Management Act 2004	sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	CEO, TLA, MO, DIS, ME, MSA, AC	
65871	C	Road Management Act 2004	sch 2 cl 5	Duty to publish notice of declaration	CEO, TLA, MO, DIS, ME, MSA, AC	
65872	C	Road Management Act 2004	sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	CEO, TLA, SWS, MO, DIS, ME, MSA, AC	Where Council is the infrastructure manager or works manager
65873	C	Road Management Act 2004	sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	CEO, TLA, SWS, MO, DIS, ME, MSA, AC	Where Council is the infrastructure manager or works manager

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65874	C	Road Management Act 2004	sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	CEO, TLA, SWS, MO, DIS, ME, MSA, AC	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
65875	C	Road Management Act 2004	sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	CEO, TLA, SWS, MO, DIS, ME, MSA, AC	Where Council is the infrastructure manager or works manager
65876	C	Road Management Act 2004	sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	CEO, TLA, SWS, MO, DIS, ME, MSA, AC	Where Council is the infrastructure manager or works manager

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65877	C	Road Management Act 2004	sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	CEO, TLA, MO, DIS, ME, MSA, AC	Where Council is the coordinating road authority
65878	C	Road Management Act 2004	sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	CEO, TLA, MO, DIS, ME, MSA, AC	Where Council is the coordinating road authority
65879	C	Road Management Act 2004	sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	CEO, TLA, TLC, DIS, ME, MSA, AC	Where Council is the coordinating road authority
65880	C	Road Management Act 2004	sch 7 cl 12(5)	Power to recover costs	CEO, TLA, DIS, ME, MSA, AC	Where Council is the coordinating road authority
65881	C	Road Management Act 2004	sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	CEO, TLA, MO, DIS, ME, MSA, AC	Where Council is the works manager

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65882	C	Road Management Act 2004	sch 7 cl 13(2)	Power to vary notice period	CEO, TLA, DIS, ME, MSA, AC	Where Council is the coordinating road authority
65883	C	Road Management Act 2004	sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	CEO, TLA, MO, DIS, ME, MSA, AC	Where Council is the infrastructure manager
65884	C	Road Management Act 2004	sch 7 cl 16(1)	Power to consent to proposed works	CEO, DIS, ME, AG, MSA	Where Council is the coordinating road authority
65885	C	Road Management Act 2004	sch 7 cl 16(4)	Duty to consult	CEO, DIS, MSA, ME, AG	Where Council is the coordinating road authority, responsible authority or infrastructure manager
65886	C	Road Management Act 2004	sch 7 cl 16(5)	Power to consent to proposed works	CEO, DIS, MSA, ME, AG	Where Council is the coordinating road authority

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65887	C	Road Management Act 2004	sch 7 cl 16(6)	Power to set reasonable conditions on consent	CEO, MSA, DIS, ME, AG	Where Council is the coordinating road authority
65888	C	Road Management Act 2004	sch 7 cl 16(8)	Power to include consents and conditions	CEO, DIS, MSA, ME, AG	Where Council is the coordinating road authority
65889	C	Road Management Act 2004	sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	CEO, TLA, DIS, ME, MSA, AC	Where Council is the coordinating road authority
65890	A*	Road Management Act 2004	sch 7 cl 18(1)	Power to enter into an agreement	CEO, DIS	Where Council is the coordinating road authority
65891	C	Road Management Act 2004	sch 7 cl 19(1)	Power to give notice requiring rectification of works	CEO, TLA, MO, DIS, MP, DSD, MSA, AC, LLAMC, MLLE, SAO, AMILL	Where Council is the coordinating road authority

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65892	C	Road Management Act 2004	sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CEO, TLA, MO, DIS, MP, DSD, MSA, AC, LLAMC, MILLE, SAO, AMILL	Where Council is the coordinating road authority
65893	C	Road Management Act 2004	sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	CEO, MO, DIS, MP, DSD, LLAMC, SAO, AMILL, MILLE	Where Council is the coordinating road authority
65894	C	Road Management Act 2004	sch 7A cl 2	Power to cause street lights to be installed on roads	CEO, TLA, DIS, ME, MSA, AC	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
65895	C	Road Management Act 2004	sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	CEO, TLA, DIS, ME, MSA, AC	Where Council is the responsible road authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65896	C	Road Management Act 2004	sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	CEO, TLA, DIS, ME, MSA, AC	Where Council is the responsible road authority
65897	C	Road Management Act 2004	sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	CEO, TLA, DIS, ME, MSA, AC	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)
65920	C	Planning and Environment Regulations 2015	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	CEO, PC, MP, DSD	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.
65921	C	Planning and Environment Regulations 2015	r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory	CEO, PC, MP, DSD, TP	

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MARGARET HINCK)
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PERFORMANCE MATT JARVIS)

**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
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ATTACHMENT No [2] - Proposed - S6 Instrument of Delegation - Members of Staff -
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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65974	C	Planning and Environment Regulations 2015	r.25(a)	Duty to make copy of matter considered under section 60(1A)(g) in accordance with the public availability requirements	CEO, DCO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	Where Council is the responsible authority
65975	C	Planning and Environment Regulations 2015	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 in accordance with the public availability requirements	CEO, DCO, TSO, PC, MP, DSD, TP, ABPG, ASO-PLN, TLA-PLN	Where Council is not the responsible authority but the relevant land is within Council's municipal district
65922	C	Planning and Environment Regulations 2015	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	CEO, PC, MP, DSD, TP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65964	C	Planning and Environment (Fees) Regulations 2016	r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CEO PC, MP, DSD	where the amendment will amend the planning scheme to designate Council as an acquiring authority
129966	C	Planning and Environment (Fees) Regulations 2016	r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, PC, MP, DSD	
65965	C	Planning and Environment (Fees) Regulations 2016	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	CEO, DCO, PC, MP, DSD, TP	
65923	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 7	Function of entering into a written agreement with a caravan park owner	CEO, DSD, MLLE	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65924	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 10	Function of receiving application for registration	CEO, DSD, MILLE	
392988	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 11	Function of receiving application for renewal of registration	CEO, DSD, MILLE	
65925	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CEO, DSD, MILLE	
65966	C	Residential Tenancies (Caravan Parks and Movable Dwellings	r 12(1)	Power to refuse to renew the registration if not satisfied that the	CEO, DSD,	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65926	C	Registration and Standards) Regulations 2020	r 12(2)	caravan park complies with these regulations	CEO, DSD, MILLE	
392989	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	CEO, DSD, MILLE	
392990	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 12(3)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEO, DSD, MILLE	
				Duty to have regard to matters in determining an application for registration or an application for renewal of registration	CEO, DSD, MILLE	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65927	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 12(4) & (5)	Duty to issue certificate of registration	CEO, DSD, MILLE	
65928	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 14(1)	Function of receiving notice of transfer of ownership	CEO, DSD, MILLE	
65929	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 14(3)	Power to determine where notice of transfer is displayed	CEO, DSD, MILLE	
65930	C	Residential Tenancies (Caravan Parks and Movable Dwellings	r 15(1)	Duty to transfer registration to new caravan park owner	CEO, DSD, MILLE	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65931	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 15(2)	Duty to issue a certificate of transfer of registration	CEO, DSD, MLLE	
699056	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 15(3)	Power to determine where certificate of transfer of registration is displayed	CEO, DSD, MLLE	
65932	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CEO, DSD, MLLE	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65933	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 17	Duty to keep register of caravan parks	CEO, DSD, MILLE	
65934	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 18(4)	Power to determine where the emergency contact person's details are displayed	CEO, DSD, MILLE	
65935	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 18(6)	Power to determine where certain information is displayed	CEO, DSD, MILLE	
65936	C	Residential Tenancies (Caravan Parks and Movable Dwellings	r 22(1)	Duty to notify a caravan park owner of the relevant emergency services	CEO, DSD, MILLE	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Registration and Standards) Regulations 2020		agencies for the caravan park, on the request of the caravan park owner		
65937	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 22(2)	Duty to consult with relevant emergency services agencies	CEO, DSD, MILLE	
65938	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	CEO, DSD, MILLE	
65939	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	CEO, DSD, MILLE	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65940	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 25(3)	Duty to consult with relevant floodplain management authority	CEO, DSD, MILLE	
65941	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 26	Duty to have regard to any report of the relevant fire authority	CEO, DSD, MILLE	
65942	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CEO, DSD, MILLE	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65943	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CEO, DSD, MLLE	
65944	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CEO, DSD, MLLE	
65945	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 41(4)	Function of receiving installation certificate	CEO, DSD, MLLE	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65946	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CEO, DSD, MILLE	
65947	C	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	CEO, DSD, MILLE	
65948	C	Road Management (General) Regulations 2016	r 8(1)	Duty to conduct reviews of road management plan	CEO, TLA, MO, DIS, ME, MSA, AC	
65950	C	Road Management (General) Regulations 2016	r 9(2)	Duty to produce written report of review of road management plan and make report available	CEO, TLA, DIS, ME, MSA, AC	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
86360	C	Road Management (General) Regulations 2016	r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	CEO, TLA, DIS, ME, MSA, AC	Where Council is the coordinating road authority
65951	C	Road Management (General) Regulations 2016	r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	CEO, TLA, DIS, ME, MSA, AC	
86361	C	Road Management (General) Regulations 2016	r 13(1)	Duty to publish notice of amendments to road management plan	CEO, TLA, DIS, MGP, ME, MSA, AC, MGRP, GO	where Council is the coordinating road authority
65952	C	Road Management (General) Regulations 2016	r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	CEO, TLA, DIS, ME, MSA, AC	

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65953	C	Road Management (General) Regulations 2016	r 16(3)	Power to issue permit	CEO, DIS, MSA, ME, AG	Where Council is the coordinating road authority
65955	C	Road Management (General) Regulations 2016	r 18(1)	Power to give written consent re damage to road	CEO, TLA, DIS, ME, MSA, AC	Where Council is the coordinating road authority in consultation with Manager Operations
65956	C	Road Management (General) Regulations 2016	r 23(2)	Power to make submission to Tribunal	CEO, DIS, MSA, ME	Where Council is the coordinating road authority
86362	C	Road Management (General) Regulations 2016	r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	CEO, DIS, MSA, ME	Where Council is the coordinating road authority
65957	C	Road Management (General) Regulations 2016	r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CEO, MO, DIS, MP, MSA, ME, DSD, LLAMC.	Where Council is the responsible road authority

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
65958	C	Road Management (General) Regulations 2016	r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	CEO, MO, DIS, ME, MSA, DSD, LLAMC, MILLE, SAO, TLRs, AMLL	Where Council is the responsible road authority
65959	C	Road Management (General) Regulations 2016	r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CEO, MO, DIS, MP, ME, DSD, LLAMC, MILLE, SAO, AMLL	
72947	C	Road Management (Works and Infrastructure) Regulations 2015	r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	CEO, DIS, MSA, ME	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act

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ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
72948	C	Road Management (Works and Infrastructure) Regulations 2015	r 22(2)	Power to waive whole or part of fee in certain circumstances	CEO, CFO, DCGP, DIS, ME, MSA, DCP	Where Council is the coordinating road authority

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ITEM NO: 10.2.6
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE PERFORMANCE
MATT JARVIS)

REVIEW OF DELEGATIONS TO MEMBERS OF COUNCIL TO STAFF UNDER THE ENVIRONMENT PROTECTION ACT 2017

Recommendation

That in the exercise of the power conferred by section 437(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Moira Shire Council resolves -

1. they be delegated to the members of Council staff holding, acting in or performing the duties of the officers of positions referred to in the attached *Instrument of Sub-Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument.
2. Authorise the Chief Executive Officer to affix the common seal of Council to the Delegations.
3. Authorise the Chief Executive to affix the common seal of Council to the Delegations.
4. the instrument comes into force immediately after the common seal of Council is affixed to the instrument.
5. 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.

1. Executive Summary

This report seeks Council's approval of the Instrument of Sub-Delegation of powers under the *Environment Protection Act 2017* to council staff.

The delegated authority allows staff to make timely, day to day decisions necessary to provide responsive and high-quality services to the community.

2. Conflict of interest declaration

There are no known conflict of interest considerations with this report.

3. Background & Context

Section 437(2) of the *Environment Protection Act 2017* provides that Council may, either generally or as otherwise provided by the instrument of delegation, delegate to a member of its staff the power or function.

This report seeks Council's approval of the Instrument of Sub-Delegation of powers under section 437(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021 to Council staff.

The delegation by Council enables staff to make the day-to-day decisions necessary to provide responsive and high-quality services to the community.

Once the instruments have been adopted by Council they will be signed and sealed and then implemented in accordance with statutory requirements, with advice provided to delegates.

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MATT JARVIS)

REVIEW OF DELEGATIONS TO MEMBERS OF COUNCIL TO STAFF UNDER THE ENVIRONMENT PROTECTION ACT 2017 (cont'd)

4. Issues

Moira Shire Council subscribes to the Maddocks Delegations and Authorisations Advisory Service and the revised Instruments of Delegation have been updated based on the most recent advice provided by Maddocks and in consultation with staff.

Conditions and restrictions on delegations

The Instrument of Delegation specifically identifies the item that is delegated, to whom it is delegated, the conditions and any limits if required that Council applies to the exercise of the delegation.

Council may revise the conditions within the instrument with a view to ensuring good governance and timely and responsive services to the community.

5. Strategic Alignment

This report aligns with the Council Plan Strategic Pillar 5 - Transparent and Accountable Governance.

6. Internal & External Engagement

Legal advice through Maddock's update service has formed the basis of this report, together with consultation on organisational needs with the Director Sustainable Development, Manager Community Wellbeing, the Team Leader Environmental Health and consideration by the Executive Leadership Team.

7. Budget / Financial Considerations

There are no financial implications to consider with this report.

8. Risk & Mitigation

The review and updating of Council's delegations support Council's management of business risks and commitment to good governance.

9. Conclusion

The revised Instrument of Delegations attached to this report will provide the appropriate level of delegation to ensure that the powers, duties and functions of Council staff can be carried out effectively.

The report recommendation seeks Council's approval of the delegations and the necessary steps to give effect to the delegations.

Attachments

- 1 Draft - s18 Instrument of Sub-Delegation under the Environment Protection Act 2017 - March 2024

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**REVIEW OF DELEGATIONS TO MEMBERS OF COUNCIL TO STAFF UNDER
THE ENVIRONMENT PROTECTION ACT 2017 (cont'd)**

**ATTACHMENT No [1] - Draft - s18 Instrument of Sub-Delegation under the
Environment Protection Act 2017 - March 2024**

S18 Instrument of Sub-Delegation – under the Environment Protection Act 2017



Instrument of Sub-Delegation

By this Instrument of Sub-Delegation, in exercise of the power conferred by s 437(2) of the Environment Protection Act 2017 ('Act') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, 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 in column 3 of the Schedule;
2. record that references in the Schedule are as follows
Titles
 - DSD: Director Sustainable Development
 - MLE: Manager Local Laws and Environment
3. this Instrument of Sub-Delegation is authorised by a resolution of Council passed on 27 March 2024 pursuant to a power of sub-delegation conferred by the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021;
4. the delegation:
 - 4.1 comes into force immediately the common seal of Council is affixed to this Instrument of Sub-Delegation;
 - 4.2 remains in force until varied or revoked;
 - 4.3 is subject to any conditions and limitations set out in sub-paragraph 5, and the Schedule; and
 - 4.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts;

The Common Seal of the
Moirā Shire Council
was hereunto affixed in the presence of

..... Chief Executive Officer

on the <date> day of <month> 2024

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**REVIEW OF DELEGATIONS TO MEMBERS OF COUNCIL TO STAFF UNDER
THE ENVIRONMENT PROTECTION ACT 2017 (cont'd)**

**ATTACHMENT No [1] - Draft - s18 Instrument of Sub-Delegation under the
Environment Protection Act 2017 - March 2024**

5. this Instrument of Sub-Delegation is subject to the following limitations:
- 5.1 the powers, duties and functions described in column and summarised in column 2 of the Schedule are only delegated for the purpose of regulating:
 - 5.1.1 onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
 - 5.1.2 noise from the construction, demolition or removal of residential premises;
6. the delegate must not determine the issue, take the action or do the act or thing:
- 6.1.1 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;
 - 6.1.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategyadopted by Council;
 - 6.1.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
 - 6.1.4 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.

FILE NO: F13/202
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.6
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)

**REVIEW OF DELEGATIONS TO MEMBERS OF COUNCIL TO STAFF UNDER
THE ENVIRONMENT PROTECTION ACT 2017 (cont'd)**

ATTACHMENT No [1] - Draft - s18 Instrument of Sub-Delegation under the
Environment Protection Act 2017 - March 2024

Delegation Source

- Environment Protection Act 2017

Environment Protection Act 2017			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 271	Power to issue improvement notice	DSD MLLE	
s 272	Power to issue prohibition notice	DSD MLLE	
s 279	Power to amend a notice	DSD MLLE	
s 358	Functions of the Environment Protection Authority	DSD MLLE	
s 359(1)(b)	Power to do all things that are necessary or convenient to be done for or in connection with the performance of the Environment Protection Authority's functions and duties and to enable the Authority to achieve its objective.	DSD MLLE	
s 359(2)	Power to give advice to persons with duties or obligations	DSD MLLE	

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.7
(PROCUREMENT OFFICER, LISA KNIGHT)
(DIRECTOR CORPORATE PERFORMANCE
MATT JARVIS)

C017/23 - INTERNAL AUDIT PROGRAM 2024-2028

Recommendation

That Council:

1. Award contract C017/23 - Internal Audit Program 2024-2028 to a preferred supplier for the service period 8 April 2024 to 30 October 2028, which will deliver an Enterprise - Wide Risk Assessment, Internal Audit Plan and Internal Audit Program for Council.

Payments will be made in accordance with the schedule of rates documented in Appendix B of the report.

2. Authorise the Chief Executive Officer to sign the contract documents.

1. Executive Summary

Moira Shire Council invited submissions from suitably qualified and experienced professionals to complete an enterprise-wide risk assessment to inform the preparation of a four-year Internal Audit Plan, which will include the completion of up to four internal audits per year.

The successful tenderer will then be required to complete a detailed examination of each component of the Internal Audit Plan and provide a comprehensive written report, which includes:

- a detailed and factual explanation of observations.
- identification and prioritisation of specific risks that exist for the component; and
- recommendations to reduce each risk identified.

Reports will be presented to the Audit & Risk Committee for endorsement of the recommendation identified through the audit.

2. Conflict of interest declaration

There was no conflict of interest declared for this tender evaluation process.

3. Background & Context

Council is committed to the development of effective audit mechanisms which are designed to improve Council's internal procedures providing a high level of service to its community, measured in terms of efficiency, effectiveness, and accountability.

The aim of this contract is to ensure that Council's internal procedures:

- facilitate the achievement of Council objectives;
- enable good governance;
- reflect industry standard risk management practices; and
- are subject to continuous improvement.

Council has an established Audit & Risk Committee (ARC) to oversee the Internal Audit process and the successful tenderer will liaise with the ARC and report to the Superintendent Representative as required.

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ITEM NO: 10.2.7
(PROCUREMENT OFFICER, LISA KNIGHT)
**(DIRECTOR CORPORATE PERFORMANCE
MATT JARVIS)**

C017/23 - INTERNAL AUDIT PROGRAM 2024-2028 (cont'd)

Following the completion of an enterprise-wide risk assessment, the Internal Auditor is required to prepare an Internal Audit Plan in consultation with the Audit & Risk Committee.

This Plan is to provide a prioritised candidate list of audits inclusive of a detailed description of the audit scope for each audit proposed. The proposed plan should provide up to four audits to be conducted each year of the four-year plan.

The Internal Auditor will be required to complete the audits identified in the Internal Audit Plan commencing 1 August 2024 to 30 October 2028.

4. Contract Details

The contract will commence on 8 April 2024 with all works under contract expected to be completed by 30 October 2028.

Date of Public Notice

Medium	Date
The Age	18 November 2023
Border Mail	18 November 2023
Shepparton News	21 November 2023
Cobram Courier	23 November 2023
Numurkah Leader	23 November 2023
Yarrawonga Chronicle	23 November 2023
Social Media	18 November 2023

Submissions closed on 13 December 2023.

Receipt of Tenders

5 submissions were received.

Supervision

Superintendent – Director Corporate Performance

Superintendent Representative – Manager Governance, Risk & Performance

Panel Membership

The submissions were independently evaluated in Eprocure by the following positions:

- Director Corporate Performance
- Executive Manager Corporate Governance
- Acting Manager Governance, Risk & Performance

The evaluation was moderated by the Procurement Coordinator.

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ITEM NO: 10.2.7
(PROCUREMENT OFFICER, LISA KNIGHT)
(DIRECTOR CORPORATE PERFORMANCE
MATT JARVIS)

C017/23 - INTERNAL AUDIT PROGRAM 2024-2028 (cont'd)

Non-conforming tenders

No submissions were deemed non-conforming.

Procurement Plan

The following evaluation criteria and weightings were used:

Evaluation Criteria	Evaluation Weighting
Price	40%
Compliance with Specification	10%
Skills and Resources	20%
Management of Schedules	10%
Track Record	10%
Contribution to Local Economy	10%

5. Issues

No issues to report.

6. Strategic Alignment

Council Plan

5. Transparent and accountable governance

The Council Plan addresses the need for a well-run Council by implementing a transparent, engaging and accountable governance structure for current and future generations. The processes undertaken to award the contract meet the legislative and policy requirements relating to procurement and tendering.

7. Internal & External Engagement

Engagement

(who did you engage with?)

Internal Evaluation panel

External Audit & Risk Committee

Feedback

Each member of the Evaluation Panel participated and contributed to the evaluation and moderation of the tender.

The Audit & Risk Committee contributed to the development of the scope of the Tender specification.

8. Budget / Financial Considerations

Council conducted a public tender process to determine best value.

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(PROCUREMENT OFFICER, LISA KNIGHT)
(DIRECTOR CORPORATE PERFORMANCE
MATT JARVIS)

C017/23 - INTERNAL AUDIT PROGRAM 2024-2028 (cont'd)

The budget for this procurement is \$240,000 excluding GST.

9. Risk & Mitigation

To minimise the risks associated with the delivery of services under contract, Council will be engaging a supplier under AS 4122-2010 – General Conditions of Contract for Consultants.

10. Conclusion

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends AFS & Associates Pty Ltd as the successful tenderer.

It is noted however that Council may wish to review the recommendation in Appendix A and ultimately award the contract as it sees fit given the broader consideration of Council's risk and audit context.

Attachments

- 1 C017/23 - Internal Audit Program 2024-2028 - Appendix A - Confidential Report - *printed in separate document*
- 2 C017/23 - Internal Audit Program 2024-2028 - Appendix B - Price Schedule (Confidential) - *printed in separate document*
- 3 Tender 1 Submission - Confidential - *printed in separate document*
- 4 Tender 2 Submission- confidential - *printed in separate document*
- 5 Tender 3 Submission - confidential - *printed in separate document*
- 6 Tender 4 Submission - confidential - *printed in separate document*
- 7 Tender 5 Submission - confidential - *printed in separate document*

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.8
(GOVERNANCE AND RISK COORDINATOR,
NANCY MUSTICA)
(DIRECTOR CORPORATE PERFORMANCE,
MATT JARVIS)

APPOINTMENT OF INTERIM INDEPENDENT MEMBER TO THE CEO EMPLOYMENT AND REMUNERATION COMMITTEE

Recommendation

That Council extend the appointment of Ms. Laurinda Gardner as the Interim Independent Member to the CEO Employment and Remuneration Committee until 17 May 2024, as endorsed by the CEO Employment and Remuneration Committee on 29 February 2024.

1. Executive Summary

The purpose of this report is for Council to consider extending the appointment of Ms. Laurinda Gardner as Interim Independent Member to Council's CEO Employment and Remuneration Committee.

An Expression of Interest (EOI) was held for a permanent Independent Member and closed 8 March 2024. The recruitment and selection of the permanent Independent Member remains ongoing.

2. Conflict of interest declaration

There are no conflict-of-interest declarations to consider as part of this report.

3. Background & Context

Section 45 of the *Local Government Act 2020* requires Council to adopt and keep in force a Chief Executive Officer (CEO) Employment and Remuneration Policy (the Policy). The policy must provide for the Council to obtain independent professional advice in relation to the matters dealt with in the policy.

Council's CEO Employment and Remuneration Policy states that the duties of the independent member are to actively participate in the Committee's review of the CEO's performance against the agreed annual performance plan.

At the December 2023 Scheduled Council Meeting, Council appointed Ms. Laurinda Gardner as Interim Independent Member to the CEO Employment and Remuneration Committee until 13 March 2024, as endorsed by the CEO Employment and Remuneration Committee on 6 December 2023.

Ms. Gardner is an experienced Board director and trusted adviser and has over 20 years' experience as both a member and chair of a variety of government and not for profit Boards and executive remuneration committees.

Over the last 7 years, Ms. Gardner has undertaken a variety of consultancy projects for CEOs, particularly on organisational design and change and brings to Boards and projects a successful background as a senior executive in both state and local government with leadership roles across a variety of functional activities.

With over 15 years as a Deputy Secretary at the Department of Treasury and Finance, Ms. Gardner also brings insights into the operation and expectations of ministers and central government.

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ITEM NO: 10.2.8
(GOVERNANCE AND RISK COORDINATOR,
NANCY MUSTICA)
(DIRECTOR CORPORATE PERFORMANCE,
MATT JARVIS)

APPOINTMENT OF INTERIM INDEPENDENT MEMBER TO THE CEO EMPLOYMENT AND REMUNERATION COMMITTEE (cont'd)

4. Issues

An Expression of Interest (EOI) was held for a permanent Independent Member and closed 8 March 2024. The recruitment and selection of the permanent Independent Member remains ongoing. To allow sufficient time to enable the selection process to be completed, on 29 February 2024, the CEO Employment and Remuneration Committee endorsed the extension of Ms. Gardner as Interim Independent Member to 17 May 2024.

5. Strategic Alignment

This report aligns with the Council Plan objective of Transparent and Accountable Governance.

6. Internal & External Engagement

Consideration of the extension of the interim Independent Member was discussed and endorsed at the CEO Employment and Remuneration Committee meeting held on Thursday 29 February 2024.

7. Budget / Financial Considerations

The sitting fee for the Interim Independent Member will be made in accordance with the Victorian State Government Sitting Fee Scale plus travel expenses at the relevant ATO rate.

8. Risk & Mitigation

The appointment of an Interim Independent Member to the CEO Employment and Remuneration Committee will ensure that the requirements of Council to obtain independent professional advice, in accordance with the Policy are met.

9. Conclusion

The CEO Employment and Remuneration Committee have considered and endorsed this recommendation to Council to extend the appointment of Interim Independent Member, Ms Laurinda Gardner to undertake duties in accordance with the CEO Employment and Remuneration Policy, due to the recruitment and selection of a permanent Independent Member.

Attachments

Nil

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5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.9
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE PERFORMANCE
MATT JARVIS)

PRIVACY POLICY

Recommendation

That Council:

1. Note the feedback received from the community consultation; and
2. Adopt the Privacy Policy.

1. Executive Summary

The Privacy Policy addresses the requirement of the Information Privacy Principle 5 (IPP5) which requires an organisation to have a document that clearly sets out its policies on the management of personal information and to make those policies available to the public.

2. Conflict of interest declaration

There are no officer conflicts associated with this report.

3. Background & Context

In 2019 the Office of the Victorian Information Commissioner (OVIC) conducted a review of privacy policies of all councils. At the time, Council's Privacy Statement was accepted by OVIC as Council's Policy.

OVIC's guidance advises that a Privacy Policy should contain:

- an organisation's main functions and types of personal information it generally collects to fulfil those functions;
- how the organisation uses and shares the personal information it collects, including the types of third parties in the information it may be shared with;
- whether collection of personal information is compulsory or optional (including referring to any relevant legislation that authorises the collection, use or disclosure of the information);
- how the organisation securely stores and manages access to the personal information and for how long it may be stored;
- how privacy is protected if the information is shared outside Victoria; and
- how an individual can contact the organisation.

The new policy addresses and enhances the requirements of the Information Privacy Principle (IPP5) not captured in Council's Privacy Statement. It provides a clearer understanding of the collection and handing of personal information by Council.

4. Strategic Alignment

The development of the Policy aligns with the following Council Plan objectives:

- Pillar 4: Customer Focused and Responsive – development and implementation of the policy aligns with Council's goal of:
 - Our systems, processes and use of technology will support efficient and secure business operations.

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MATT JARVIS)

PRIVACY POLICY (cont'd)

- Pillar 5: Transparent and Accountable Governance – development and implementation of the policy aligns with Council's goal of:
 - We will provide a safe, compliant, and well-planned built environment based on a strategic platform.

5. Internal & External Engagement

Internal engagement was conducted with selected Managers, Team Leaders and Council officers in the following departments – Information Services, Community Wellbeing Health and Culture, Maternal and Child Health, Customer Experience, People and Safety, Records, Planning, Building, Economic Development, Revenue and Governance and Performance and members of the Employee Consultative Committee.

Following a Council Briefing on 14 February 2024, the policy was made available for community feedback from 16 February to 8 March 2024 via Moira Matters.

Council received one submission at the time of preparation of this report which proposed amendments to the policy specifically targeting the omission of guidelines regarding collection of personal online data. Council's current IT Policy, IT Standards and Tools cover the matters raised in the submission and have now been added to the Policy as a related policy/procedure.

6. Budget / Financial Considerations

There is no budget required in the adoption of this policy.

7. Risk & Mitigation

Risk	Mitigation
Financial	There may be financial risks to the organisation in the event of a privacy breach. Council will mitigate the risk by ensuring ongoing compliance with the Policy.
Economic (regional context or broader economic impact)	There are no economic impacts related to the development of this policy.
Environmental	There no environmental considerations associated with this policy.
Reputational	Having an effective policy, allows an individual to understand how their personal information will be handled.
Legislative Compliance	The Policy will address the legislative requirements under the <i>Privacy and Data Protection Act 2014</i> .

8. Conclusion

It is recommended that Council adopt the Privacy Policy.

Attachments

- 1 Privacy Policy - draft

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 10.2.9
**(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)**
**(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)**

PRIVACY POLICY (cont'd)

ATTACHMENT No [1] - Privacy Policy - draft

Moira Shire Council
DRAFT Privacy Policy

Policy type	Council
Version Number	xx
Responsible Director	Corporate, Governance and Performance
Responsible Officer	Manager Governance, Risk and Performance
Date endorsed by ELT	
Date adopted by Council	
Scheduled for review	This policy will be reviewed four years from the date of adoption, or sooner if required.

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Administrative changes do not materially alter the document (such as spelling/typographical errors, change to the name of a Council department, a change to the name of a Federal or State Government department). Administrative updates can be made in accordance with the Policy Framework Guidelines.



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**(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)**
**(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)**

PRIVACY POLICY (cont'd)

ATTACHMENT No [1] - Privacy Policy - draft

PURPOSE

The purpose of this policy is to outline Moira Shire Council's commitment to compliance with its obligations under the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001* for the collection, management, and disclosure of personal information.

SCOPE

This policy applies to Administrators, Council employees, contractors, volunteers, and representatives who may have access to personal information collected or held by Council.

The policy relates to all personal, health and sensitive information collected and held by Council or any contractors providing services on behalf of Council, and includes information we have collected:

- about an individual through any of Council's public access interfaces;
- from the individual, including information about the individual collected from third parties; and
- about an individual regardless of format. This includes information collected on forms, in person, in correspondence, and over the telephone, via our website, as a customer request or enquiry, and social media applications such as Facebook.

DEFINITIONS

Term	Definition
Personal Information	means information or opinion (including information or opinion that forms part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can be reasonably ascertained, from the information or opinion, other than certain health or generally available information that includes an individual's: <ul style="list-style-type: none"> • name • address • telephone numbers/email address • date of birth/age • marital status • financial status • financial business/transactions with Council; or • pension number/Medicare card number etc.
Health Information	means information or opinion (including information or opinion that forms part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can be reasonably ascertained, from the information or opinion, that includes an individual's: <ul style="list-style-type: none"> • physical, mental, or psychological health (at any time) • disability (at any time) of an individual • expressed wishes about the future provision of health services to them • health services provided or to be provided to them

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(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)

PRIVACY POLICY (cont'd)

ATTACHMENT No [1] - Privacy Policy - draft

	<ul style="list-style-type: none"> other personal information collected to provide, or in providing, a health service, or the dispensing on prescription of a drug or medicinal preparation by a pharmacist. <p>but does not include information about an individual who has been deceased for more than 30 years.</p>
Sensitive Information	<p>means information or an opinion about an individual's:</p> <ul style="list-style-type: none"> racial or ethnic origin; or political options; or membership of a political association; or religious beliefs or affiliations; or philosophical beliefs; or membership of a professional or trade association; or membership of a trade union; or sexual preferences or practices; or criminal record.
IPPs	Information Privacy Principles as outlined in the <i>Privacy and Data Protection Act 2014</i> that regulate how Council will collect, hold, manage, use, disclose or transfer personal information.
HPPs	Health Privacy Principles as outlined in the <i>Health Records Act 2001</i> that regulate how Council will collect, hold, manage, use, disclose or transfer health information.
Public Registers	<p>Documents that Council is required to make publicly available, pursuant to legislation:</p> <ul style="list-style-type: none"> are open to inspection by members of the public. contain information that a person or body was required or permitted to give Council under an Act or regulation; and contain information that would be personal information if the document was a generally available publication.
Privacy Collection Statement	Outlines how Council handles personal and health information for a specific purpose or activity

POLICY STATEMENT

The *Privacy and Data Protection Act 2014* prescribes 10 Information Privacy Principles (IPP's) and the *Health Records Act 2001* prescribes 11 Health Privacy Principles (HPP's) that Council is required to comply with to promote and ensure the fair and responsible collection and handling of personal information.

Council is committed to managing personal, health and sensitive information in accordance with these Privacy Principles.

Collection

Council will only collect personal/health information that is necessary for its specific functions and activities. All information will be collected by fair and lawful means and not in an

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**(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)**
**(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)**

PRIVACY POLICY (cont'd)

ATTACHMENT No [1] - Privacy Policy - draft

unreasonably intrusive way. Council will only collect sensitive information where consent has been given or as permitted under legislation.

The collection of this information could be in a number of different ways, for example

- in person or by phone,
- email or other means of correspondence,
- Council website, social networking sites or SMS messages,
- online payment portals i.e. rates, animal registrations, fines/infringements,
- online or hard copy applications, forms and surveys,
- from third party referrals,
- CCTV – photographs or video footage.

Where it is practicable to do so at the time Council collects the personal or health information, Council will provide details of:

- why the information is being collected,
- to whom the information will/may be disclosed and why,
- any law that requires Council to collect the information,
- the consequences for the individual if all or part of the information is not collected, and
- the fact that they are able to gain access to the information.

Council will not collect sensitive or health related information unless:

- the individual has consented,
- it is required by law,
- it is necessary to prevent or lessen a serious or imminent threat to life, health or safety of an individual or the public,
- it is necessary for the establishment, exercise or defence of a legal claim,
- it is necessary for research, compilation and analysis of statistics relevant to government funded community programs.

If it is reasonable and practical to do so, Council will collect personal information about an individual direct from that individual. When doing so, it will inform the individual of the matters set out in the Act, including the purpose/s for which the information is collected. If Council collects personal information about an individual from someone else, it will take reasonable steps to ensure that the individual is made aware of this.

Council will take reasonable steps to maintain the confidentiality of any personal information provided in confidence about an individual, by another person or a health service provider, in relation to the provision of care or health services to the individual.

Council will also take reasonable steps to protect the personal information it holds from misuse and loss, and from unauthorised access, modification or disclosure.

Council will generally only collect personal information about a child under the age of 18 with the written consent of the child's parent or guardian.

However, in certain circumstances Council may exercise discretion in obtaining parental/guardian consent for the collection of child's information where parental/guardian involvement may hinder the delivery of services to a child. If a child under the age of 18 years is living independently of their parents/guardian, permission to collect personal information may be provided.

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MARGARET HINCK)
(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)

PRIVACY POLICY (cont'd)

ATTACHMENT No [1] - Privacy Policy - draft

Use and disclosure

Council will use personal information for the primary purpose for which it was collected. Examples of this type of use include; for rates, billing, collection of debts, property valuation, planning and building approvals, provision of family services, community services, animal management services, waste management services, enforcement activities, asset management and requests for service.

Council will only use personal information within council, or disclose it outside council, for a reasonable secondary purpose, if required by law to do so, or in accordance with the Act; where the individual has consented or where the individual would reasonably expect this to occur.

Council may further use or disclose personal information where necessary to lessen or prevent a threat to life, health, safety or welfare of an individual or the public.

For example, the information may be disclosed:

- to other departments within Council to assist in the efficient actioning of enquires and may also be used to liaise with the customer in relation to the delivery of other Council services,
- to Council's contracted service providers who manage the services provided by council, e.g. kerbside collection service. Council requires these service providers to comply with the privacy principles when doing so,
- to water authorities for the purposes of ensuring that data held by both is maintained as correct and up-to-date as possible,
- in connection with the investigation of complaints or alleged unlawful activity,
- to individuals for the purpose of serving a notice to fence as required by the Fences Act,
- to the Victorian Electoral Commission for compilation of Voters Rolls,
- to statutory bodies (e.g. Centrelink, Child Support Agency, Department of Health & Human Services, Department of Education & Training, Transport Accident Commission and WorkCover) for purposes required by relevant legislation,
- to the Australian Immunisation Register for the purposes of registering vaccinations,
- to Police, Australian Federal Police, Fire Departments or State Emergency Services or other appropriate agencies for enforcement or law enforcement purposes,
- where permitted under another Act, including the *Freedom of Information Act 1982* (Vic),
- under the Victorian Government's Information Sharing reforms dealing with the collection, use and sharing of sensitive information in relation to family violence and child wellbeing and safety,
- in public registers that need to be maintained in accordance with other Acts, as a release of information relevant for the purpose for which the registers exist,
- to an individual's authorised representatives, health service providers or legal advisers,
- to an immediate family member of the individual, for emergency reasons or if it is necessary to provide the appropriate care or health service to the individual,
- to housing support agencies to assist in the finding of alternative accommodation in cases of emergency,
- to Council's professional advisers, including accountants, auditors, insurers, bankers, valuers, debt collection agents, IT providers and legal advisors,
- in building permits and plans to property owners and the Victorian Building Authority,
- to recipients outside Victoria, only if they are governed by substantially similar privacy legislation or the individual has consented to the transfer or would be likely to give it, if it was impracticable to obtain that consent,

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PERFORMANCE MATT JARVIS)

PRIVACY POLICY (cont'd)

ATTACHMENT No [1] - Privacy Policy - draft

- to organisations such as Fit2Work as part of a police and background check screening check for employment. Such checks will only be carried out with written authorisation and the results not disclosed to third parties unless authorised by law,
- where Council has called for written submissions. A collection statement will be given on how the submission and personal information is intended to be used and/or disclosed,
- as a part of a public submission process a written submission may be included with the published agenda and minutes for a council or committee meeting, and available for inspection and on-line,
- Council may disclose the name of an individual who has submitted a question for response during a Council meeting. The individuals name may be read out, captured in the recording of the meeting and may appear in the minutes of the meeting,
- to an organisation that council has entered into agreement for rehousing/adoption or fostering of suitable cats or dogs and in some cases other animal organisations for animal management purposes.

In the case of health information in particular, Council may disclose health information about someone:

- if Council is providing a health service to them and it is necessary to be able to provide that service,
- where the individual is incapable of providing consent and it is not reasonably practicable to obtain the consent of an authorised representative or the individual does not have such an authorised person.

Personal information will be disclosed by the Council where required to do so by any other legislation. Where there is an inconsistency, all other legislation overrides the PDPA or HRA to the extent of the inconsistency. Other obligations under the PDPA or HRA will remain.

Data quality

Prior to the use and disclosure of personal information, reasonable steps will be taken to ensure that the information is relevant, and to the extent necessary, accurate, complete and up to date for the purpose, function or activity for which it is to be used.

Data Security

Council will endeavour to maintain a secure system for storing personal information and will utilise appropriate technologies, security methods, operational policies and procedures to protect the information from unauthorised access, improper use, alteration, unlawful or accidental destruction and accidental loss.

Council will dispose of personal information and health information collected, if it is no longer needed for any purpose, except where it needs to be retained in accordance with the *Public Records Act 1973* and any other applicable Act or Regulation.

Openness

Council will make available its policies on the management of personal information. On request, Council will take reasonable steps to provide individuals with general information on the types of information it holds, for what purpose the information is held, and how it collects, holds, uses and discloses that information.

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(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)

PRIVACY POLICY (cont'd)

ATTACHMENT No [1] - Privacy Policy - draft

Access and correction

Where Council holds personal or health information about an individual, on request, it will provide that individual with access to that information unless one or more exemptions detailed in the *Privacy and Data Protection Act 2014* to *Health Records Act 2001* applies.

Satisfaction of the conditions in these Acts could result in access being withheld in conjunction with an explanation of why the information is being withheld (for example where the information relates to legal proceedings or where the *Freedom of Information Act 1982* applies).

If an individual believes that their personal or health information is inaccurate, incomplete or out of date, they may request Council correct and update the information.

Council will endeavour to process the request administratively or through other legislation without the need for a formal request to be made. However, in some cases, Council may manage the request in accordance with the provisions of the *Freedom of Information Act 1982*.

Unique identifiers

A unique identifier is a number or code that is assigned to someone's record to assist with identification (similar to a drivers licence number).

Council will not adopt as its own identifier, an identifier that has been assigned by another government agency.

Council will not use or disclose the identifier assigned to an individual by another government agency unless the consent of the individual has been obtained or it is permitted by law to do so.

Council will only assign identifiers to records if it is necessary to enable Council to carry out a function efficiently. The only exception is Maternal and Child Health clients who are assigned a unique identifier by the state-wide system (CDIS) and Immunisation clients in the Immunisation Provider System (ImPS).

Anonymity

Whenever it is lawful and practicable, individuals may exercise the option of not identifying themselves when supplying information or entering into transactions with Council. However, in some cases, where individuals are anonymous, what Council can do in response may be limited. For example, it may not be possible to investigate an anonymous complaint without further information.

Transborder data flows

Council may transfer personal or health information about an individual or organisation outside of Victoria in the following instances:

- if the individual has provided their consent; or
- would likely to give it if it wasn't practicable to obtain consent; or
- if disclosure is authorised by law; or
- if the recipient of the information is subject to a law, scheme or contract with principles that are substantially similar to the *Privacy and Data Protection Act 2014*; or
- where the information is health information, the specific provisions of the Health Act are met.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 10.2.9
(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)

PRIVACY POLICY (cont'd)

ATTACHMENT No [1] - Privacy Policy - draft

By way of example, Council may use cloud-computing services based outside Victoria, in which case, Council must ensure compliancy with the Victorian IPPs and HPPs in engaging with those services.

Transfer/Closure of a Health Service Provider

If Council's health services were to be transferred or closed, Council would take reasonable steps to notify recipients of health services and notify them of the options to transfer their information to the new health service provider or health service providers nominated by themselves.

Making information available to another Health Service Provider

Council, where it acts as a health service provider, will upon consent by an individual, provide a copy or a written summary of their health information to a specified health service provider or where required to do so by law.

Sensitive Information

Council will not collect sensitive information about an individual except in circumstances prescribed in the *Privacy and Data Protection Act 2014* or in circumstances where the information is both ethically pertinent and necessary to one of its functions.

Complaints

If an individual feels aggrieved by Council's handling of their personal or health information, they may make a complaint to Council's Privacy Officer.

By email info@moira.vic.gov.au
By phone 03 5871 9222
By mail PO Box 578 Cobram Vic 3643

Council treats complaints seriously and will try to resolve them fairly, quickly and objectively. If an individual makes a complaint, Council will work with the complainant to resolve their complaint and keep them informed of its progress.

Alternatively, the individual may make a complaint to the Office of the Victorian Information Commissioner (OVIC) in relation to personal information or to the Health Complaints Commissioner in relation to health information.

Office of the Victorian Information Commissioner (OVIC): www.ovic.gov.au
PO Box 24274
Melbourne, Victoria 3001

enquiries@ovic.vic.gov.au
1300 006 842

Health Complaints Commissioner www.hcc.vic.gov.au
Level 26
570 Bourke Street
Melbourne, Victoria 3000

1300 582 113

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 10.2.9
**(SENIOR GOVERNANCE OFFICER,
MARGARET HINCK)**
**(DIRECTOR CORPORATE
PERFORMANCE MATT JARVIS)**

PRIVACY POLICY (cont'd)

ATTACHMENT No [1] - Privacy Policy - draft

Accessibility

Council has the following services in place to assist people with specific needs to make a complaint:

- a hearing loop that is compatible with hearing aids that have a T program or T switch is available at Customer Service centres in Cobram and Yarrawonga
- Council can be contacted through the National Relay Service (NRS). TTY users can phone the NRS on 133 677 then ask for 03 5871 9222
- Speak & Listen (speech-to-speech) users phone the NRS on 1300 555 727 and ask for 03 5871 9222
- Internet relay users connect to NRS on www.relayservices.com.au then ask for 03 5871 9222
- Interpreting services are available upon request.

MONITORING AND EVALUATION

A review will be conducted with key stakeholders in the first 12 months of the implementation of the policy. Further reviews will be undertaken in accordance with the Policy Framework Guidelines.

RELATED LEGISLATION

Local Government Act 2020
Charter of Human Rights & Responsibilities Act 2006
Gender Equality Act 2020
Privacy and Data Protection Act 2014
Health Records Act 2014

RELATED POLICIES AND PROCEDURES

Records Management Policy
IT Security Policy
IT Security Standards

REFERENCES

Office of the Victorian Information Commissioner (OVIC) – Privacy Policy guidance

DOCUMENT REVISIONS

Version	Summary of Changes	Approved by	Date
1	New Policy adopted	Council	xxx
1.1	Administrative changes made to policy (details of administrative changes)	xxx	xxx

FILE NO:
1. A WELCOMING AND INCLUSIVE PLACE

ITEM NO: 10.3.1
(COMMUNITY DEVELOPMENT OFFICER,
DANA SHARP)
(DIRECTOR COMMUNITY, SCOTT
WILLIAMS)

PUBLIC ART POLICY

Recommendation

That Council adopt the finalised Public Art Policy and Guidelines as presented in Attachments 1 and 2.

1. Executive Summary

The Public Art Policy and Guidelines have been finalised after a period of community consultation which saw feedback provided through various channels. Amendments have been made based of feedback provided.

2. Conflict of interest declaration

There are no conflict of interest associated with this report.

3. Background & Context

The Moira Shire Arts and Culture Strategy 2020 – 2026 guides the provision of a “*service committed to actively shaping the future for Moira residents through arts and culture activities and programs...*” and supports the delivery of *Pillar 1: A welcoming and Inclusive Place* of the Moira Shire Council Plan 2021 – 2025. The development of a Public Art Policy is identified as a priority in the Arts and Culture Strategy, specifically to stimulate new work in public spaces.

The draft Public Art Policy and Guidelines were presented at ELT and Council Briefing in November and December 2023, and discussed at January’s Council Meeting ahead of community consultation commencing on 1 February 2024.

Across the Arts, Arts for All, CAN Hub and The G.R.A.I.N. Store – the four Moira Creative Arts Hubs – were consulted directly regarding this policy and were strong advocates in encouraging others to provide feedback. Community drop-in sessions were hosted in Yarrowonga, Cobram, Nathalia and Numurkah at the local libraries, and feedback could be provided on Moira Matters, via post, or through contacting the Community Development, Arts and Culture team via phone and email.

4. Issues

Feedback received throughout the consultation period emphasised a need to define community engagement obligations more clearly in the Public Art Guidelines. This has led to a separation of information relating to community engagement for permanent and temporary/ephemeral public art projects.

Permanent: Community consultation can be an integral part in deciding the subject/theme or location of Public Art projects and will be required ahead of an application for a permanent installation being lodged. The amount of community engagement necessary will differ from project to project and will be determined by Council Officers. Additional rounds of community consultation led by Council Officers may be undertaken prior to the subject/theme or location being determined if considered necessary.

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PUBLIC ART POLICY (cont'd)

Temporary/ephemeral: Council Officers will determine if community engagement is required for temporary or ephemeral installations/projects, considering the subject/theme, location, and timeframe of the work.

5. Strategic Alignment

The development of a Public Art Policy is an action listed in the Arts and Culture Strategy, which itself aligns to the Council Plan.

1. A welcoming and inclusive place	The Arts and Culture Strategy 2020 - 2026 supports the delivery of <i>Pillar 1: A welcoming and Inclusive Place</i> of the Moira Shire Council Plan 2021 – 2025, but particularly 1.02 <i>Our artistic, cultural programs and services will promote inclusiveness, social wellbeing and reflect the needs and values of communities.</i>
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6. Internal & External Engagement

Internal	Community Wellbeing; Governance; Economic Development; Parks, Recreation and Facilities; Assets; Insurance; Tourism; Communications and Engagement; Building; Planning	Before endorsement in draft form, the Public Art Policy and Guidelines were distributed to teams throughout Council for input. Feedback provided shaped sections of the policy and guidelines.
	ELT and Council Briefing	Before endorsement in draft form, the Public Art Policy and Guidelines were presented at ELT and Council Briefing. Feedback provided changed sections of the policy and guidelines.
External	Moira Matters	Six comments were submitted via Moira Matters – Council’s community engagement platform.
	Community Drop-In Sessions	Four community drop-in sessions were promoted and held across the shire at Yarrowonga Library, Cobram Library, Numurkah Library and Nathalia Library. Five people attended.
	Moira Creative Arts Hubs Network	25 members of the Moira Creative Arts Hubs Network, as well as the Moira Hubs Development Manager (Regional Arts Victoria), were directly consulted.

7. Budget / Financial Considerations

None, although some public art projects may be funded through Council funding streams.

8. Risk & Mitigation

The Public Art Policy and Guidelines aim to provide a coordinated approach to the approval of public art projects on Council owned or managed assets, or projects on private property that are fully or partially funded through a Council funding stream. Having clearly defined selection criteria and the obligations of Council specified in this policy will enable a streamlined assessment process, reducing the risk of discrepancies in assessment outcomes.

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PUBLIC ART POLICY (cont'd)

9. Conclusion

After a period of community consultation, feedback reflected a need for some minor amendments to the Public Art Guidelines. With these changes having been made, it is now recommended that Council adopt the Public Art Policy and Guidelines.

Attachments

- 1 Public Art Policy
- 2 Public Art Guidelines

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ITEM NO: 10.3.1
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DANA SHARP)
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WILLIAMS)

PUBLIC ART POLICY (cont'd)

ATTACHMENT No [1] - Public Art Policy

Moira Shire Council
Public Art Policy

Policy type	Council
Version Number	1
Responsible Director	Director Community
Responsible Officer	Manager Community Wellbeing
Date endorsed by ELT	
Date adopted by Council	
Scheduled for review	This Policy will be reviewed four years from the date of adoption, or sooner if required.



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PUBLIC ART POLICY (cont'd)

ATTACHMENT No [1] - Public Art Policy

PURPOSE

The purpose of this Policy is to support the ongoing development of a vibrant arts sector in the Moira Shire in accordance with Moira Shire Council's Arts and Culture Strategy.

This Policy should be read in conjunction with the Public Art Guidelines.

SCOPE

The Policy relates to Public Art which is developed, purchased, commissioned or maintained by Moira Shire Council (Council) on a Council owned or managed asset. This Policy may also apply to Public Art on privately owned property if the artwork is partially or fully funded by Council through a grant or funding stream.

DEFINITIONS

Term	Definition
Public Art	<p>Public Art, in this context, refers to the principle of improving the environment through the arts. Included within this concept is the practice of involving artists in the conception, development and transformation of a public space. The term usually refers to contemporary art practice that occurs outside the traditional gallery or museum system.</p> <p>In the built environment, Public Art can also involve a highly diverse range of design elements integrated in the built environment. Examples of Public Art range from seating and wall treatment to landscape and building design.</p>

water

POLICY STATEMENT

Council is committed to maintaining a professional and well-managed process for the inception, coordination and management of Public Art in Moira Shire including its funding, commissioning, installation, maintenance and decommissioning (and deaccessioning where relevant) and the role of community engagement within these processes.

This Policy contributes to delivering the vision of Council's Arts and Culture Strategy by:

- encouraging artistic and cultural interaction in public places within Moira Shire;
- acknowledging the fundamental value of arts and culture as a cornerstone of a healthy community;
- providing a coordinated approach to Public Art resulting in a range of accessible Public Art (both temporary and permanent) locations/trails; and
- utilising Public Art commissioning where possible, to encourage creative industry development and reinforce cultural tourism within the Moira Shire.

As part of our commitment, Council will:

- encourage art installation in public open spaces;
- articulate the principles Council and the community seek to express through Public Art;
- assist with required community consultation in relation to Public Art; and
- provide direction and guidance that will support the development of Public Art in the Moira Shire.

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PUBLIC ART POLICY (cont'd)

ATTACHMENT No [1] - Public Art Policy

The Public Art Guidelines will:

- provide guidance on the governance of funding, acquisition, management and disposal of Public Art;
- provide guidance for Public Art selection processes, location/display of Public Art and maintenance of Public Art; and
- provide guidance for assessing donations, bequests and memorials.

Selection Criteria

When considering the acquisition or installation of a public artwork selection, the following are taken into account:

- relevance to the objectives and actions in Council's Strategies, Plans and Policies including Council's Art and Culture Strategy;
- relevance to the principles of the Public Art Policy;
- artistic merit of the work;
- relevance and appropriateness of the work to the site and/or community identity;
- consideration of controversial, political or offensive themes;
- community views as determined through the application and/or consultation process if required;
- consistency with current planning, heritage and environmental policies where relevant;
- compliance with Occupational Health and Safety and public access;
- consideration of maintenance and durability requirements;
- evidence of funding source and budget including an allocation for ongoing maintenance, if needed;
- non-duplication of monuments commemorating the same or similar events; and
- any Council policies which may be relevant such as the Gift Benefit and Hospitality Policy and Memorials and Plaques Policy.

Ownership

All artworks commissioned on a Council asset, unless specially agreed otherwise, become the property of Council for insurance and asset management purposes. All projects undertaken within the scope of the Public Art Policy and Guidelines must proceed on this basis and appropriate applications must be completed.

Maintenance

Maintenance of Public Art on a Council asset is the responsibility of Council. The level to which Public Art is maintained will be at the discretion of Council in line with the Council maintenance program. The requirements for maintenance, conservation or restoration are to be included in all proposals for future acquisitions.

If an applicant or community member/group wishes to undertake or fund additional maintenance, this will be considered on a case-by-case basis.

Decommissioning and Deaccessioning

At times, works of art in the public domain may become damaged beyond reasonable repair, cease to have public relevance, or the site may be so changed that the work no longer fits or suits the site or is possible on the site. In these cases, Council Officers will consider and advise on the most suitable response.

In the case of works posing a risk to the public, immediate removal may be necessary.

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PUBLIC ART POLICY (cont'd)

ATTACHMENT No [1] - Public Art Policy

MONITORING AND EVALUATION

The Community Development, Arts and Culture team will monitor applications for Public Art, liaising with relevant Council departments to determine the suitability of projects. In cases of non-compliance, the Community Development, Arts and Culture team will report to ELT and/or Council to determine a suitable course of action.

The Moira Shire Council Public Art Database will be updated with new works, maintenance requirements, and other key information that will be utilised to determine the success of the Policy.

This Policy will be reviewed four years from the date of adoption, or sooner if required, in line with the Arts and Culture Strategy.

RELATED LEGISLATION

Local Government Act 2020
Charter of Human Rights and Responsibilities Act 2006
Gender Equality Act 2020

RELATED POLICIES AND PROCEDURES

Arts and Culture Strategy
Memorials and Plaques Policy
Gift, Benefit and Hospitality Policy
Community Strengthening Grants Policy
Community Engagement Policy

REFERENCES

Public Art Guidelines

DOCUMENT REVISIONS

Version	Summary of Changes	Approved by	Date
1	Original Policy adopted	Council	xxx
1.1	Administrative changes made to Policy (details of administrative changes)	xxx	xxx
2	Changes made to original Policy included xxxxxx	Council	xxxx
3	xxxxxx	Council	xxxx
3.1	Administrative changes made to Policy (details of administrative changes)	xxx	xxx

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ITEM NO: 10.3.1
(COMMUNITY DEVELOPMENT OFFICER,
DANA SHARP)
(DIRECTOR COMMUNITY, SCOTT
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PUBLIC ART POLICY (cont'd)

ATTACHMENT No [2] - Public Art Guidelines



**Public Art
Guidelines**

**Approved by Council
xxxxxx 2024**

DRAFT

FILE NO:
1. A WELCOMING AND INCLUSIVE PLACE

ITEM NO: 10.3.1
(COMMUNITY DEVELOPMENT OFFICER,
DANA SHARP)
(DIRECTOR COMMUNITY, SCOTT
WILLIAMS)

PUBLIC ART POLICY (cont'd)

ATTACHMENT No [2] - Public Art Guidelines

Public Art Guidelines



INTRODUCTION

Moirā Shire Council (Council) recognises the role played by Public Art in meeting the strategic objectives and action plan of the Moirā Shire Council Arts and Culture Strategy 2020 – 2026.

The Public Art Policy and Guidelines have been developed to support the ongoing development of a vibrant art sector in accordance with the Strategy by:

- encouraging artistic and cultural interaction in public places within Moirā Shire;
- acknowledging the fundamental value of arts and culture as a cornerstone of a healthy community;
- providing a coordinated approach to Public Art resulting in a range of accessible public art (both temporary and permanent) locations/trails; and
- utilising Public Art commissioning where possible, to encourage creative industry development and reinforce cultural tourism within the Moirā Shire.

SCOPE

These guidelines relate to Public Art which is developed, purchased, commissioned or maintained by Moirā Shire Council on a Council owned or managed asset. These guidelines may also apply to Public Art on privately owned property if the artwork is partially or fully funded by Council through a grant or funding stream.

DEFINITIONS & CONCEPTS

Public Art	<p>Public Art, in this context, refers to the principle of improving the environment through the arts. Included within this concept is the practice of involving artists in the conception, development and transformation of a public space. The term usually refers to contemporary art practice that occurs outside the traditional gallery or museum system.</p> <p>In the built environment, Public Art can also involve a highly diverse range of design elements integrated in the built environment. Examples of Public Art range from seating and wall treatment to landscape and building design.</p>
Public Artwork	<p>Public artwork, being the work itself, can either be permanent, temporary or ephemeral and can vary in regard to size, scope, medium, functionality and location.</p> <p>Public artworks can include performance, installation, site specific work, sculptures, community art, painting, conceptual art, environment and land art, murals, water features, sound art, aerosol art, gateway signage, computer generated, and visually projected artworks.</p> <p>Public artwork can be found in parks and sporting venues, streetscapes, community centres, shopping centres, local government offices or any publicly accessible space.</p>
Sense of Place	<p>A sense of place refers to the way in which Moirā Shire and its surrounding region is defined by residents and visitors. It is important to understand our sense of place in the ongoing creation of meaningful, vibrant public places across the Shire. It is also important to appreciate that there are differing perceptions of place and to seek to represent these diverse constructs of our Shire in developing and valuing our public places. Important considerations in understanding "place" include:</p> <ul style="list-style-type: none"> - Aboriginal Culture and Country; - history; - diversity and unity of community; - surrounding environments and how they are represented;

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PUBLIC ART POLICY (cont'd)

ATTACHMENT No [2] - Public Art Guidelines

Public Art Guidelines



	<ul style="list-style-type: none"> - community vision and aspiration; - the wider identity (shire, regional); - contemporary culture; - urban design and planning; and - the environment, the landscape, the buildings, and the people.
Stakeholders	Artistic and cultural expression relates to all people and as such key stakeholders are broad and include artists, art groups, residents, community groups, developers, philanthropic organisations, government agencies, developers, traders, artistic advisors, funding bodies, the Moira Creative Arts Hubs, any Artistic and Cultural Networks Group and Council Officers.
Master Plan	A Master Plan is a dynamic long-term planning document that provides a conceptual layout to guide future planning and use of a public space. Master Plans should consider scope for Public Art as an integral feature of the public space. This may include reimagining existing geographical or natural features i.e. Murray the Pelican, or discretely designed artworks. Generally speaking, all Master Plans include a phase of public consultation and this consultation should include consideration of Public Art.

GUIDELINES

1. Initiating Public Art

Public Art can originate via a range of mechanisms including:

- a. development of Council strategic documents and Master Plans (including via public consultation development of these documents);
- b. direct requests from the community;
- c. requests to install public artworks funded locally or through sponsored art programs (eg. Artists in Residence);
- d. requests for funding either through Council's Community Strengthening Grants or budget process to support community-led arts projects; and
- e. a request or donation.

2. Applications for Public Art

Community requests (See above 1b, 1c, 1d and/or 1e) for permission to install a piece of Public Art on Council owned or managed asset must be sought through the applicable and appropriate Council process. In each case the request needs to occur in line with the relevant process, and a memorandum of understanding (MOU) may need to be prepared to establish the responsibilities and understandings of parties involved.

If financial support is required, dependent on the amount and available co-contribution, a further application to Council's Community Strengthening Grants or a budget submission as part of Council's Annual Budget process can be made.

The Council lead for delivery of projects will be determined as relevant to the project following its approval and/or funding, if applicable. In the case of Public Art on privately owned property that is partially or fully funded by Council through a grant or funding stream, an MOU will be needed to establish the responsibilities of involved parties.

3. Public Art Funding

Public artwork can be funded through a number of mechanisms such as:

- Council's capital works program - specific allocations as part of the annual capital works program;

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PUBLIC ART POLICY (cont'd)

ATTACHMENT No [2] - Public Art Guidelines

Public Art Guidelines



- partnership and donations - with artists, community groups, developers, philanthropic organisations and government agencies;
- developer-led commissions - Council will encourage private developers to incorporate public art in new residential and commercial developments;
- State and Federal government funding - Council will actively seek funding, either whole or part project costs, from other tiers of government; and
- Council's Community Strengthening Grants Program - Council will encourage the creation of small-scale ephemeral, temporary and permanent public artworks initiated by the community and local artists.

4. Acquiring & Commissioning

Public Art may be acquired or commissioned with Council adoption through:

- a gift or donation – from individual or multiple donors, companies or organisations, artists or makers, through bequests or estates, or via the Australian Government's Cultural Gifts Program;
- transfer or exchange - with another institution or individual;
- commission - for a specific purpose/location, to commemorate an event or acknowledge a person; and
- purchase – with funds from Council, through grants, building/development allowances, nominated budgets, etc., or from third parties, such as foundations, benefactors, through grants, funds from insurance losses relating to another.

5. Ownership of works

All artworks commissioned on a Council asset, unless specially agreed otherwise, become the property of Council for insurance and asset management purposes. All projects undertaken within the scope of our Public Art Policy and Guidelines must proceed on this basis and appropriate applications must be completed.

6. Acquisition and Selection Criteria

Acquiring Public Art in Moira Shire may be made by endorsement of the Executive Leadership Team. The Executive Leadership Team can determine that a recommendation or resolution is needed by Council in certain circumstances, including:

- acceptance of a gift, donation or commission;
- approval of the Community Strengthening Grants projects recommendations;
- endorsement of a site Master Plan;
- approval of the annual Council Budget; and
- the planning approval process.

When considering the acquisition or installation of a public artwork selection, the following are considered:

- relevance to the objectives and actions in Council's Strategies, Plans and Policies including Council's Art and Culture Strategy;
- relevance to the principles of the Public Art Policy;
- artistic merit of the work;
- relevance and appropriateness of the work to the site and/or community identity,
- community views as determined through the application and/or consultation process if required;
- consideration of controversial, political or offensive themes;
- consistency with current planning, heritage and environmental policies where relevant;
- compliance with Occupational Health and Safety and public access;

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PUBLIC ART POLICY (cont'd)

ATTACHMENT No [2] - Public Art Guidelines

Public Art Guidelines



- consideration of maintenance and durability requirements;
- evidence of funding source and budget including an allocation for ongoing maintenance, if needed;
- non-duplication of monuments commemorating the same or similar events; and
- any Council policies which may be relevant such as the Gift Benefit and Hospitality Policy and Memorials and Plaques Policy.

The following will also be considered if relevant:

- State, Federal and Peak Advisory Body Policies (eg. VIC Roads Policies and Road Safety Reports, Cultural Heritage Significance Guidelines, Register of War Memorials and Monuments);
- evidence of sustainable design practices;
- presence of the artist/s unique connection to Moira Shire; and
- works by professional artists that depict Moira Shire and are of state, national or international significance.

7. Key factors for siting Public Art

The selection of potential sites for art works and their specific placement within a site should include due consideration of a number of factors. These factors include, but are not limited to:

- acknowledgement of a sense of place;
- the artist view in collaboration with Council Officers and/or Council if appropriate;
- constraints on size, placement, materials, form and subject matter;
- public safety;
- opportunity for tampering and vandalism;
- long term management and maintenance, including expectations of all stakeholders, resources and costs;
- surrounding environment and access including; pathways, entrances, existing elements, disabled access, plantings, and other Council overlays and requirements;
- heritage (including Cultural Heritage); and
- any requirements from other bodies (VicRoads/RSL).

8. Maintenance, Conservation and Restoration

Maintenance of Public Art on a Council asset is the responsibility of Council. The level to which Public Art is maintained will be at the discretion of Council in line with Council's maintenance program. The requirements for maintenance, conservation or restoration are to be included in all proposals for future acquisitions.

If an applicant or community member/group wishes to undertake or fund additional maintenance, this will be considered on a case-by-case basis and can be factored into an MOU. In the case of Public Art on privately owned property that is partially or fully funded by Council through a grant or funding stream, maintenance will be the responsibility of the applicant, unless decided otherwise.

A survey of the condition of all Public Art on the Shire's inventory will be undertaken annually, which will include a determination of further maintenance and/or conservation or restoration that is required.

9. Copyright

Council, through these guidelines, will adhere to Part IX of the Commonwealth *Copyright Act 1968* (and any subsequent amendments) which provide for comprehensive moral rights protection in Australia. The legislation provides creators with three rights:

- the right of attribution of authorship;

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PUBLIC ART POLICY (cont'd)

ATTACHMENT No [2] - Public Art Guidelines

Public Art Guidelines



- the right against false attribution; and
- the right of integrity of authorship.

Moral rights last for the same time as copyright duration, the term of which is usually 70 years after the calendar year in which the creator of the work died. Unlike copyright, moral rights are personal property and cannot be transferred. The public artworks will be, unless anonymity is specifically requested by the artist in writing:

- labelled in full view with the following information as a minimum requirement;
- artist's name, title of the artwork, date of the work, medium and as appropriate, the name of the donor;
- not be displayed so as to be obscured or altered without written permission of the artist; and
- not be displayed if it is in disrepair.

10. Decommissioning and Deaccessioning

At times, works of art in the public domain may become damaged beyond reasonable repair, cease to have public relevance or the site may be so changed that the work no longer fits or suits the site or is possible on the site.

In these cases, Council Officers will consider the following options and advise Council on the most suitable response:

- relocation of a work to a more suitable site;
- offer to return to donors or artists, subject to cost agreement;
- donation of work to a school or other public utility;
- sale of work, with funds raised used for other public art projects; and
- destruction of artworks (last resort if the above options cannot be achieved).

In the case of works posing a risk to the public, immediate removal may be necessary.

11. Role of the Moirra Creative Arts Hubs Network

Council's decisions on Public Art projects will be informed, when required, in consultation with the Moirra Creative Hubs Network group. Council staff who can provide advice on strategic planning, tourism, asset management, engineering, maintenance and environmental consideration will provide additional expertise, as required.

12. Community Engagement

The success of many Public Art projects comes from community participation. Some Public Art projects can allow opportunities for community members to be involved at varying levels of inclusion and to contribute positively to Public Art outcomes.

Community consultation can be an integral part in deciding the subject/theme or location of Public Art projects and will be required ahead of an application for a permanent installation being lodged. The amount of community engagement necessary will differ from project to project and will be determined by Council Officers. Additional rounds of community consultation led by Council Officers may be undertaken prior to the subject/theme or location being determined if considered necessary.

Council Officers will determine if community engagement is required for temporary or ephemeral installations/projects, considering the subject/theme, location, and timeframe of the work.

FILE NO:
1. A WELCOMING AND INCLUSIVE PLACE

ITEM NO: 10.3.1
(COMMUNITY DEVELOPMENT OFFICER,
DANA SHARP)
(DIRECTOR COMMUNITY, SCOTT
WILLIAMS)

PUBLIC ART POLICY (cont'd)

ATTACHMENT No [2] - Public Art Guidelines

Public Art Guidelines



13. Public Artwork in relation to other property

Council is responsible for the planning strategies that guide future developments in the Shire. It develops strategies and policies to ensure the conservation and enhancement of Moira's high-quality town and rural environments. These planning strategies and policies may affect the entire Shire or be specific to key sites or areas in order to encourage appropriate planning outcomes throughout the Shire.

There may be opportunities for the Council to encourage and assist private developers to incorporate Public Art in the areas that are accessible to the public and appropriate for such uses (See section 6). Council's role in this will be determined as applicable to the situation on a case-by-case basis.

REVIEW OF GUIDELINES

These guidelines will be reviewed four years from the date of adoption, or sooner if required.

RELATED LEGISLATION

Local Government Act 2020

Charter of Human Rights and Responsibilities Act 2006

Copyright Act 1968

REFERENCES

Arts and Culture Strategy

Memorials and Plaques Policy

Gift, Benefit and Hospitality Policy

Community Strengthening Grants Policy

Community Engagement Policy

DRAFT

FILE NO: F1483
2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 10.3.2
(TOURISM DEVELOPMENT OFFICER,
LOUISE MUNK KLINT)
(DIRECTOR COMMUNITY, SCOTT
WILLIAMS)

FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING THOMPSONS BEACH, COBRAM

Recommendation

That Council:

1. Endorse the project plan for the project titled *Activating Thompsons Beach, Cobram: Precinct masterplan and a multi-purpose building feasibility study, market testing and business case*;
2. Approve the allocation of \$77,000 contribution from Council's budget split over the 2024/25 and 2025/26 financial years, as part of our commitment to the project; and
3. Approve an application to be submitted for the Enabling Tourism Fund for the project for a funding allocation of \$308,000.
4. Commit to deliver the project by 30 December 2025 should Council be successful in the grant application

1. Executive Summary

The Enabling Tourism Fund (ETF) 2024, issued by the Victorian Government, aims to bolster tourism projects towards investment-readiness, focusing on planning activities such as feasibility studies, master planning, and design. This investment is designed to enhance Victoria's tourism infrastructure, aligning with the strategic vision of "Experience Victoria 2033" to foster a robust pipeline of tourism experiences and accommodations.

With a focus on First Peoples-led experiences, wellness, arts and culture, food and drink, and nature, the fund seeks to attract more visitors and create employment opportunities across the state, leveraging private sector investment to support public tourism infrastructure.

The project *Activating Thompsons Beach, Cobram* aligns to local, regional, state and federal strategies and is a priority project of the Goulburn Regional Partnership.

Council officers have prepared a project plan and a funding application for the Enabling Tourism Fund for the development of a Thompsons Beach precinct masterplan and multi-purpose building feasibility study, market testing and business case.

The maximum amount available under this fund is \$500,000. For every \$1 of Council contribution, the EFT will contribute \$4. Council officers seek co-contribution from the Council budget of \$77,000 over a two year period to support the grant amount requested of \$308,000 to deliver this \$385,000 project. The project has to be completed by 30 December 2025.

2. Conflict of interest declaration

Nil conflict of interest.

3. Background & Context

Thompsons Beach, also known as Kennedy Park located in Cobram, is a cherished public space, recognised for its natural beauty and recreational potential. Managed across different jurisdictions, the area's governance involves Moira Shire, Berrigan Shire, Parks Victoria, and as the landowner DEECA, each overseeing different portions of the land. Historically, the management approach has been more inclined towards asset maintenance rather than unlocking the full potential of the area or enhancing its environmental conservation.

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2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 10.3.2
(TOURISM DEVELOPMENT OFFICER,
LOUISE MUNK KLINT)
(DIRECTOR COMMUNITY, SCOTT
WILLIAMS)

FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING THOMPSONS BEACH, COBRAM (cont'd)

In recent years, the beach's prominence and appeal have been acknowledged on national scales, with Tourism Australia naming it the 12th best beach in Australia and Trip Advisor highlighting it as the "Biggest inland beach in Australia." Such recognitions underscore the beach's significance to both locals and visitors, who treasure the natural experience it provides.

The call for development is supported by several key stakeholders like the Cobram Barooga Business and Tourism Development Inc. (CBBT) and the Murray Regional Tourism's Local Area Plan, reflecting a community and regional aspiration to elevate the area's offerings.

Reflective of this vision, in September 2022, a collaborative funding effort saw the revitalisation of the original 2012 masterplan, featuring the addition of inclusive facilities and recreational infrastructure, marking a step towards realising the area's full potential and safeguarding its natural environment. This initiative represents a strategic pivot from traditional asset management towards a broader developmental approach aimed at enhancing Thompsons Beach's appeal and accessibility.

In February 2023, an important on-site meeting was convened, bringing together Moira Shire Council staff and the Goulburn Regional Partnership. This assembly underscored the collective dedication towards the revitalisation of Thompsons Beach, establishing it as a pivotal area of focus for the Partnership and by extension the region.

In October 2023, Council engaged a grant writing specialist to help develop an initiative and subsequently a submission for the federal Regional Precincts and Partnership Program which sought \$950,000 to develop a precinct plan for Thompsons Beach. The submission was aimed at untangling the complex agency and stakeholder interests that have long since locked the site. Signature events and functions held at Thompsons Beach are no longer possible, detrimentally impacting our tourism offering.

That initiative proposes a partnership model to address the complex stakeholder management of the site, combined with a precinct plan and the next masterplan for Kennedy Park. Council is waiting for advice of the outcome of that submission.

Initially, Council staff had reservations about developing a proposal under the ETF due to significant resources already dedicated to the grant submission under the Regional Precincts and Partnerships Program (RPPP) in late 2023. However, persistent advocacy from the CBBT to capitalise on the funding opportunity under the ETF for the same project prompted further consideration.

This led to the exploration of submitting a grant for a business case, market testing and feasibility study for the existing infrastructure (café building) at Thompsons Beach. This strategic pivot allowed Council officers to address the CBBT's concerns without redundancy in effort and to prepare a project outline essential for future development, regardless of the outcome with the RPPP funding. With the outcome of the RPPP still unknown the project has incorporated a precinct masterplan to ensure the project can be delivered as a standalone project should Council be unsuccessful in the RPPP funding application.

The timing of these events has not neatly aligned with Councils internal budget cycle, therefore putting the request for Council budget out of sync with this investment opportunity.

FILE NO: F1483
2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 10.3.2
(TOURISM DEVELOPMENT OFFICER,
LOUISE MUNK KLINT)
(DIRECTOR COMMUNITY, SCOTT
WILLIAMS)

FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING THOMPSONS BEACH, COBRAM (cont'd)

The CBBT has presented to Council staff a high-level concept for the desired structure at Thompsons Beach, yet in the absence of comprehensive investigative work, Council lacks insight into community preferences or feasibility as assessed by expert studies.

The proposed project titled 'Activating Thompsons Beach, Cobram' entails the development of a precinct masterplan, a multipurpose building feasibility study, market testing and business case, aiming to fill this gap by gathering detailed information on stakeholder and community aspirations for the site. Additionally, this business case will delve into the financial aspects of the proposed building, aspects that remain unquantified to date. This approach ensures Council is well-informed and poised to make decisions that align with both community desires and practical feasibility.

4. Issues

The current master plan is outdated. A new master plan for the Thompsons Beach precinct will outline the current and proposed integration and quality of buildings, green spaces, landscaping, roads, tracks, car parks, utilities, infrastructure, street furniture and signage to enhance the overall user experience. A new precinct master plan will embody the collective vision and values for the Thompsons Beach precinct into the future.

The current building has several issues associated with it, including:

- Kiosk
 - Over the past five years, the Beach Café Kiosk has had multiple operators. It has opened and closed due to Covid, flooding in 2016 and 2022 and for financial reasons. As a result of these impacts drastic upgrades are required to protect the space and retain future tenants.
- Storage
 - The limited storage space available at the Kiosk has led to the placement of the rubbish bins within a former caretaker's yard. This yard is visually unappealing and during hot weather it emits unpleasant odours that attract flies, affecting the café's atmosphere.
- Amenities
 - The amenities are outdated and will not be able to meet the expected future demand once the Murray River Adventure Trail is launched.
- Design
 - The current building detracts from the natural aesthetics and harmony of the surroundings and is not well suited for outdoor dining at current. It furthermore acts as a barrier to the beach when visitors first arrive to the destination.

This project (see project plan) will progress the concept of a multi-purpose building at Thompsons Beach towards an investment-ready project by providing a precinct master plan, evidence-based recommendations and a roadmap for the successful development of a suitable and viable solution for the construction of a multi-purpose building at Thompsons Beach, contributing to the enhancement of the overall visitor experience in Cobram.

FILE NO: F1483
2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 10.3.2
(TOURISM DEVELOPMENT OFFICER,
LOUISE MUNK KLINT)
(DIRECTOR COMMUNITY, SCOTT
WILLIAMS)

**FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING
THOMPSONS BEACH, COBRAM (cont'd)**

This project will support Council in securing future funding to deliver on this crucial project and our tourism brand promise of delivering the best spot on the (Murray) River.

5. Strategic Alignment

This strategy relates to several local, regional, state and federal strategies, as outlined in attachment. Below shows the strategic alignment of this project with the Moira Shire Council plan.

FILE NO: F1483
2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 10.3.2
(TOURISM DEVELOPMENT OFFICER,
LOUISE MUNK KLINT)
(DIRECTOR COMMUNITY, SCOTT
WILLIAMS)

FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING THOMPSONS BEACH, COBRAM (cont'd)

Council Plan

Pillar 1: A welcoming and inclusive place

- 1.02 – Our artistic, cultural programs and services will promote inclusiveness, social wellbeing and reflect the needs and values of communities;
- 1.03 – We will empower communities to craft their own vision of the future and support their efforts to be more resilient;
- 1.04 – We value and respect the culture of our traditional owners;
- 1.05 – We will value and recognise the history and heritage of our towns and buildings;
- 1.06 – Recreation, sports facilities, programs and services respond to our diverse and emerging community needs; and
- 1.07 – We promote the health and wellbeing of our communities.

Pillar 2: A diverse and dynamic economy

- 2.01 - We support new and existing businesses to grow and prosper;
- 2.02 - We identify and provide shovel-ready projects in order to respond promptly to funding opportunities;
- 2.03 - We develop and promote year-round tourism products, services, and destinations; and
- 2.05 - We plan for sustainable development and growth which balances economic, environmental and social considerations.

Pillar 4: Customer focused and responsive

- Pillar 3: A clean green environment 3.03 – We will achieve excellence and best practice in waste management;
- 3.05 – We will adapt and advocate for climate change and identify and respond to environmental challenges; and
- 3.07 – We will work with floodplain management partners to improve the flood resilience of the catchment’s people, infrastructure, land, water and biodiversity.
- 4.01 – The customer will be at the centre of Council’s focus; and
- 4.06 – To provide, renew and maintain a diverse network of assets that are safe, efficient and accessible.

Pillar 5: Transparent and accountable governance

- 5.01 – Our decisions will be evidence-based, financially viable, and for the longer term; and
- 5.06 – We will strive to provide a safe, compliant, and well-planned built environment based on a sound strategic platform.

6. Internal & External Engagement

Engagement (who did you engage with?)

Internal	Lonnie O’Dwyer, Senior Economic Officer Louise Munk Klint, Tourism Development Coordinator Jessica Bollen, Grants Officer Scott Williams, Director Community Adele Leatham, Project Coordinator, Parks,	Feedback Involved in the scope of the project and leads the relationship with CBBT Project owner, lead in project scope and development, writer of the business case and SME for the grant Supports the development of the project scope, extracts the SME information for the grant Project Sponsor Supportive of project and keen to be involved in project management team
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FILE NO: F1483
2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 10.3.2
(TOURISM DEVELOPMENT OFFICER,
LOUISE MUNK KLINT)
(DIRECTOR COMMUNITY, SCOTT
WILLIAMS)

FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING THOMPSONS BEACH, COBRAM (cont'd)

External	Recreation and Facilities Tony Tranter, CBBT board member representative	Pushed for Council to submit an application for 'Activating Thompsons Beach, Cobram' under the Enabling Tourism Fund Letter of support has been provided
	Berrigan Shire Barooga Sports Club	Have provided letter of support for the project Lessee of the kiosk Letter of support has been provided
	Cameron Sutton, Murray Regional Tourism Mike Ruzzene, Urban Enterprise	Supportive of Council submitting Has been led the development of several tourism plans and strategies for the Murray Region and is happy to be involved. Submitted a quote
	Julie Slifirski, Urbis	Excited about the potential of this project, they specialise in the interface of water and climate. Has submitted a quote
	Malcolm Spence, Ethos Urban	Believes this is a substantial project. Have submitted a rough fee estimate.

A number of letters of support have also been attached showing local support for this project and Council applying for the ETF for this project.

7. Budget / Financial Considerations

The ETF has a ratio of 4:1. In other words, for every \$1 of Council contribution, the ETF will contribute \$4. The maximum amount available under this fund is \$500,000.

Council officers seek co-contribution from the Council budget of \$77,000 to support the grant amount requested of \$308,000 to deliver this \$385,000 project.

Three quotes have been sought varying from \$150,564 plus GST through to \$350,000. The project has been based on the highest quote with an added contingency of 10 per cent.

8. Risk & Mitigation

Risk

Financial

Mitigation

While this report seeks support from Council of Council budget of \$77,000 over 2 years (2024/25 and 2025/26), a possible mitigation is the proposal to utilise the remaining \$70,000 from a grant previously allocated by Council to the CBBT in 2022. That grant was intended to support development activities at Thompsons Beach. This approach not only optimises the use of existing funds but also ensures that the project maintains momentum without necessitating additional immediate financial resources from Council's budget. These funds will only be available should the RPPP grant be unsuccessful.

Economic (regional context or broader economic impact)

This project will identify the economic outcomes of Activating Thompsons Beach, but the project has the ability once implemented to attract more visitors, increase visitor

FILE NO: F1483
2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 10.3.2
(TOURISM DEVELOPMENT OFFICER,
LOUISE MUNK KLINT)
(DIRECTOR COMMUNITY, SCOTT
WILLIAMS)

**FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING
THOMPSONS BEACH, COBRAM (cont'd)**

Environmental	spend and dispersal, encourage return visitation and create jobs. The business case for a multi-purpose building at Thompsons Beach will identify the potential uses of the building and identify improvements in waste management and energy management. The business case will also highlight how a multi-purpose building can become an incredibly special place that speak to the environmental features and become a truly relatable space.
Reputational	As our population is increasing and more visitors are enjoying our beaches the current café is unsuitable as an ongoing business investment as many upgrades are required including toilets, power, cool rooms prep areas and storage.
Legislative Compliance	Council is the Committee of Management for the beach and the Landlord of the café, Council needs to provide the lease with an operational facility otherwise the building may become untenable and not provide the community with the services it currently offers

A risk management assessment (Content Manager reference D24/16380) has also been developed for the project and will be updated should Council be successful in the ETF application.

9. Conclusion

The proposed engagement with the ETF represents a strategic opportunity for Moira Shire Council to further activate Thompsons Beach with the vision of it becoming a flagship tourism attraction for our region. Despite the challenges of aligning this initiative with the council's budget cycle, the benefits of conducting a precinct masterplan and developing a multi-purpose building feasibility study, market testing and business case are clear.

Applying for this fund ensures that Council moves forward with a project that is both reflective of community desires and financially viable. By navigating these complexities, Council can position itself to enhance regional tourism, foster community engagement, and ensure sustainable development at Thompsons Beach.

Attachments

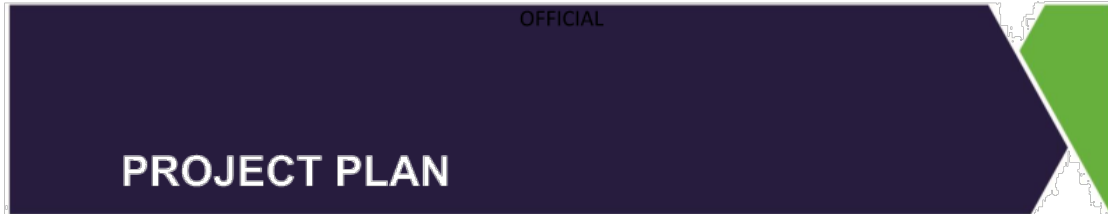
- 1 Project Plan - Activating Thompsons Beach Cobram
- 2 Strategic Alignment - Activating Thompsons Beach Cobram
- 3 Letters of Support - Activating Thompsons Beach, Cobram

FILE NO: F1483
2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 10.3.2
(TOURISM DEVELOPMENT OFFICER,
LOUISE MUNK KLINT)
(DIRECTOR COMMUNITY, SCOTT
WILLIAMS)

**FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING
THOMPSONS BEACH, COBRAM (cont'd)**

ATTACHMENT No [1] - Project Plan - Activating Thompsons Beach Cobram



Contents

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2.1 PROJECT BUDGET	4
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1 Overview

1.1 Purpose of this document

The purpose of this document is to provide details on mandatory documentation to support your application including:

- Project details – project purpose and deliverables
- Budget - provide a project budget, including costs based on quotes.
- Governance – project governance model.
- Stakeholders - identify any stakeholders and how they will be engaged.
- Risks - identify any risks and risk mitigation strategies in relation to the project.
- Timelines – provide an accurate Activity schedule (timelines) for the project.

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2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 10.3.2
(TOURISM DEVELOPMENT OFFICER,
LOUISE MUNK KLINT)
(DIRECTOR COMMUNITY, SCOTT
WILLIAMS)

**FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING
THOMPSONS BEACH, COBRAM (cont'd)**

ATTACHMENT No [1] - Project Plan - Activating Thompsons Beach Cobram

OFFICIAL

1.2 Project / Organisation Details

Project Name: Activating Thompson's Beach, Cobram; Precinct masterplan and a multi-purpose building feasibility study, market testing and business case

Project Contact Person: Jessica Bollen, Grants Officer or Louise Munk Klint, Tourism Development Coordinator

Organisation: Moira Shire Council

1.3 Project Objectives

The overall project objectives are to:

- To progress the concept of a multi-purpose building at Thompson's Beach towards an investment-ready project by providing a precinct master plan, evidence-based recommendations and a roadmap for the successful development of such multi-purpose building at Thompson's Beach, contributing to the enhancement of the overall visitor experience in Cobram; addressing individual objectives of
 - Enhancing user access;
 - Improving access during high river levels;
 - Testing the concept of a multi purpose building that meets demand;
 - Further developing Thompson's beach as a stand-alone tourism attraction;
 - Enhancing the future success of securing funding for the construction of a multi purpose building;
 - Providing a premium public/private space and facilities for the community and visitors;
 - Better integrating community and visitor activities; and
 - Developing new visitor experience products and offers that complement the natural surrounds.
- To progress this strategic tourism infrastructure project that will increase visitation, improve the quality of the experience and increase visitor yield and stay by supporting other key regional projects including the Murray River Adventure Trail and the Ports of the Murray initiative, as well as local initiatives such as the Bullanginya Dreaming Laser Light Attraction at Sporties Barooga and the Murray Farm Gate Trail;
- To broaden and strengthen the tourism offering in Cobram and encourage year-round visitation and dispersal;
- To strengthen the current public tourism infrastructure by providing a detailed roadmap for the construction of a multi-purpose building, thereby leveraging and facilitating further private sector investment

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**FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING
THOMPSONS BEACH, COBRAM (cont'd)**

ATTACHMENT No [1] - Project Plan - Activating Thompsons Beach Cobram

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1.4 Project Deliverables

This project has four unique deliverables, which all entail elements of stakeholder engagement in one form or another, with the individual scopes being:

- 1) Masterplan including:
 - a. A conceptual map embodying the collective vision and values for the Thompson's Beach precinct through a consideration of the current and proposed integration and quality of:
 - i. buildings;
 - ii. green spaces;
 - iii. roads and tracks;
 - iv. car parks;
 - v. utilities;
 - vi. infrastructure;
 - vii. street furniture; and
 - viii. signage.
- 2) Feasibility Study including
 - a. an evaluation of the physical site conditions, including environmental factors and infrastructure availability;
 - b. an assessment of the regulatory requirements for construction;
 - c. an analysis of the economic feasibility, including cost estimates for construction, operation, and maintenance; and identification of potential funding sources and financing options.
- 3) Market testing including
 - a. Surveys, focus groups, and interviews to gather input from the community and visitors regarding the desired amenities and services;
 - b. Analysis of market trends and demographic data to understand the target audience and potential user groups; and
 - c. Assessment of the competitive landscape and benchmark against similar facilities in neighbouring destinations.
- 4) Business case including:
 - a. A comprehensive investment case that
 - i. Defines the investment need;
 - ii. Establishes the rationale for the investment;
 - iii. Analyses the options;
 - iv. Estimates the costs; and
 - v. Confirms the preferred solution is deliverable.

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**FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING
THOMPSONS BEACH, COBRAM (cont'd)**

ATTACHMENT No [1] - Project Plan - Activating Thompsons Beach Cobram

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2 Project Budget and Cashflow

2.1 Project Budget

Income <i>(What are the components of the project funding)</i>	Total Budget <i>(Without GST)</i>	Confirmed <i>(Y/N)</i>
Grant funding	\$308,000	N – subject to outcome of this application
Council's cash contribution	\$77,000	Y – see supporting letter from our CEO
Total Income	\$385,000	
Expenditure <i>(What specific activities will be funded as part of the project budget)</i>	Total Budget <i>(Without GST)</i>	Quotes <i>(Y/N)</i>
Precinct Masterplan	[\$insert amount]	Y
Feasibility Study	[\$insert amount]	Y
Market Testing	[\$insert amount]	Y
Business Case	[\$insert amount]	Y
Stakeholder Engagement and Other	[\$insert amount]	Y
Total Project Deliverables	\$350,000	Y
Project Contingency	\$35,000	N
Total Expenditure	\$385,000	

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2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 10.3.2
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FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING THOMPSONS BEACH, COBRAM (cont'd)

ATTACHMENT No [1] - Project Plan - Activating Thompsons Beach Cobram

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3 Governance and decision making

3.1 Governance Structure

Project reports (Key decision maker(s))	Scott Williams, Director, Community (Project Sponsor) – Accountability for achievement of project objectives. Approval of project scope, budget, or schedule variations Dr Louise Munk Klint, Tourism Development Coordinator (Project Owner) - Responsible for the concept and front-end development of the project to handover to Project Manager. Responsible for project oversight, reporting, and achievement of project objectives. Responsible for final sign off and close out of project.
Project Manager (who)	Successful tenderer, with support from Council's Project team – Responsible for the planning, design, and delivery of the project through to close out. Supports project reporting and oversight.
Chairperson	TBC
Administration (Notes and correspondence if not Chair)	Jessica Bollen, Grants Officer Dr Louise Munk Klint, Tourism Development Coordinator
Funding Body representative	Enabling Tourism Fund representative TBC
Project Control Group (PCG) Responsibilities	The PCG will be responsible for planning, implementation and management of the project including approval of tender documents, final draft plans, milestone documents.
PCG Members including funding body representative	Scott Williams (Project sponsor), Director Community – provide executive input and oversight on deliverable and link to the Victorian community and overall project objectives Dr Louise Munk Klint (Project owner), Tourism Development Coordinator – oversee the daily delivery of the project and provide feedback and input into the PCG and others as required Enabling Tourism Fund representative (TBC) – provide funding body input Yorta Yorta Nation Aboriginal Corporation representative (TBC) – provide traditional owner input Berrigan Shire representative (TBC) – Providing link to the New South Wales' community and input on deliverables. Lonnie O'Dwyer, Senior Economic Development Officer – Provide input and advice to the project Jessica Bollen, Grants Officer – Provide support in achieving key milestones and in structuring required data for acquittals
Frequency of PCG Meetings	Monthly

3.2 Team Structure

Council's project management team for this project consists of:

Name	Organisation	Role	Responsibility
Scott Williams (Project sponsor)	Moira Shire Council	Director Community	provide executive input and oversight on deliverable and link to the Victorian community and overall project objectives

FILE NO: F1483
2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 10.3.2
(TOURISM DEVELOPMENT OFFICER,
LOUISE MUNK KLINT)
(DIRECTOR COMMUNITY, SCOTT
WILLIAMS)

FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING THOMPSONS BEACH, COBRAM (cont'd)

ATTACHMENT No [1] - Project Plan - Activating Thompsons Beach Cobram

OFFICIAL

Name	Organisation	Role	Responsibility
Dr Louise Munk Klint (Project owner)	Moira Shire Council	Tourism Development Coordinator	oversee the daily delivery of the project
Jessica Bollen	Moira Shire Council	Grants Officer	Provide support in achieving key milestones and in structuring required data for acquittals
Lonnie O'Dwyer	Moira Shire Council		Provide input and advice to the project
Adele Leatham	Moira Shire Council	Project Coordinator, Parks Recreation and Facilities	Provide input and advice to the project
Lynn Haswell	Moira Shire Council	Economic Development Officer	Provide input and advice to the project

4 Stakeholder Engagement/Communications Plan

Stakeholder	Interest in Project/Activity	Level of engagement	Engagement/ Communication Approach	Frequency
Moira Shire Council's Director Community	Project Sponsor Accountability for achievement of project objectives. Approval of project scope, budget, or schedule variations	Collaborate/Empower Member of Project Control Group	Email and regular updates face to face	Fortnightly or as per request
Moira Shire Council's Tourism Development Coordinator	Project Owner Responsible for the concept and front-end development of the project to handover to Project Manager. Responsible for project oversight, reporting, and achievement of project objectives. Responsible for final sign off and close out of project.	Collaborate/Empower Member of Project Control Group	Email and regular updates face to face	Weekly
Successful tenderer (consultant – TBC)	Project Manager Responsible for the planning, design, and delivery of the project through to close out. Supports project reporting and oversight.	Collaborate/Empower	Email, Phone, Video conferencing and face to face	Fortnightly or as per request

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ITEM NO: 10.3.2
(TOURISM DEVELOPMENT OFFICER,
LOUISE MUNK KLINT)
(DIRECTOR COMMUNITY, SCOTT
WILLIAMS)

FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING THOMPSONS BEACH, COBRAM (cont'd)

ATTACHMENT No [1] - Project Plan - Activating Thompsons Beach Cobram

OFFICIAL

Stakeholder	Interest in Project/Activity	Level of engagement	Engagement/ Communication Approach	Frequency
Moira Shire Council's Communications and Marketing team	Community engagement Responsible for the promotion of the project to the tourism sector and wider community. Website and social media updates, community newsletter articles and social pinpoint engagement.	Collaborate/Empower	Email, Phone, Video conferencing and face to face	Monthly or as per request
Moira Shire Council's Procurement team	Procurement Supports the tender process for the appointment of a suitable consultant	Collaborate/Empower	Email, Phone, Video conferencing and face to face	Monthly or as per request
Moira Shire Council's Parks, Recreation and Facilities team	Ongoing operation Responsible for the upkeep of the building	Collaborate/Empower	Email, Phone, Video conferencing and face to face	Monthly or as per request
Moira Shire Council's Commercial Services team	Future leases and agreements - Responsible for any agreements related to this building, such as leases and committee of management agreements.	Collaborate/Empower	Email, Phone, Video conferencing and face to face	Quarterly or as per request/need
Moira Shire Council's Finance team	Grant and Operational costs - Responsible for the grant acquittal and ongoing operational costs of this building.	Collaborate/Empower	Email, Phone, Video conferencing and face to face	Quarterly or as per request/need
Enabling Tourism Fund (Representative TBC)	Funding obligations - Ensuring funding agreement obligations are met	Collaborate/Empower Member of Project Control Group	Email, Phone, Video conferencing and face to face	Monthly or as per request/need
Barooga Sports Club	Kiosk Lessee - Ensuring the building meets their current and future needs	Involve	Email, Phone, Video conferencing and face to face	Monthly or as per request/need
Yorta Yorta Nation Aboriginal Corporation (YYNAC)	Cultural significance and tourism opportunities	Involve Member of Project Control Group	Email, Phone, Video conferencing and face to face	Monthly or as per request/need
Berrigan Shire	Any direct/in-direct use of the below the water line of Thompson's Beach	Involve Member of Project Control Group	Email, Phone, Video conferencing and face to face	Monthly or as per request/need

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2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 10.3.2
(TOURISM DEVELOPMENT OFFICER,
LOUISE MUNK KLINT)
(DIRECTOR COMMUNITY, SCOTT
WILLIAMS)

**FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING
THOMPSONS BEACH, COBRAM (cont'd)**

ATTACHMENT No [1] - Project Plan - Activating Thompsons Beach Cobram

OFFICIAL

Stakeholder	Interest in Project/Activity	Level of engagement	Engagement/ Communication Approach	Frequency
Department of, Energy, Environment and Climate Action (DEECA)	Works must be in line with intended use of the land and approved by the landowners	Involve	Email, Phone, Video conferencing and face to face	Quarterly or as per request/need
Goulburn-Murray Water (G-MW)	Works must consider the current environment and not create any adverse impact to the site and its surrounds	Involve	Email, Phone, Video conferencing and face to face	Quarterly or as per request/need
Parks Victoria	Works must consider the current environment and not create any adverse impact to the site and its surrounds	Involve	Email, Phone, Video conferencing and face to face	Quarterly or as per request/need
Fisheries	Works must consider the current environment and not create any adverse impact to the site and its surrounds	Consult	Email, Phone, Video conferencing and face to face	Quarterly or as per request/need
Cobram Barooga Canoe Club	Work needs to mee the current and future needs of the club	Involve	Email, Phone, Video conferencing and face to face	Quarterly or as per request/need
Cobram Barooga Angling Club	Work needs to mee the current and future needs of the club	Involve	Email, Phone, Video conferencing and face to face	Quarterly or as per request/need
Cobram Barooga Business and Tourism Development Inc	Works needs to consider the current business environment and enhance Thompson's beach as the unique tourism attraction it already is	Consult	Email, Phone, Video conferencing and face to face	Quarterly or as per request/need
Cobram Barooga residents	Works need to improve access and provide great facilities for residents to use.	Involve	Email, Phone, Video and face to face	Quarterly or as per request/need
Moira Shire residents (other thank Cobram)	Works need to improve access and provide great facilities for residents to use.	Consult	Email, Phone, Video and face to face	Quarterly or as per request/need

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FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING THOMPSONS BEACH, COBRAM (cont'd)

ATTACHMENT No [1] - Project Plan - Activating Thompsons Beach Cobram

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Stakeholder	Interest in Project/Activity	Level of engagement	Engagement/ Communication Approach	Frequency
Event Organisers	Works need to deliver great event infrastructure to meet current and future needs.	Involve	Email, Phone, Video conferencing and face to face	Quarterly or as per request/need
Visitors	Works need to improve access and overall enjoyment of this unique tourism attraction.	Inform	Email, Video, Digital and Social Media	Quarterly or as per request/need

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ATTACHMENT No [1] - Project Plan - Activating Thompsons Beach Cobram

OFFICIAL

5 Activity Schedule (timelines)

What needs to be done? Task <i>List items in the order they will be done</i>	How will you do it? <i>Add individual steps as required</i>	Who is responsible?	Anticipated start date	Anticipated completion date	Status
1. Confirm funding	Sign contract	Project Sponsor / Project Owner	August 2024	August 2024	Not started
2. Establish Project Control Group	Identify and invite representatives and establish terms of reference	Project Owner	August 2024	August 2024	Not started
3. Finalise Project Plan	Reconfirm project parameters including scope, milestones, budgets, risks, constraints, opportunities and overarching communication plan	Project Owner	August 2024	August 2024	Not started
4. Develop detailed consultant's brief	Compile detail brief for consultants with all the relevant information around the site	Project Owner	August 2024	August 2024	Not started
5. Develop RFQ/RFT	Complete RFQ/RFT specification package Advertise RFQ/RFT	Project Owner / Procurement team	August 2024	September 2023	Not started
6. Evaluate quotes/tenders	Evaluate responses Conduct interview Write Council reports	Project Owner/ Project Management Team	September 2024	October 2024	Not started
7. Appoint successful tenderer	RFQ/RFT evaluation report to Council Contract awarded	Project Owner	October 2024	November 2024	Not started
8. Inception Meeting with consultant	Face to face/ video conferencing meeting	Project Delivery Team	November 2024	November 2024	Not started
9. Provide information to consultants	Sharing of GIS, plans, strategies and stakeholder information	Project Owner	November 2024	November 2024	Not started

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FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING THOMPSONS BEACH, COBRAM (cont'd)

ATTACHMENT No [1] - Project Plan - Activating Thompsons Beach Cobram

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What needs to be done? Task <i>List items in the order they will be done</i>	How will you do it? <i>Add individual steps as required</i>	Who is responsible?	Anticipated start date	Anticipated completion date	Status
10 Primary market research	Development and distribution of survey, interview, focus groups	Project Owner / Project Manager	December 2024	January 2025	Not started
11 Stakeholder engagement	Meetings, site visits, drop in sessions, social pin-point community engagement	Project Management Team / Project Manager	December 2024	January 2025	Not started
12 Grant Progress report	Milestone report/progress update	Project Owner	December 2024	December 2024	Not started
13 Development of draft precinct master plan	Background research, data analysis, report	Project Management Team / Project Manager	February 2025	March 2025	Not started
14 Review draft, precinct master plan	Review by PCG and comments/feedback received	Project Control Group	March 2025	April 2025	Not started
15 Council adopts draft precinct masterplan for community feedback	Final draft masterplan Council report Council meeting	Project Owner / Project Manager	April 2025	April 2025	Not started
16 Masterplan community and stakeholder engagement	Meetings and social pinpoint	Project Management Team / Project Manager	April 2025	May 2025	Not started
17 Council adopts final Masterplan	Evaluate feedback received and incorporate where possible Council report Council meeting	Project Management Team / Project Manager	May 2025	June 2025	Not started
18 Grant Progress report	Milestone report/progress update	Project Owner	June 2025	June 2025	Not started

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FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING THOMPSONS BEACH, COBRAM (cont'd)

ATTACHMENT No [1] - Project Plan - Activating Thompsons Beach Cobram

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What needs to be done? Task <i>List items in the order they will be done</i>	How will you do it? <i>Add individual steps as required</i>	Who is responsible?	Anticipated start date	Anticipated completion date	Status
19 Development of draft feasibility study	Background research, data analysis, report	Project Management Team / Project Manager	April 2025	May 2025	Not started
20 Review of draft feasibility study	Review by PCG and comments/feedback received	Project Control Group	May 2025	June 2025	Not started
21 Council adopts final draft feasibility study	Evaluate feedback received and incorporate where possible Council report Council meeting	Project Owner / Project Manager	June 2025	June 2025	Not started
22 Feasibility study community and stakeholder engagement	Meetings and social pinpoint	Project Management Team / Project Manager	July 2025	August 2025	Not started
23 Council adopts final feasibility study	Evaluate feedback received and incorporate where possible Council report Council meeting	Project Owner / Project Manager	August 2025	August 2025	Not started
24 Development of draft business case	Background research, data analysis, report	Project Management Team / Project Manager	August 2025	September 2025	Not started
25 Review of draft business case	Review by PCG and comments/feedback received	PCG	September 2025	September 2025	Not started
26 Council adopts final draft business case	Final draft business case Council report Council meeting	Project Owner / Project Manager	September 2025	October 2025	Not started

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FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING THOMPSONS BEACH, COBRAM (cont'd)

ATTACHMENT No [1] - Project Plan - Activating Thompsons Beach Cobram

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What needs to be done? Task <i>List items in the order they will be done</i>	How will you do it? <i>Add individual steps as required</i>	Who is responsible?	Anticipated start date	Anticipated completion date	Status
27 Business case community and stakeholder engagement	Meetings and social pinpoint	Project Management Team / Project Manager	October 2025	November 2025	Not started
28 Council adopts final business case	Evaluate feedback received and incorporate where possible – Final business case Council report Council meeting	Project Owner / Project Manager	December 2025	December 2025	Not started
29 Grant Acquittal	Completion report	Project Owner	December 2025	December 2025	Not started

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ATTACHMENT No [1] - Project Plan - Activating Thompsons Beach Cobram

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6 Risk Management Plan

The following provide an overview of the most significant risks, a detailed project risk assessment is included in the supporting documentation.

Risk <i>Description of the Risk</i>	Risk Consequence <i>High level description</i>	Risk Consequence Rating <i>Insignificant, Minor, Moderate, Major</i>	Likelihood of risk occurring <i>Likely, Possible, Unlikely, Rare</i>	Mitigation Strategy <i>How will the risk be managed?</i>
1. Failure to deliver on time	Reputational damage/complaints	Minor	Possible	Project management / Appropriate staff resources Ensure deadlines are met or extension sought, communication if delays
2. Grants for project not received	Project does not proceed	Moderate	Unlikely	Project management / Appropriate staff resources Ensure grant application meets the grant outcomes, priorities, objectives and criteria
3. Project Scope Creep	Project cannot be delivered to the standard originally envisaged, or further funding required to deliver	Major	Unlikely	Project management / Appropriate staff resources Project Control Group (PCG) oversight and executive reviews in Project Management Plan and project status; any scope changes to be approved by PCG
4. Failure to meet procurement guidelines	Reputational damage/complaints	Moderate	Rare	Procurement guidelines and policy; Approval processes Ensure appropriate level of approval of procurement processes
5. Design does not fit into the landscape	Reputational damage/complaints	Moderate	Unlikely	Communications management Market testing and artist impressions, feasibility and concept design and business case
6. Unidentified underground services are impacted by works or require relocation	Schedule and cost overruns	Moderate	Unlikely	Desktop and site analysis Underground Services location; Precinct masterplan; Services Design
7. High ongoing operational costs	Feasibility of the building	Moderate	Unlikely	Desktop and site analysis Detailed specifications; Feasibility study and market testing

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ATTACHMENT No [1] - Project Plan - Activating Thompsons Beach Cobram

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7 Procurement Strategy and Plan

Description of activity or service <i>List items in the order they will be requested or ordered</i>	Contractor	Date of request or order	Requested or ordered by	Special notes	Anticipated delivery date	Status <i>Delivered / In progress / Yet to be contracted</i>
1. Precinct master plan	Successful tenderer TBC	September/October 2024	Project Sponsor	Select tender, Availability of consultants, Contract	June 2025	Yet to be contracted
2. Feasibility study	Successful tenderer TBC	September/October 2024	Project Sponsor	Select tender, Availability of consultants, Contract	June 2025	Yet to be contracted
3. Market testing	Successful tenderer TBC	September/October 2024	Project Sponsor	Select tender, Availability of consultants, Contract	January 2025	Yet to be contracted
4. Business case	Successful tenderer TBC	September/October 2024	Project Sponsor	Select tender, Availability of consultants, Contract	December 2025	Yet to be contracted
5. Stakeholder engagement and other	Successful tenderer TBC	September/October 2024	Project Sponsor	Select tender, Availability of consultants, Contract	December 2025	Yet to be contracted

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FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING THOMPSONS BEACH, COBRAM (cont'd)

ATTACHMENT No [2] - Strategic Alignment - Activating Thompsons Beach Cobram

Strategic Alignment

Activating Thompson's Beach, Cobram

LOCAL:

Moira Shire Council Plan 2021-2025

- Pillar 1: A welcoming and inclusive place
 - 1.02 – Our artistic, cultural programs and services will promote inclusiveness, social wellbeing and reflect the needs and values of communities;
 - 1.03 – We will empower communities to craft their own vision of the future and support their efforts to be more resilient;
 - 1.04 – We value and respect the culture of our traditional owners;
 - 1.05 – We will value and recognise the history and heritage of our towns and buildings;
 - 1.06 – Recreation, sports facilities, programs and services respond to our diverse and emerging community needs; and
 - 1.07 – We promote the health and wellbeing of our communities.
- Pillar 2: A diverse and dynamic economy
 - 2.01 - We support new and existing businesses to grow and prosper;
 - 2.02 - We identify and provide shovel-ready projects in order to respond promptly to funding opportunities;
 - 2.03 - We develop and promote year-round tourism products, services, and destinations; and
 - 2.05 - We plan for sustainable development and growth which balances economic, environmental and social considerations.
- Pillar 3: A clean green environment
 - 3.02 – We will be an environmentally sustainable organisation;
 - 3.03 – We will achieve excellence and best practice in waste management;
 - 3.05 – We will adapt and advocate for climate change and identify and respond to environmental challenges; and
 - 3.07 – We will work with floodplain management partners to improve the flood resilience of the catchment's people, infrastructure, land, water and biodiversity.
- Pillar 4: Customer focused and responsive
 - 4.01 – The customer will be at the centre of Council's focus; and
 - 4.06 – To provide, renew and maintain a diverse network of assets that are safe, efficient and accessible.
- Pillar 5: Transparent and accountable governance
 - 5.01 – Our decisions will be evidence-based, financially viable, and for the longer term; and
 - 5.06 – We will strive to provide a safe, compliant, and well-planned built environment based on a sound strategic platform.

Moira Shire Economic Development

- Priority 1: Enhancing infrastructure and land
 - Action 1. Support industrial, commercial and residential land development opportunities (e.g. through targeted funds or joint ventures) that respond to the unique needs of each main town and other business activity areas.
 - Action 5. Identify priority infrastructure projects and ensure a proportion of these are 'shovel ready' in order to respond promptly to State and Federal infrastructure funding opportunities.
- Priority 4: Fostering the visitor economy
 - Action 28. Support existing events, and attract the Meetings, Incentives, Conferences and Events (MICE) market to the region.
 - Action 33: Partner with the Murray Region to advocate for and lead develop of the region's tourism industry, the Murray River Adventure Trail, Ports of the Murray and other regional tourism projects.

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ATTACHMENT No [2] - Strategic Alignment - Activating Thompsons Beach Cobram

Moira Shire Tourism Plan 2022 – 2026

- Key pillars
 - Commercial events
 - Product Development
 - Destination Management

REGIONAL

Cobram, Barooga, Tocumwal and Surrounds Area Plan and Recommended Actions

- Kennedy Park and Thompsons Beach Development – Further activate Kennedy Park and Thompsons Beach for visitors and events, including the National Beach Volleyball Championships.
- Murray River Adventure Trail - Plan and deliver the Murray River Adventure trail from Cobram Barooga to Tocumwal.

Murray Regional Tourism Destination Management Plan 2023-2027

Priority projects

- Active waterways - Embed waterway cruising and activation into the region as the number one way to experience the Murray region.
 - Paddlesports hubs - Promote the opportunity to investors and liaise with Councils to support delivery of the Paddlesports hubs
 - Waterfront Activations - Promote the opportunity for Councils to consider master planning of existing water access points and waterway operations.
- Invest in icons - Establish icon assets that drive demand, improve awareness and facilitate destination growth
 - Murray River Adventure Trail Delivery - MRT should consider undertaking a broader trails strategy that links to the MRAT that reanalyses and prioritises sections of the trail and new trail opportunities.
- Create vibrant destinations - Create complete and compelling destinations through investment in amenity, activations and food and beverage.
 - Murray Region Small Towns Streetscape and Activity Centre Enhancements Project - Advocate for investment in township amenity across the Murray region's smaller towns.
 - Food enhancement in small towns - Identify gaps in supply of food and beverage establishments which can attract and service visitors to small towns. - Undertake investment attraction of dining and beverage businesses across the region.

STATE

Experience Victoria 2033

- First Peoples
 - Supporting the development of First Peoples' tourism products.
 - Promoting cultural safety across the broader industry and the use of traditional place names across the state, in marketing, signage and interpretation.
- Arts and Culture
 - There are opportunities to grow the visitor economy in these existing areas, to extend arts and culture experiences to accommodation, such as boutique art hotels and repurposed heritage buildings, and to create new experiences across multiple locations.
- Food and Drink
 - Working with stakeholders to showcase our clean, green Victorian produce; and
 - Providing more opportunities for visitors to explore and enjoy our first class produce.
- Nature
 - We'll facilitate investment in nature-based infrastructure, accommodation and visitor facilities in suitable areas.

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ATTACHMENT No [2] - Strategic Alignment - Activating Thompsons Beach Cobram

FEDERAL

Thrive 2030

- Modernise
 - Priority 5: Enhance visitor infrastructure.
- Diversify

Grow unique and high-quality products, including First Nation experiences

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**FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING
THOMPSONS BEACH, COBRAM (cont'd)**

ATTACHMENT No [3] - Letters of Support - Activating Thompsons Beach, Cobram



14th March 2024

John Tanner AM
Chair Administrator
Moira Shire Council
PO Box 578
COBRAM 3644

Dear Mr Tanner

**LETTER OF SUPPORT – MOIRA SHIRE COUNCIL APPLICATION FOR THOMPSONS BEACH PLANNING
UNDER THE ENABLING TOURISM FUND**

Cobram Barooga Business and Tourism (CBBT) congratulates Moira Shire for undertaking to apply for funding under the Victorian Enabling Tourism Program for further detailed planning for the future development of Thompson's Beach and the surrounding Murray River Precinct.

This project has been a long-term high priority of Cobram Barooga Business and Tourism.

In February 2023, CBBT successfully worked with the Goulburn Regional Partnerships who after a site visit and presentation adopted the project as a priority project for the region.

Following this CBBT also lodged a successful budget bid with Moira Shire for the allocation of \$150,000 to contribute the commencement of detailed master planning for Thompson's Beach and the River Precinct.

The project is an excellent fit with the Product Priorities of the Enabling Tourism fund, especially the area of Nature, however there are also many exciting opportunities linked with Food and Drink, Arts and Culture and First Peoples Led Experiences.

It is also an excellent fit with other regional plans such as Murray Regional Tourism's Destination Management Plan that identifies the need to Activate Waterways and Invest in Icons as key Priority Project Areas.

Thompson's Beach on the Murray River is an icon. It was voted Australia's 12th best beach in the Tourism Australia Top 100 Beaches list of 2022. It is the home of a leg of the Australian Beach Volleyball Tour, the Easter River Beaches Festival, the Cobram Barooga Bush Nippers and many, many more important community events, clubs and groups activities.

Our aim is to facilitate regional growth and economic development, create jobs and enhance liveability by developing the untapped potential of our connection with the river and to do this at the Thompson's Beach Precinct in a way that is sympathetic to the environment but leverages its reputation as one of Australia's best and most iconic beaches.

But we cannot do this without the foundation of proper planning.

Warm Regards

A handwritten signature in blue ink, appearing to read 'Nicky Goldsworthy', is written over a faint grid background.

Nicky Goldsworthy
President
Cobram Barooga Business and Tourism

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**FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING
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ATTACHMENT No [3] - Letters of Support - Activating Thompsons Beach, Cobram



Office of the Mayor

Ref: JCM/KM

20 March 2024

The Honourable Steve Dimopoulos MP
Minister for Tourism, Sport and Major Events

Dear The Hon. Steve Dimopoulos MP

BERRIGAN SHIRE COUNCIL & MOIRA SHIRE COUNCIL UNITE

Berrigan Shire Council is in NSW on the Victorian/NSW border and sits directly opposite Moira Shire with the Murray River as our shared boundary.

Berrigan Shire Council and Moira Shire Council established a *Memorandum of Understanding* in 2021 recognising the communities of Cobram and Barooga exist as one and ensuring the Councils always consider cross-border implications in their decision making. As such, Berrigan Shire Council is well invested in the proposed development of the Thompson Beach and Kennedy Park precincts.

Berrigan Shire Council is a rural council with a strong focus on agriculture and horticulture, both dryland and irrigated, however with the Murray River as the southern border, the Visitor Economy is also a key driver of regional prosperity.

The Thompsons Beach and Kennedy Park precincts are legendary in the district having hosted the iconic Peaches and Cream Music Festival in the 80's and 90's. The area has, however, been underutilised in the decades since and the facilities and infrastructure that exist in the park are old, uninviting and disconnected: relics of a bygone era.

The potential of the precinct is only limited by imagination. The development of a detailed masterplan presents an opportunity for placemaking, for reconnecting the community with the river and for linking the cross-border communities.

The Berrigan Shire Council endorses the funding application being made by Moira Shire Council and looks

Berrigan Shire Council

📍 56 Chanter Street, Berrigan NSW 2172

☎ (03) 5888 5100 🌐 www.berriganshire.nsw.gov.au

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**FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING
THOMPSONS BEACH, COBRAM (cont'd)**

ATTACHMENT No [3] - Letters of Support - Activating Thompsons Beach, Cobram

forward to a favourable outcome.

Should you require further information please contact our CEO, Karina Ewer on 03 5888 1000 or email karinae@berriganshire.nsw.gov.au.

Yours faithfully



Dr Julia Cornwell McKean GAICD
MAYOR

Berrigan Shire Council

56 Chanter Street, Berrigan NSW 2172

(03) 5888 5100 www.berriganshire.nsw.gov.au

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ATTACHMENT No [3] - Letters of Support - Activating Thompsons Beach, Cobram



President: G. Hunt

Secretary: A. Noble

14th March 2024

John Tanner AM
Chair Administrator
Moirā Shire Council
PO Box 578
COBRAM 3644

Dear Mr Tanner,

**LETTER OF SUPPORT – MOIRA SHIRE COUNCIL APPLICATION FOR THOMPSONS BEACH
PLANNING UNDER THE ENABLING TOURISM FUND**

In December 2021, the Barooga Sports Club took over the lease for the café at Thompson's Beach, however our interest in Thompson's Beach and the River Precinct is much broader than that.

As a community not for profit and one of the largest employers, supporters of sport and community projects and drivers of tourism in Cobram Barooga, the Sporties is committed to contributing to the ongoing enhancement of the liveability of our area.

Our Board Plan 2024-28 'Building a Strong and Vibrant Community' specifically speaks to our role and objectives relating to driving community building, leading the way in world class, sustainable and attractive facilities and venues and fostering tourism attractions and being proactive in driving tourism to the region.

To us, Thompson's Beach has long been recognised for the amazing cultural and community asset that it is. Host of the iconic Peaches and Cream Festivals from the 1970's through to the late 1990's, the Easter River Beaches Festival and the National Beach Volleyball Tour, our secret, received broad acknowledgement when it was rightly recognised as Australia's 12th Best Beach in Tourism Australia's 2022 list of top 100 beaches.

For such a wonderful area though, it has many challenges. Poor provision of power and sewer, toilets no longer fit for purpose, no specific disabled or even formalised car parking, compared to other areas poor quality boat ramps and parking and underdeveloped linkages with the township of Cobram.

SPORTIES BAROOGA
ABN 96 001 757 491
BURKINSHAW STREET (PO Box 138)
BAROOGA NSW 3644
P 03 5873 4448
E CONTACT@SPORTIES.COM.AU
W WWW.SPORTIES.COM.AU

FILE NO: F1483
2. A DIVERSE AND DYNAMIC ECONOMY

ITEM NO: 10.3.2
(TOURISM DEVELOPMENT OFFICER,
LOUISE MUNK KLINT)
(DIRECTOR COMMUNITY, SCOTT
WILLIAMS)

**FUNDING OPPORTUNITY - ENABLING TOURISM FUND: ACTIVATING
THOMPSONS BEACH, COBRAM (cont'd)**

ATTACHMENT No [3] - Letters of Support - Activating Thompsons Beach, Cobram



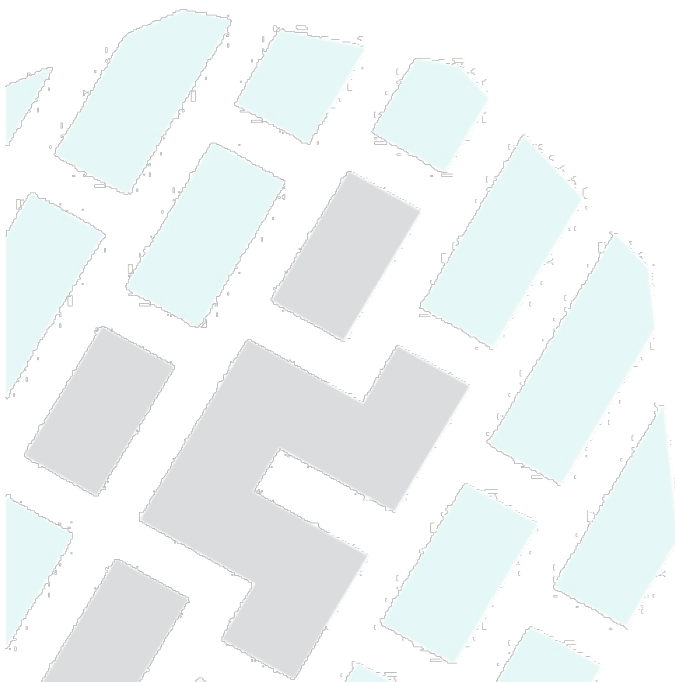
Cobram, if it is to continue to grow and develop and remain a competitive tourist destination on the Murray River, desperately needs to properly plan for and then appropriately invest in and develop the Thompson's Beach Precinct. It is our single greatest tourism development opportunity.

The Sporties, congratulates Moira Shire for taking the initiative with this project via applying for funding under the Enabling Tourism Program and looks forward to our ongoing partnership along this exciting journey.

Warm Regards.

A handwritten signature in black ink, appearing to read "Gary Hunt".

Gary Hunt
President



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BURKINSHAW STREET (PO Box 138)
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P 03 5873 4448
E CONTACT@SPORTIES.COM.AU
W WWW.SPORTIES.COM.AU

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.1
(EXECUTIVE MANAGER CORPORATE
GOVERNANCE, AMANDA CHADWICK)
(CHIEF EXECUTIVE OFFICER, MATTHEW
MORGAN)

MINISTERIAL STATEMENT OF EXPECTATIONS

Recommendation

That Council note the Ministerial Statement of Expectations that sets out the key priorities and objectives to be actioned in 2024 by the Panel of Administrators and provides the reporting framework and format to monitor the progress of Moira Shire Council.

1. Executive Summary

The Ministerial Statement of Expectations was issued by the Hon Melissa Horne MP, Minister for Local Government (Minister) to the Panel of Administrators (Panel) and sets out the Ministers expectations jointly developed with the Panel to deliver key priorities and objectives for Moira Shire Council in 2024.

2. Conflict of interest declaration

There are no conflict of interest declarations to consider.

3. Background & Context

The Minister appointed a Panel of Administrators to Moira Shire Council in 2023 with the terms and conditions of the appointment being fixed in accordance with section 7(e) of the Local Government (*Moira Shire Council*) Action 2023.

The key priorities and objectives of the Statement of Expectations to be actioned in 2024 by the Panel are:

1. Acquit all recommendations from the Moira Shire Council Commission of Inquiry Report.
2. Finalise recruitment, selection and onboarding for the role of Chief Executive Officer.
3. Finalise and implement a comprehensive strategy for deliberative engagement in the development of Council's 2023-24 Budget.
4. Develop and implement a Traditional Owner recognition and engagement strategy.
5. Review and establish a comprehensive approach to managing the CEO's performance.
6. Establish a comprehensive Customer Experience Strategy to address historical low levels of community satisfaction with the Council.
7. Review Council's Council Plan and 10 Year Financial Plan.
8. Implement a strategy to create a safe, respectful and inclusive workplace culture.
9. Design and implement a Moira Shire Community Engagement process.
10. Finalise an MOU with the Moira Shire education and health sectors to foster stronger collaboration and cooperation.
11. Design and implement a Moira Shire Advocacy program.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.1
(EXECUTIVE MANAGER CORPORATE
GOVERNANCE, AMANDA CHADWICK)
(CHIEF EXECUTIVE OFFICER, MATTHEW
MORGAN)

MINISTERIAL STATEMENT OF EXPECTATIONS (cont'd)

4. Issues

The Statement of Expectations will provide the reporting framework and format to monitor the progress of Moira Shire Council.

5. Strategic Alignment

This report aligns with the Council Plan Strategic Objective 5 Transparent and Accountable Governance.

6. Internal & External Engagement

Internal engagement occurred with the Panel of Administrators and the Chief Executive Officer.

External engagement occurred with the Minister for Local Government.

7. Budget / Financial Considerations

There are no budget implications to consider.

8. Risk & Mitigation

The development of the Ministerial Statement of Expectations provides a framework and format to monitor the progress of Moira Shire Council including the acquittal of all recommendations of the Commission of Inquiry Report.

9. Conclusion

The Ministerial Statement of Expectations has been jointly developed by the Minister for Local Government and the Panel of Administrators to set out the key priorities and objectives to be actioned in 2024.

Attachments

1 Ministerial Statement of Expectations

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 11.1.1
**(EXECUTIVE MANAGER CORPORATE
GOVERNANCE, AMANDA CHADWICK)
(CHIEF EXECUTIVE OFFICER, MATTHEW
MORGAN)**

MINISTERIAL STATEMENT OF EXPECTATIONS (cont'd)

ATTACHMENT No [1] - Ministerial Statement of Expectations



The Hon. Melissa Horne MP

Minister for Casino, Gaming and Liquor Regulation
Minister for Local Government
Minister for Ports and Freight
Minister for Roads and Road Safety

121 Exhibition Street
Melbourne, Victoria 3000 Australia

Ref: CMIN-2-24-23018

John Tanner AM
Chair Administrator
Moirā Shire Council
jtanner@moira.vic.gov.au

Dr Graeme Emonson PSM
Administrator
Moirā Shire Council
gemonson@moira.vic.gov.au

Ms Suzanna Sheed
Administrator
Moirā Shire Council
ssheed@moira.vic.gov.au

Dear Mr. Tanner, Dr Emonson, Ms Sheed

Please find attached a Statement of Expectations for the Panel of Administrators, Moirā Shire Council.

Please sign and date the document as indicated and return a copy by 12 February 2024.

Yours sincerely

The Hon. Melissa Horne MP
Minister for Casino, Gaming and Liquor Regulation
Minister for Local Government
Minister for Ports and Freight
Minister for Roads and Road Safety

Date: 02/02/2024
Enc. Ministerial Statement of Expectations, Panel of Administrators, Moirā Shire Council

Your details will be dealt with in accordance with the Public Records Act 1973 and the Privacy and Data Protection Act 2014. Should you have any queries or wish to gain access to your personal information held by this department please contact our Privacy Officer at the above address.



FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.1
(EXECUTIVE MANAGER CORPORATE
GOVERNANCE, AMANDA CHADWICK)
(CHIEF EXECUTIVE OFFICER, MATTHEW
MORGAN)

MINISTERIAL STATEMENT OF EXPECTATIONS (cont'd)

ATTACHMENT No [1] - Ministerial Statement of Expectations



OFFICIAL

The Hon Melissa Horne MP

Minister for Casino, Gaming and Liquor Regulation
Minister for Local Government
Minister for Ports and Freight
Minister for Roads and Road Safety

121 Exhibition Street
Melbourne, Victoria 3000 Australia

MINISTERIAL STATEMENT OF EXPECTATIONS

Panel of Administrators, Moira Shire Council

This Statement of Expectations is issued by the Hon Melissa Horne MP, Minister for Local Government (Minister) to the Panel of Administrators (Panel) of Moira Shire Council (Council).

This Statement sets out the Minister's expectations jointly developed with the Panel to deliver key priorities and objectives for the Council.

The Panel of Administrators is committed to delivering the priorities set out in this Statement.

This Statement may be amended or updated at any time at the Minister's discretion.

This Statement will provide the reporting framework and format to monitor the progress of Moira Shire Council.

The key priorities and objectives to be actioned in 2024 by the Panel of Administrators is as follows:

1. Acquit all recommendations from the Moira Shire Council Commission of Inquiry report.
2. Finalise recruitment, selection and onboarding for the role of Chief Executive Officer.
3. Finalise and implement a comprehensive strategy for deliberative engagement in the development of Council's 2023-24 Budget.
4. Develop and implement a Traditional Owner recognition and engagement strategy.
5. Review and establish a comprehensive approach to managing the CEO's performance.
6. Establish a comprehensive Customer Experience Strategy to address historical low levels of community satisfaction with the Council.
7. Review Council's Council Plan and 10 Year Financial Plan.
8. Implement a strategy to create a safe, respectful and inclusive workplace culture.



OFFICIAL

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 11.1.1
(EXECUTIVE MANAGER CORPORATE
GOVERNANCE, AMANDA CHADWICK)
(CHIEF EXECUTIVE OFFICER, MATTHEW
MORGAN)

MINISTERIAL STATEMENT OF EXPECTATIONS (cont'd)

ATTACHMENT No [1] - Ministerial Statement of Expectations

OFFICIAL

- 9. Design and implement a Moira Shire Community Engagement process.
- 10. Finalise an MOU with the Moira Shire education and health sectors to foster stronger collaboration and cooperation.
- 11. Design and implement a Moira Shire Advocacy program.

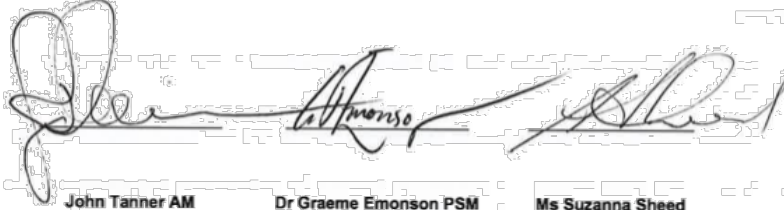
Issued by:



Hon Melissa Horne MP,
Minister for Local Government

Date: 02/02/2024

Received by:



John Tanner AM

Dr Graeme Emonson PSM

Ms Suzanna Sheed

Chair, Panel of
Administrators

Administrator

Administrator

Date: 6/2/2024

Date: 6-2-2024

Date: 6/2/2024

OFFICIAL

FILE NO:
**5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE**

ITEM NO: 15.1
**(COORDINATOR PLANNING, TRAVIS
BASHAM)**
**(DIRECTOR SUSTAINABLE DEVELOPMENT,
BRYAN SWORD)**

SECTION 173 AGREEMENT - AUTHORITY TO AFFIX THE COMMON SEAL

Recommendation

That Council authorise the Chief Executive Officer to sign and seal the following 173 Agreement as presented to this meeting:

1. 926 Sandmount Road, Katunga

Introduction

Planning permits approved by Council, either under delegation or by Council meeting resolution can contain the requirement for a Section 173 Agreement.

A Section 173 Agreement is a legal contract made between Council and any other party or parties, under Section 173 of the Planning and Environmental Act 1987 (the Act). The landowner must be party to the Agreement, while in some cases a third party, such as a referral authority may also be involved.

The Section 173 Agreement is required to be registered on the Title to the land (in accordance with Section 181 of the Act). This ensures that all future landowners are aware of the requirements and are bound by the requirements.

An Agreement generally provides for someone to carry out, or not to carry out, any matters specified in the Agreement and is used where a condition on a permit or planning scheme controls will not provide for the requirements to be fulfilled. Under certain circumstances the Planning Scheme may also make it a mandatory requirement for permits to require a Section 173 Agreement to be entered into.

The execution of a Section 173 Agreement requires the Common Seal to be affixed (Section 174(1) of the Act). The use of the Common Seal is governed by Part 2 of Local Law No. 1 2021.

Agreements for Execution

At the time of writing, the following agreement has been received and it is recommended that Council authorise the Chief Executive Officer to sign and seal the agreement.

1. 926 Sandmount Road, Katunga – Vol. 09951 Fol. 691

This agreement relates to Planning Permit 5/2023/236 issued on 23 November 2023 allowing the use of the land for the purposes of a second dwelling to continue and the construction of a replacement dwelling. The agreement prevents the excision of either dwelling from the lot and provides that the land must not be subdivided to create additional lots.

Key Implications

The agreement is required to comply with conditions of the permit, which seeks to achieve and advance the objectives of planning in Victoria or the objectives of the Moira Planning Scheme in relation to the land.

Financial Implications

There are no financial implications. Permit holders bear the cost of the preparation and administration of Section 173 Agreements.

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 15.1
(COORDINATOR PLANNING, TRAVIS
BASHAM)
(DIRECTOR SUSTAINABLE DEVELOPMENT,
BRYAN SWORD)

SECTION 173 AGREEMENT - AUTHORITY TO AFFIX THE COMMON SEAL (cont'd)

Policy Implications

Nil.

Conclusion

The agreement is required to give effect to the conditions of the planning permit issued in respect of the use or development of the land. It is recommended that the authority required under Part 2 of Local Law No. 1 2021 for the use of the Common Seal, for the execution of the above agreements, be provided to the CEO.

Attachments

- 1 926 Sandmount Road, Katunga - S173 Agreement for Execution (Confidential) - *printed in separate document*

FILE NO: VARIOUS

ITEM NO: 16

URGENT BUSINESS**7.4. Urgent business**

(1) If the Agenda for a Meeting makes provision for urgent business, business cannot be admitted as Urgent Business other than by resolution of Council and only then if:

- (a) It relates to or arises out of a matter which has arisen since distribution of the Agenda; and
- (b) deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter; or
- (c) the item involves a matter of urgency as determined by the Chief Executive Officer; and
- (d) it cannot be addressed through an operational service request process.
- (e) the matter does not:
 - substantially affect the levels of Council service;
 - commit Council to significant expenditure not included in the adopted budget;
 - establish or amend Council Policy; or
 - commit Council to any contractual arrangement.

(2) A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the Chief Executive Officer four (4) hours prior to the Meeting.

(3) The Chief Executive Officer will advise the Mayor of any matter he or she determines appropriate for Council to consider admitting as urgent business.

FILE NO: VARIOUS

ITEM NO: 17

PUBLIC QUESTION TIME