



MINUTES

ORDINARY MEETING OF COUNCIL HELD AT COUNCIL
CHAMBERS, COBRAM CIVIC CENTRE, PUNT ROAD,
COBRAM,
MONDAY 17 FEBRUARY 2014

The meeting commenced at 6:00 pm.

PRESENT

Councillor Peter Mansfield (Mayor)
Councillor Kevin Bourke
Councillor Wendy Buck
Councillor Gary Cleveland
Councillor Ed Cox
Councillor Brian Keenan
Councillor Marie Martin
Councillor Alex Monk

IN ATTENDANCE:

Peter Bertolus	Acting Chief Executive Officer
Bruce Connolly	Acting Director Community
Alison Coe	Director Corporate Governance
Mark Foord	Acting Director Shire Development and Liveability

1. 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 COUNTRY

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 & REQUESTS FOR LEAVE OF ABSENCE

Cr Don McPhee is an apology for tonight's meeting.

Cr Wendy Buck requested a leave of absence from 6 March 2014 to 20 March 2014.

5. DECLARATION UNDER ACTS, REGULATIONS, CODES OR LOCAL LAWS

Nil

6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST

Mark Foord, Acting Director Shire Development and Liveability declared an indirect conflict of Interest for item 18.1.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

CRS ED COX / ALEX MONK

"That the minutes of the Ordinary Council Meeting held on Monday, 9 December 2013 and the minutes of the Special Ordinary Council Meeting held on Monday, 20 January 2014, as prepared and circulated, be confirmed."

(CARRIED)

8. COUNCILLOR REPORTS

NIL

9. OFFICER REPORTS FOR DETERMINATION

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21.	CLOSE OF MEETING	
	MEETING CLOSED AT 8:15 PM	



PETER BERTOLUS
ACTING CHIEF EXECUTIVE OFFICER

FILE NO: 100.01.0001
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 12.1
(PERSONAL ASSISTANT TO CEO, ROBYN
BONADDIO)
(ACTING, CHIEF EXECUTIVE OFFICER,
PETER BERTOLUS)

YARRAWONGA PLAYGROUND

SUSPENSION OF STANDING ORDERS

CRS BRIAN KEENAN / MARIE MARTIN

That standing orders be suspended.

(CARRIED)

TAKE NOTICE that at the Council Meeting to be held on 17 February 2014, it is my intention to move the following motion:

That:

1. That Council supports the development of an Universal all abilities playground in Yarrawonga.
2. That Council supports the Yarrawonga Development Committee and its Sub Committee 'The Yarrawonga Playground Committee developing and delivering the project.
3. That should land owned or managed by Council be required for the development of the Universal all abilities playground, Council enters into an appropriate agreement with the Committee for the use of the land for the purposes of Universal Playground and associated infrastructure.
4. That Council contribute in-kind resources including but not limited to letters of support for funding applications, support for the use of public land with State Government authorities, waiving of fees and charges for any planning/ building applications if possible and attendance by an appointed representative of the Council at meetings of the Committee.
5. That the committee be responsible for the maintenance of the playground.
6. That Council include the project in its 2014/15 Corporate Plan for consideration of financial assistance towards the project.

CR Wendy Buck

Date: 17 February 2014

FILE NO: 100.01.0001
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 12.1
(PERSONAL ASSISTANT TO CEO, ROBYN
BONADDIO)
(ACTING, CHIEF EXECUTIVE OFFICER,
PETER BERTOLUS)

YARRAWONGA PLAYGROUND (cont'd)

RESUMPTION OF STANDING ORDERS

CRS ED COX / BRIAN KEENAN

That Standing Orders be resumed.

(CARRIED)

That:

CRS WENDY BUCK / KEVIN BOURKE

1. That Council supports the development of an Universal all abilities playground in Yarrawonga.
2. That Council supports the Yarrawonga Development Committee and its Sub Committee 'The Yarrawonga Playground Committee developing and delivering the project.
3. That should land owned or managed by Council be required for the development of the Universal all abilities playground, Council enters into an appropriate agreement with the Committee for the use of the land for the purposes of Universal Playground and associated infrastructure.
4. That Council contribute in-kind resources including but not limited to letters of support for funding applications, support for the use of public land with State Government authorities, waiving of fees and charges for any planning/ building applications if possible and attendance by an appointed representative of the Council at meetings of the Committee.
5. That the committee be responsible for the maintenance of the playground.
6. That Council include the project in its 2014/15 Corporate Plan for consideration of financial assistance towards the project.

(CARRIED)

FILE NO: 180.11.0002
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.1
(FINANCE OFFICER, LORRAINE BEARD)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

FINANCIAL POSITION REPORT AS AT 31 JANUARY 2014

1. Executive Summary

Highlights:

- Financial position as at 31 January 2014 is sound due to collection of 2nd instalment of rates and the addition of the Fire Services Levy. Capital expenditure is less than forecast but expected to increase in coming months.
- Sundry debtors and infringement balances continues to be well managed with \$0.79 million outstanding. This debt includes an amount > 90 days of \$198,000 for sale of land due for payment in November 2014.
- Good progress has continued in transferring Special Rates & Charges Scheme data from legacy systems into Authority which will enhance revenue generation. 3rd quarter Notices are due to be sent out and interest is to be raised on overdue accounts.
- Rates collections increased significantly from 2012/13 due to inclusion of Fire Services Levy, but this has been offset somewhat by the payment to State Revenue Office of \$1.66M in December.

Lowlights:

Sudden departure of both the Director Shire Liveability and the CEO may have considerable financial implications going forward.

2. Discussion

Notes to Executive Summary Dashboard (Per attachment):

In most instances, Council is on track against its major indicators with the 90 day and >90 days debtors and capital projects highlighted as on track to meet their targets. As at 31 January 2014:

FILE NO: 180.11.0002
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.1
(FINANCE OFFICER, LORRAINE BEARD)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

FINANCIAL POSITION REPORT AS AT 31 JANUARY 2014 (cont'd)

<h2>Executive Summary Dashboard</h2> <div> ● On target ● On track to meet target ● below target </div> <div> ↑ Performance Improving ↓ Performance Declining ↔ Performance Staying about the same </div>						Rate Collection				
						General Rates & Charges	Jan-13	Jan-14	Rank	Progress
						Arrears carried forward	1,251,064	1,352,041	●	↑
						Total rates to be collected (amount levied)	22,211,499	28,961,447	●	↑
						Collection to date	14,007,280	15,351,222	●	↑
						No. of rateable assessments	16,885	17,047	●	↑
						Rateable Valuation C.I.V	4,761,760,100	7,301,575,193	●	↔
						Supplementary rate increase since adopted budget	386,231	83,541	●	↔
						Fire Services Levy				
						Fire Services Levied	0	3,543,938	●	↑
						Fire Services Collected		1,500,253		
						Supplementary Fire Services		1,559		
Debtors						Special Rate Debtors				
		Nov-13	Jan-14	Rank	Progress		Jan-13	Jan-14	Rank	Progress
Current		329,078	492,989	●	↑	Principal Outstanding		55,343	●	↔
30 Days		194,459	69,414	●	↑	Interest Outstanding		857	●	↔
60 Days		173,021	8,571	●	↑	Total	0	56,200	●	↔
90 Days		76,414	14,328	●	↑					
> 90 Days		305,000	213,645	●	↑					
		1,077,144	798,949							
Infringements						Capital Expenditure				
		Nov-13	Jan-14	Rank	Progress		Budget	Actuals	Rank	Progress
Infringement Balance Outstanding		117,716	120,392	●	↑	Capital Projects for 2013/2014	10,105,873	4,728,377	●	↑
						Total	10,105,873	4,728,377		

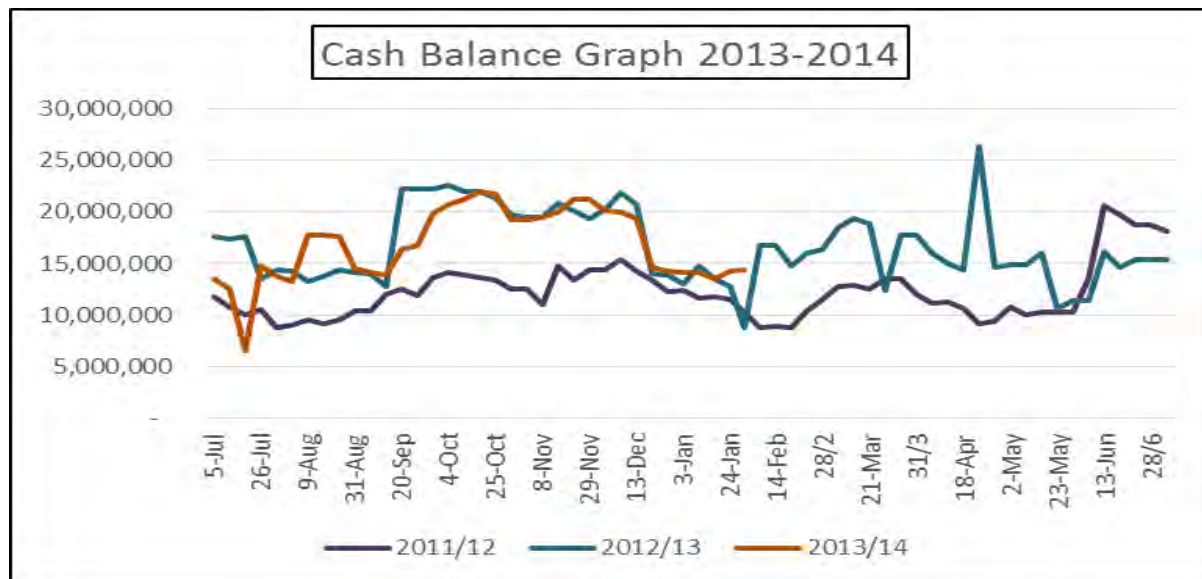
FILE NO: 180.11.0002
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.1
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FINANCIAL POSITION REPORT AS AT 31 JANUARY 2014 (cont'd)

**Summary Income Statement
January 2014**

Summary Income Statement	Current Year Adopted Budget 2013/2014 \$	Approved Forecast as at 31 January 2014	Actuals to date as at 31 January 2014 (less Disaster Recovery)
INCOME			
Operating	(39,418,483)	(41,028,754)	(39,493,824)
Capital	(4,901,431)	(5,835,142)	(3,348,397)
	(44,319,914)	(46,863,896)	(42,842,221)
EXPENSES			
Operating	48,296,652	48,096,550	26,240,467
OPERATING SURPLUS/DEFICIT	3,976,738	1,232,654	(16,601,754)



Councils Cash Position as at 31 January 2014 is sound at \$14.32 M. Spending on Capital projects is less than forecast but with commitments of \$1.7 M Capital is at approximately 50% of budget. Disaster Recovery funding is almost complete.

FILE NO: 180.11.0002
3. OUR COMMUNICATIONS AND PROCESSES

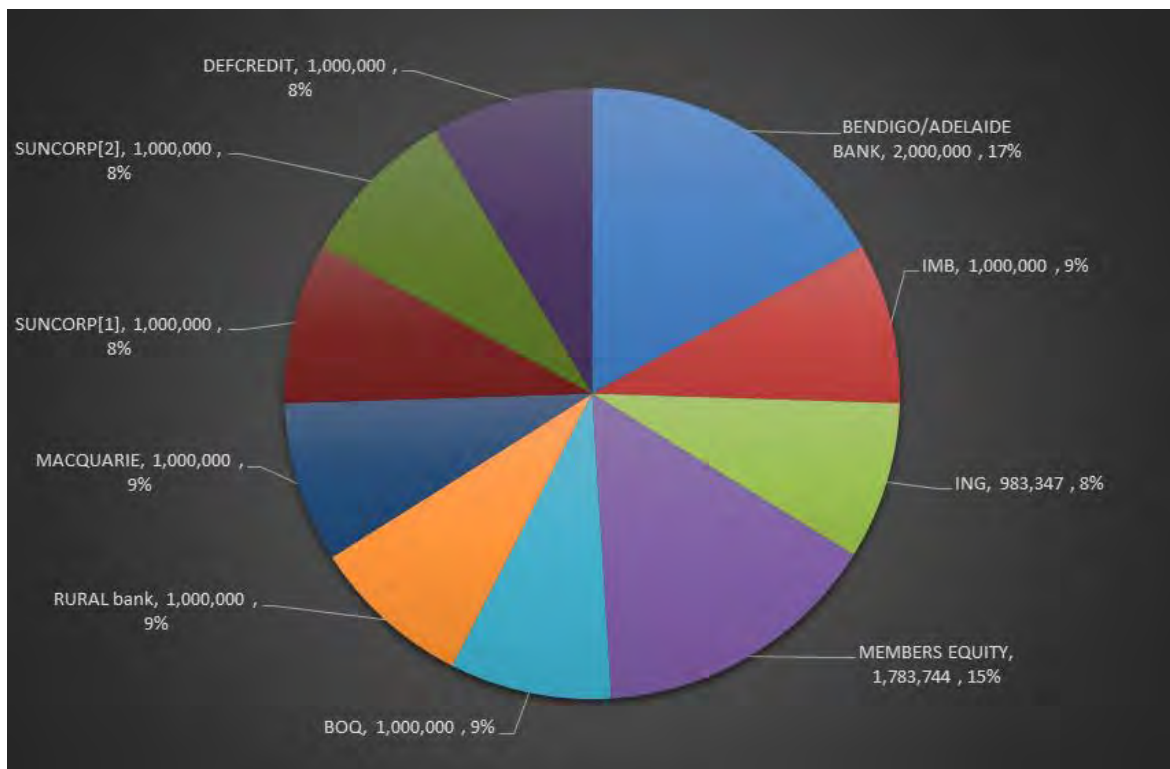
ITEM NO: 9.1.1
(FINANCE OFFICER, LORRAINE BEARD)
(DIRECTOR CORPORATE GOVERNANCE,
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FINANCIAL POSITION REPORT AS AT 31 JANUARY 2014 (cont'd)

Current Investments as at 31 January 2014

Classification	Deposit Active
Bank	Deposit amount
BENDIGO/ADELAIDE BANK	2,000,000
IMB	1,000,000
ING	983,347
MEMBERS EQUITY	1,783,744
BOQ	1,000,000
RURAL bank	1,000,000
MACQUARIE	1,000,000
SUNCORP[1]	1,000,000
SUNCORP[2]	1,000,000
DEFCREDIT	1,000,000
Grand Total	11,767,091

Active Investment Spread as at 31 January 2014

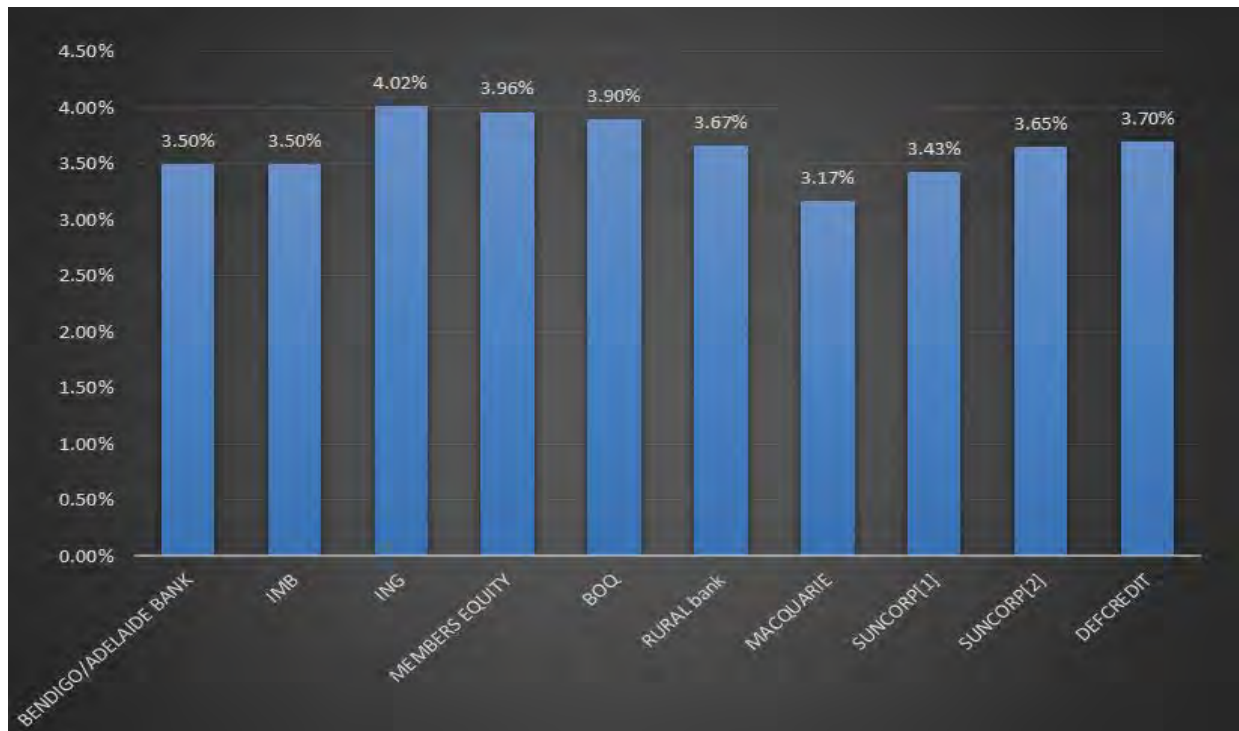


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ITEM NO: 9.1.1
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FINANCIAL POSITION REPORT AS AT 31 JANUARY 2014 (cont'd)

Average rate of Interest from 1 July 2013 to 31 January 2014



Bank	Average of Rate of %
BENDIGO/ADELAIDE BANK	3.50%
IMB	3.50%
ING	4.02%
MEMBERS EQUITY	3.96%
BOQ	3.90%
RURAL bank	3.67%
MACQUARIE	3.17%
SUNCORP[1]	3.43%
SUNCORP[2]	3.65%
DEFCREDIT	3.70%
Grand Total	3.69%

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FINANCIAL POSITION REPORT AS AT 31 JANUARY 2014 (cont'd)

Capital Expenditure

(Figures and explanation as provided by Infrastructure & Planning Team)

Project completion	Budget 2013/2014	YTD actuals 2013/2014	Forecast Budget September
Capital Projects	10,105,873	4,728,377	10,434,441
Grand Total	10,105,873	4,728,377	10,434,441

CAPITAL WORKS SNAPSHOT – END JANUARY 2014

% WORKS COMPLETE – 2013/2014 YEAR TO DATE :

LANDFILLS	100% COMMITTED
PARKS & GARDENS	42%
BUILDINGS	53%
FOOTPATHS	95%
PLANT & EQUIPMENT	100% COMMITTED
DRAINAGE	56%
ROADS & BRIDGES	82%
OTHER	60%

TOTAL WORKS COMMITTED : 65 % OVERALL

3. Financial Implications

There are no financial implications outside of the normal quarterly review.

4. Community Consultation

The following members of staff were consulted:

Directors, Corporate Governance;
Executive Engineer;
Acting Executive Manager, Assets & Construction
Finance Manager;
Finance Analyst;
Team Leader Revenue, Property and Valuation Services
Corporate Management Team

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ITEM NO: 9.1.1
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(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

FINANCIAL POSITION REPORT AS AT 31 JANUARY 2014 (cont'd)

5. Internal Consultation

Council's Financial Position Report is provided on a monthly basis for public viewing in accordance with Council's open and transparent governance policy.

6. Legislative / Policy Implications

The report complies with:

- the Local Government Act S.136; and
- Council's Budget and Financial Reporting Policy.
- The 2013/14 to 2016/17 Council Plan Strategic Goal 4 and Strategic Resource Plan

7. Environmental Sustainability

Council's sound financial position continues to allow Council to implement and maintain its environmental projects.

8. Conflict of Interest Considerations

There are no officer conflict of interest issues to consider within this report.

9. Conclusion

Council is in a good underlying financial position as at 31 January 2014 and will continue to be, provided capital income, capital expenditure and operational growth are managed prudently.

Attachments

- 1 Capital with comments - January 2014

RECOMMENDATION

That Council receives and notes the Financial Position Report as at 31 January 2014.

MOTION

CRS ED COX / BRIAN KEENAN

That Council receives and notes the Financial Position Report as at 31 January 2014.

(CARRIED)

FILE NO: 180.11.0002
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 9.1.1
(FINANCE OFFICER, LORRAINE BEARD)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

FINANCIAL POSITION REPORT AS AT 31 JANUARY 2014 (cont'd)

ATTACHMENT No [1] - Capital with comments - January 2014

YTD for June 2013-14 General Ledger Data Capital & Operating & Other Types Expenditure for General Ledger for Directorate Shire Development & Usability									
Sub Account	Current Year Adopted Budget Incl Oncosts	Forecast Budget Incl Oncosts	Actuals Incl Oncosts	Commitments	Actuals Incl Commitments	Current Year Unexpended Forecast (Forecast - Act + Commit)	Comments		
Expenditure	0	0	0	0	0	0			
7000 - Plant Operations Purchase New Vehicles	338,100	338,100	302,032	98,182	400,214	(62,114)	Income coming in to offset		
7001 - Plant Operations Purchase New Plant	54,000	54,000	54,000	0	54,260	(260)	All works completed		
7002 - Small Replacement Plant > \$2,000	11,500	11,500	11,500	(67)	(67)	11,567			
7014 - Kerb & Channel Renewal Various	200,000	200,000	128,920	1,400	130,320	69,680	Ongoing works completed at Pinupuk St Nunurukah and Exhibition St and Nelson St		
7022 - (R) Spot Resurfacing Gravel Roads	570,000	570,000	304,941	18,497	323,437	246,563	Nunurukah Works still to happen in Murphy St Yarrowonga		
7023 - Timber Bridges	200,000	200,000	30,000	0	8,000	22,000	Remainder of works will be done in the wetter months.		
7024 - Township Dust Suppression	55,000	55,000	309,920	78,864	388,783	(8,783)	Geotechnical design completed		
7025 - Road Resurfacing (CRB)	167,900	167,900	16,365	50,067	66,432	1,468	All works completed. Awaiting invoices		
7030 - Major Patching on Sealed Roads (CRB)	0	860,900	547,791	29,693	877,483	72,517	All works will be completed mid February		
7033 - (R) Road Resurfacing (R2R)	1,380,253	1,200,353	827,146	4,064,413	1,233,559	(3,306)	Resurfacing program will be completed end of January		
7034 - Gravel Road Resurfacing 10 Year Cycle R2R	0	438,000	370,446	55,363	425,809	4,191	All works completed. Awaiting invoices		
7037 - major patching	482,100	482,100	0	0	0	0			
7043 - dust suppressions	50,000	173,644	0	141,485	141,485	32,159	Karook St asphalt overlay due to commence mid Feb		
7049 - Seal Road resurfacing (Asphalt Overlay)	173,644	173,644	18,864	59,018	77,882	9,690	Commitment to be cancelled, regenerating 59%		
7056 - Kerb & Channel R2R	0	115,000	0	0	0	0			
7059 - shoulder resurfacing	430,000	430,000	0	0	0	0			
7060 - resurfacing	0	115,000	122,281	0	122,281	(7,281)	All works completed		
7066 - Gravel Shoulder Resurfacing non R2R	0	70,000	10,804	4,780	15,585	54,415	ongoing - carpark extend, survey and disabled ramp		
7028 - Dillon Street Cobram	193,300	193,300	164,115	1,090	16,415	49,538	at survey stage 31/1/14		
7045 - Nunurukah Quinn Street Traffic Safety Work	0	67,033	21,851	3,958	25,810	29,815	at survey stage 31/1/14		
7046 - Nunurukah Melville St Traffic Safety Work	0	56,425	9,995	0	9,995	5	design is done works needed next 14/15 financial year		
7072 - Roundabout Woods Road Yarrowonga	100,000	100,000	0	0	0	0			
7073 - doobie road	50,000	50,000	0	0	0	0			
7074 - bridge markers	50,000	50,000	0	0	0	0			
7076 - sunrise ct	45,000	45,000	0	0	0	0			
7077 - stevenson ct	30,000	30,000	0	0	0	0			
7084 - Karook Street Safety Works	0	295,000	1,320	9,745	11,065	283,935	out for tender		
7027 - Footpath Renewal Program	63,669	63,669	0	3,111	3,111	60,558	Works will commence when the footpath audit is complete.		
7006 - Katanaitla Recreation Reserve	0	169,000	142,730	0	142,730	37,270	Drainage to be completed		
7008 - Picola Park Picola	0	2,180	2,180	0	2,180	0	All works completed		
7057 - Kennedy Park Cobram	410,000	52,000	7,796	610	8,405	51,595	ongoing design stage		
7071 - Federation Park Development Cobram	250,000	370,000	31,455	1,369	32,835	237,165	project co-ordinator to do this		
7082 - Soccer Pitch Lighting Apex Park Cobram	81,900	81,900	64,398	6,284	70,682	11,218	will finish February awaiting invoices		
7083 - cricket nets	60,500	60,500	5,792	0	5,792	29,208	ongoing		
7087 - Nunurukah Rail Park	0	18,000	0	0	0	366,457			
7026 - community surface drains	11,576	11,576	14,206	0	14,206	5,795	Rick		
7031 - Drainage Pump Renewals and Functional Up	20,000	20,000	154,108	227	154,335	1,665	Completed		
7032 - Drainage Betterment Works	0	158,000	0	33,620	33,620	16,380			
7050 - Drainage Works Various	50,000	50,000	70,625	710	71,335	3,687	Works complete. Barrier display February		
7062 - Nathalia Flood Plain Upgrade Levee Banks	0	74,822	18,790	0	18,790	231,210	tender stage advertising at the moment.		
7075 - Madeleine Street Retention Basin Nunurukah	250,000	250,000	1,062	0	1,062	258,736			
7018 - Nunurukah Landfill Rehabilitation	50,000	50,000	63,842	5,636	59,478	8,348	Waiting on Cobram Rehab tenders to determine priorities of projects.		
7019 - Yarrowonga Landfill Rehabilitation	60,000	198,000	491,493	51,060	242,583	129,522	Has been deferred as per environmental auditor and funds for Cobram may be required		
7039 - cobram landfill	10,000	860,000	191,493	0	407,447				
7040 - Cobram Landfill Cell 1-4	1,111,000	20,800	2,369	1,818	(551)	180,551	Waiting on Cobram Rehab tenders to determine priorities of projects.		
7041 - old cell west	20,800	180,000	63,870	170,762	717,467	366,378	Cobram finished. Barmah starting then Yarrowonga & Nunurukah		
7042 - Landfill Various Works	180,000	600,000	127,677	4,175	131,852	0	almost finished a few little things, like culverts to go		
7004 - Fire Fighting Infrastructure at Council	600,000	600,000	0	0	0	0			
7005 - Nunurukah Hall Rectification	0	130,000	0	0	0	0			

FILE NO: 180.11.0002
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 9.1.1
(FINANCE OFFICER, LORRAINE BEARD)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

FINANCIAL POSITION REPORT AS AT 31 JANUARY 2014 (cont'd)

ATTACHMENT No [1] - Capital with comments - January 2014

7007 - Senior Citizens Community Hub Redevelop	0	346,000	144,169	0	144,169	100,831	Car park to be designed and constructed.
7044 - Waiala Sports Pavilion Redevelopment	260,000	370,000	75,727	170,141	245,868	24,132	ongoing
7066 - St James Public Hall	503,272	503,272	240,275	248,195	488,469	14,803	ongoing finishing site march
7078 - Upgrade to Municipal Pound Cobram	60,000	60,000	2,486	0	2,486	57,514	ongoing
7079 - Preschool Numukkah	391,000	491,000	41,019	66,586	107,605	383,394	sewer realignment stage
7081 - Showgrounds Community Buildings Shed	378,259	378,259	87,002	2,293	89,295	289,964	completed awaiting invoices
7089 - Cobram Library	0	65,000	82	0	82	64,948	design stage
7012 - Capital Works Implementation Costs	577,500	577,500	0	0	0	577,500	labour fund
7020 - Swimming Pool/Centres Renewal Various	0	16,310	5,310	8,223	13,533	1,777	Clinton Shand
9000 - General Ledger Suspense	0	0	233	0	233	(233)	
Expenditure Total	10,105,873	10,434,440	4,607,111	1,741,355	6,346,468	4,027,268	
Total	10,105,873	10,434,440	4,607,111	1,741,355	6,346,468	4,027,268	Budget 6.3% spent - YTD 5.6% passed

4,027,268

FILE NO: 180.07.0021
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2
(TEAM LEADER - FINANCIAL
ACCOUNTANT, RAMKI SUBRAMANIAM)
(FINANCE MANAGER, WARREN BROWN)

QUARTERLY BUDGET REVIEW - DECEMBER 2013

1. Executive Summary

Council has a projected deficit of \$1,661,208 for the current financial year, which is a decrease of \$2,315,530 from the projected deficit of \$3,976,738 in the Adopted Budget. The movements are detailed in Forecast overview table in the next page. For Council to remain in a sound underlying financial position throughout the 2013/14 financial year it will need to further reduce expenditure and increase income. Please refer to Operating cash flow detailed in Graph 2.8.

Background:

Council uses a reporting and monitoring system based on the concept of “traffic light” reporting to identify and indicate the level of concern regarding specific aspects of the finances. The three standard “light” of green, amber and red are used as explained below:



No risk - an improving situation.

Warning or caution - the situation needs monitoring and improving.

Alert - remedial action required either in the short term or in the long term.

FILE NO: 180.07.0021
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2
(TEAM LEADER - FINANCIAL
ACCOUNTANT, RAMKI SUBRAMANIAM)
(FINANCE MANAGER, WARREN BROWN)

QUARTERLY BUDGET REVIEW - DECEMBER 2013 (cont'd)

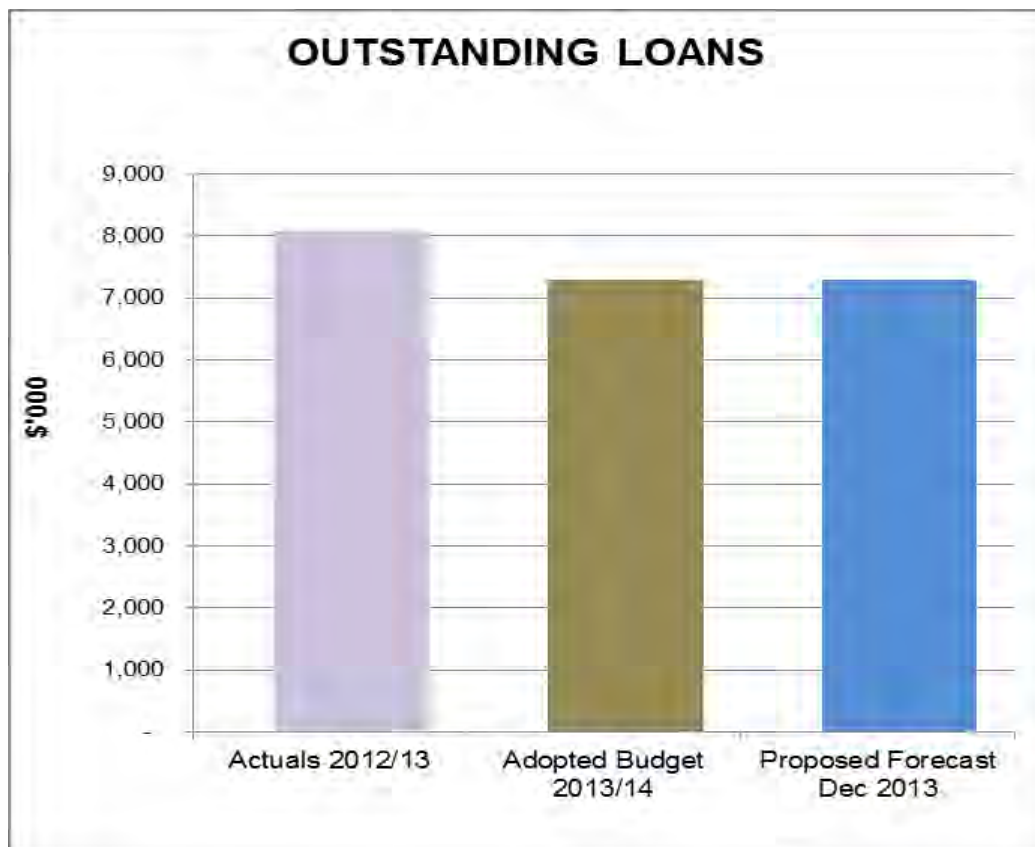
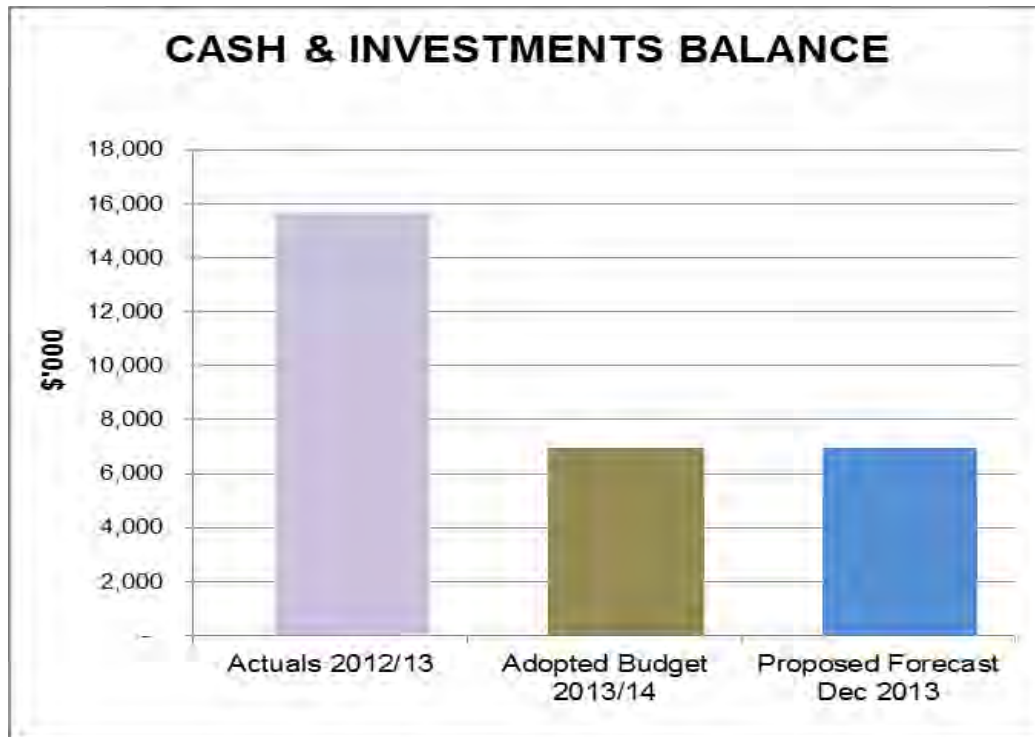
The table below provides summarises the forecast changes or movements arising from the December 2013 review:

Item	Actual 2012/13	Adopted Budget 2014	Proposed Forecast Dec 2013	Variance Favourable / (Unfavourable)	Comments
	\$	\$	\$	\$	
BALANCE OF CASH & INVESTMENTS	15,693,080	6,969,143	6,973,114	3,971	Balance of cash is expected to be maintained at the Adopted Budget level
OUTSTANDING LOANS	8,070,607	7,301,503	7,301,502	1	
CAPITAL EXPENDITURE	7,831,836	10,105,873	10,434,441	(328,568)	Main contributors to the variance are the Katamatite Recreation Reserve and the Numurkah Senior Citizens Buildings for which invoices were received in 2013/14 despite works being done in 2012/13.
CAPITAL INCOME	5,961,929	4,901,431	5,835,142	933,711	Main contributors are additional funding received for the Cobram Library and Cobram Streetscape. Funding of the Numurkah traffic safety works received this year have also impacted on the income.
OPERATING INCOME	76,588,512	39,269,533	40,293,139	1,023,606	Mainly due to increase in Grants commission funding and increase in rates income due to supplementary valuation
TOTAL EXPENSES	89,064,248	48,147,702	47,789,489	358,213	Decrease mainly due to postponement of purchase of Telephone equipment
SURPLUS	(6,513,807)	(3,976,738)	(1,661,208)	2,315,530	

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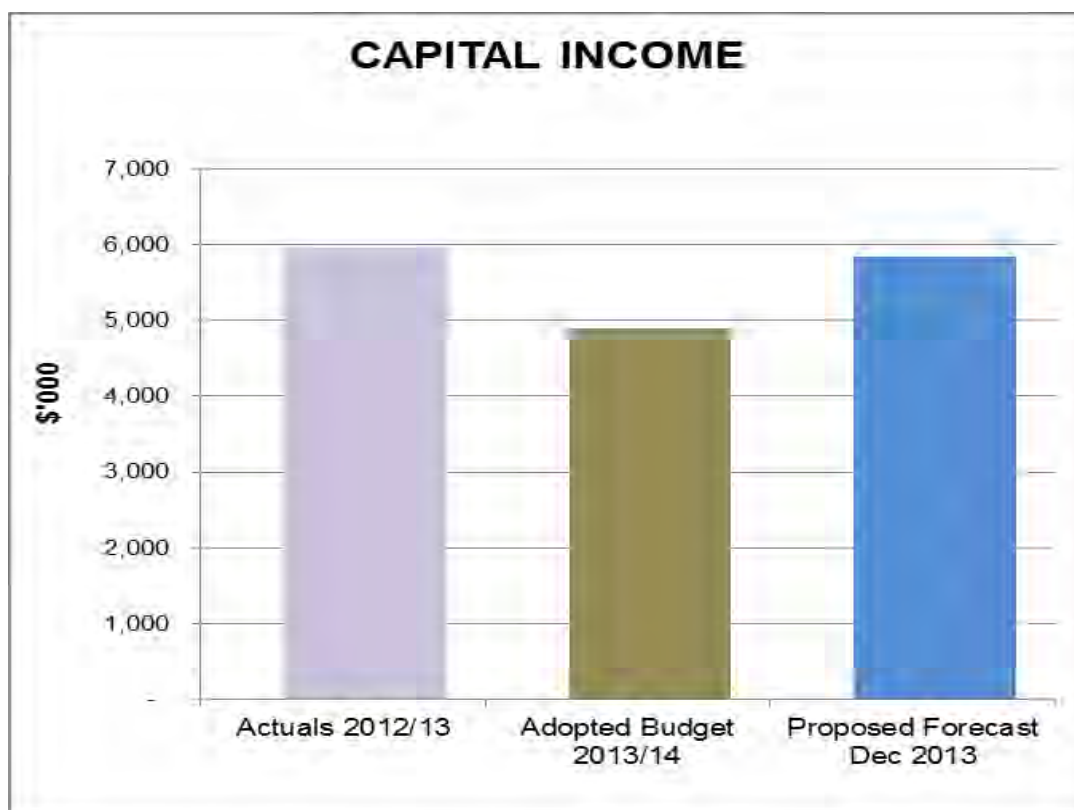
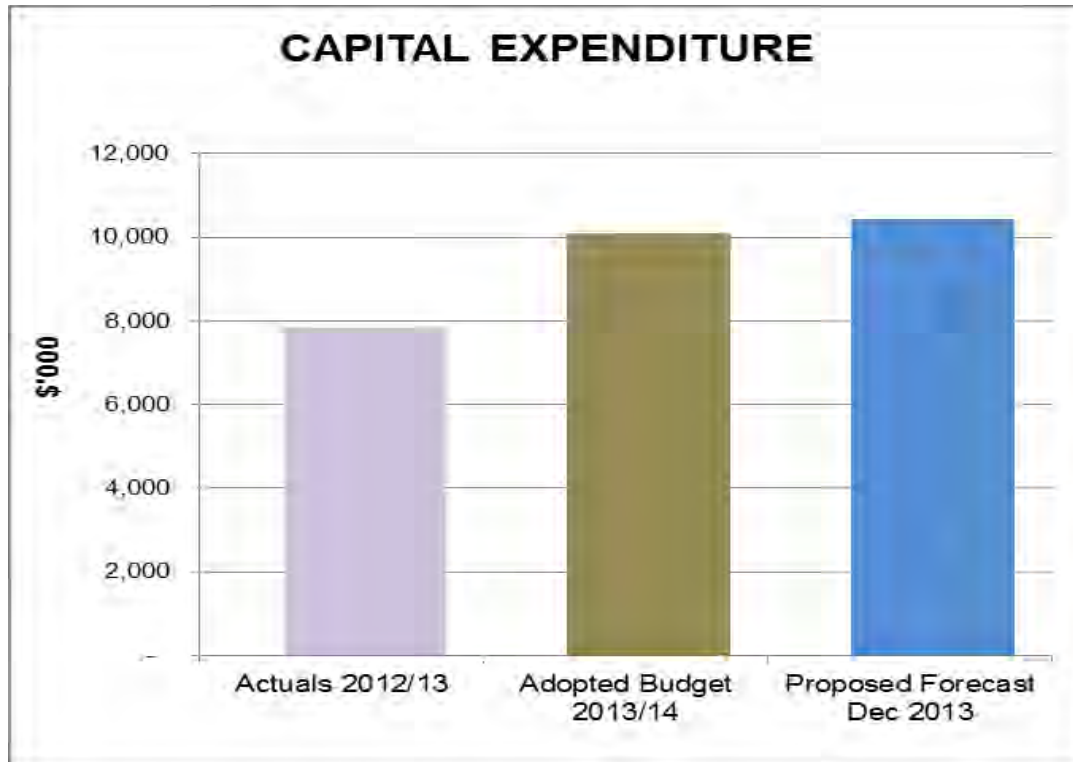
QUARTERLY BUDGET REVIEW - DECEMBER 2013 (cont'd)



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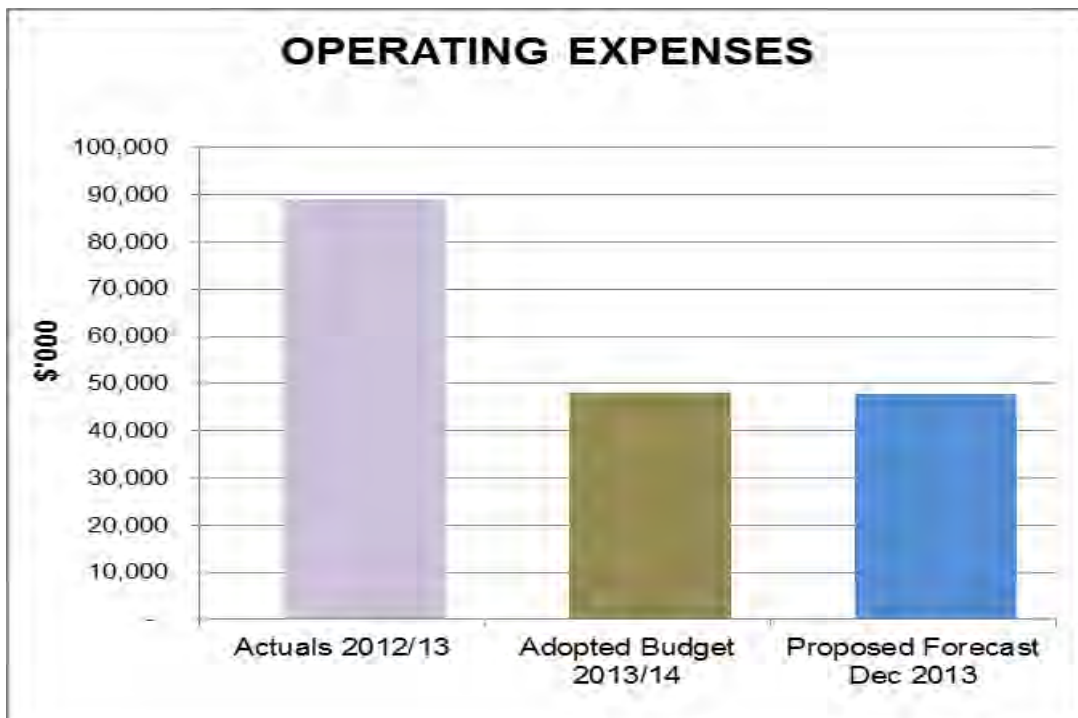
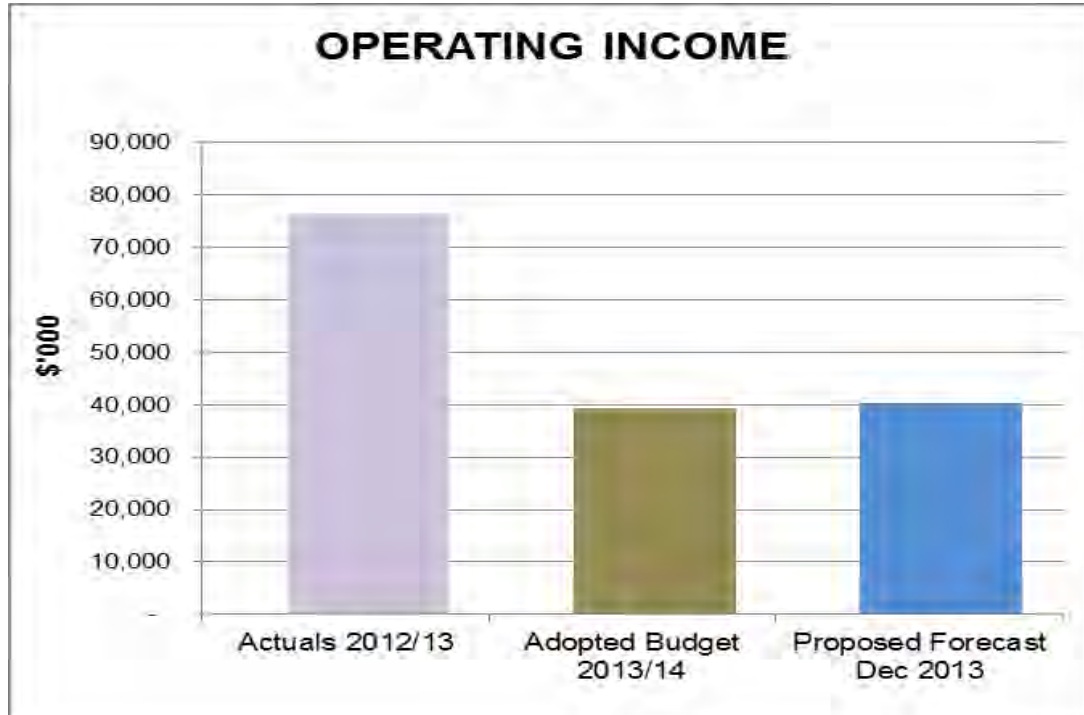
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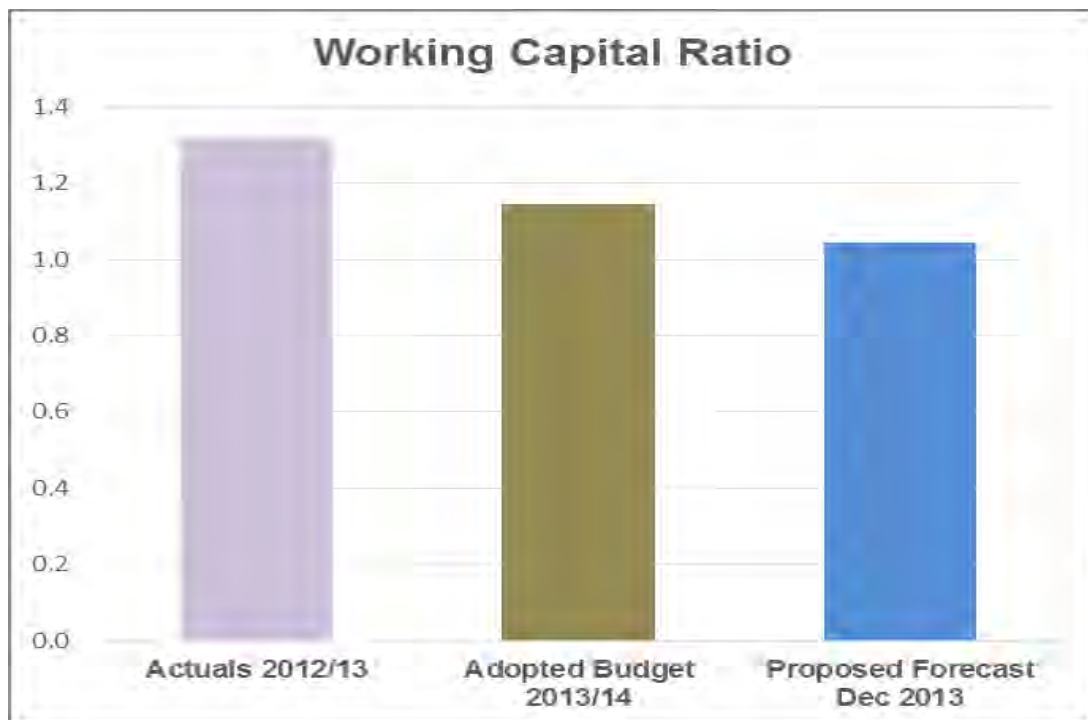
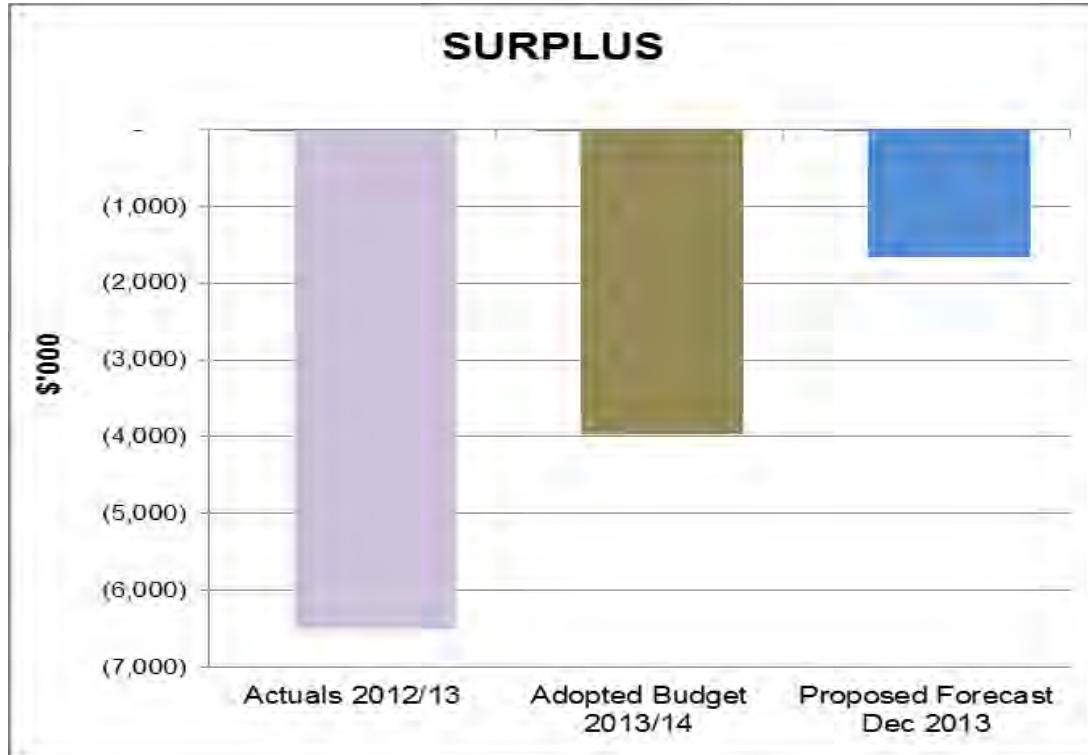
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QUARTERLY BUDGET REVIEW - DECEMBER 2013 (cont'd)



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3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2
(TEAM LEADER - FINANCIAL
ACCOUNTANT, RAMKI SUBRAMANIAM)
(FINANCE MANAGER, WARREN BROWN)

QUARTERLY BUDGET REVIEW - DECEMBER 2013 (cont'd)

2. Discussion

2.1 Summary of changes to projected operating deficit for the 2013/14 financial year

The deficit in the Proposed Forecast December 2013 is expected to be \$1,661,208 - a decrease in the deficit of \$2,315,530 compared to the Adopted Budget deficit for 2013/14 of \$3,976,738. The major reasons for this decrease in the deficit are as follows:

	(Unfavourable) \$
Deficit – Adopted Budget 2013/14	(3,976,738)
Increase in Rates income	505,630
Increase in Capital Income	929,175
Increase in Operating Grants	495,275
Decrease in income from investment	(332,600)
Employee benefits	53,963
Material & Services	413,308
Other various variations to operating income and expenses	250,779
Proposed December 2013 forecast deficit.	(1,661,208)

Council has a forecast deficit of \$1,661,208. The significant points are as follows:

- Increase in Rates income – The supplementary valuation process has identified increases in rates income.
- Increase in Capital Grants – Unfinished projects of 2012/13 was completed in 2013/14 thereby resulting in the additional Capital income.
- Increase in Operating Grants – Council has now received the confirmed amounts from the Victorian Grants Commission which was slightly higher than what was budgeted.
- Decrease in income from investments – Mainly due to reduction in the interest rates offered by the banks and reduction in bank balance due to completion of Flood Emergency process.
- Employee benefits – Savings mainly to timing of replacement staff and staff still to be appointed but this has however been offset by final settlement amounts.
- Materials & Services – Reduction due to correction of internal plant process.

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3. OUR COMMUNICATIONS AND PROCESSES

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(TEAM LEADER - FINANCIAL
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(FINANCE MANAGER, WARREN BROWN)

QUARTERLY BUDGET REVIEW - DECEMBER 2013 (cont'd)

2.2 Summary of changes from September 2013 review to December 2013 review

The deficit in the Proposed Forecast December 2013 is expected to be \$1,661,208 - an increase in the deficit of \$428,554 compared to the Approved Forecast September 2013 deficit of \$1,232,654. The major reasons for this decrease in the deficit are as follows:

	(Unfavourable) \$
Deficit – September Review 2013	(1,232,654)
Increase in Operating Grants	104,510
Decrease in income from investment	(200,000)
Employee benefits	(330,891)
Other various variations to operating income and expenses	2,173
Proposed December 2013 forecast deficit.	(1,661,208)

The significant points for the increase in deficit are as follows:

- g) Increase in Operating Grants – Safety & Environment and Business Innovation department have been able to identify further Grants.
- h) Decrease in income from investments – Further reduction mainly due to reduction in the bank balances and lower interest rates offered by the banks.
- i) Employee benefits – Increase in cost due to settlement amounts paid to staff on leaving was not included in the September 2013 review.

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3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2
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(FINANCE MANAGER, WARREN BROWN)

QUARTERLY BUDGET REVIEW - DECEMBER 2013 (cont'd)

2.2 Income Statement

Income Statement	Adopted Budget 2013/14 \$	September Forecast 2013 \$	December Forecast 2013 \$	Variance Adopted Budget Vs Dec 2013 Favourable / (Unfavourable) \$	Variance Sep 2013 Vs Dec 2013 Favourable / Unfavourable) \$
Income					
Rates	28,858,085	29,363,715	29,363,715	505,630	-
Special Rates	-	-	-	-	-
Operating Grants	5,582,127	5,972,892	6,077,402	495,275	104,510
Capital Grants	4,389,900	5,319,075	5,319,075	929,175	-
Capital contributions	378,531	378,531	378,531	-	-
Contributions- cash	66,688	154,369	154,369	87,681	-
Contributions- non - monetary (Donated assets)	200,000	200,000	200,000	-	-
Reimbursements and Subsidies	38,687	54,092	54,581	15,894	489
User Charges	2,692,355	2,744,708	2,769,270	76,915	24,562
Statutory Fees and Fines	906,681	906,631	906,631	(50)	-
Interest	732,600	600,000	400,000	(332,600)	(200,000)
Other Revenue	241,260	418,589	418,657	177,397	68
Net Proceeds of Sale of Land Held for Resale	10,000	10,000	10,000	-	-
Net Gain on Disposal of Property, Plant & Equipment	74,050	76,050	76,050	2,000	-
Share of Net Profit of Associated Entity	-	-	-	-	-
Previously Unrecognised Assets	-	-	-	-	-
	-	-	-	-	-
Income Total	44,170,964	46,198,652	46,128,281	1,957,317	(70,371)
Expenditure					
Employee Costs	17,699,392	17,314,538	17,645,429	53,963	(330,891)

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ITEM NO: 9.1.2
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QUARTERLY BUDGET REVIEW - DECEMBER 2013 (cont'd)

Materials & Services	10,689,485	10,267,900	10,276,177	413,308	(8,277)
Loss on disposal of Infrastructure	-		-	-	-
Work in Progress-prior year expensed	-		-	-	-
External Contract Services	5,307,116	5,507,476	5,458,201	(151,085)	49,275
Utilities	1,090,776	1,104,383	1,110,191	(19,415)	(5,808)
Bad and Doubtful Debts	5,000	5,000	5,000	-	-
Depreciation	8,027,230	8,027,230	8,027,230	-	-
Other expenses	4,020,356	3,896,432	3,958,914	61,442	(62,482)
Interest on Borrowings	587,931	587,931	587,931	-	-
Interest on Unwinding of Discount of Provisions	500,416	500,416	500,416	-	-
Work in Progress expensed in current year	-		-	-	-
Increase in landfill provision	-		-	-	-
Written Down Value of Infrastructure Replaced	200,000	200,000	200,000	-	-
Small Plant Written off	-		-	-	-
Net Loss on Disposal of Property, Plant & Equipment	-		-	-	-
Fair value adjustment of intangible asset	-		-	-	-
Share of Net Loss of Associated Entity	20,000	20,000	20,000	-	-
Expenditure Total	48,147,702	47,431,306	47,789,489	358,213	(358,183)
Operating result	(3,976,738)	(1,232,654)	(1,661,208)	2,315,530	(428,554)

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3. OUR COMMUNICATIONS AND PROCESSES

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QUARTERLY BUDGET REVIEW - DECEMBER 2013 (cont'd)

2.3 Statement of Cash Flow

Statement of Cash Flows	Actuals 2012/13 \$	Adopted Budget 2013/14 \$	December 2013 Forecast \$	Variation - from Adopted Budget (Unfavourable) \$
Net cash flows provided by operating activities	5,840,789	5,002,984	2,367,516	(2,635,468)
Net cash flow used on investing activities	(7,703,272)	(10,157,997)	(10,319,565)	(161,568)
Net cash flows provided by financing activities	(863,642)	(799,258)	(767,917)	(31,341)
Net change in cash held	(2,726,125)	(5,954,271)	(8,719,966)	(2,828,377)
Cash at the beginning of the year	18,419,205	12,923,413	15,693,080	2,769,667
Cash at the end of the year	15,693,080	6,969,142	6,973,114	(3,972)

2.4 Balance Sheet

Balance Sheet	Actuals 2012/13 \$	Adopted Budget 2013/14 \$	Proposed Forecast December 2013 \$	Variance (unfavourable)
Current Assets	19,275,027	11,079,715	11,753,377	673,662
Non-Current Assets	592,192,697	570,631,441	593,929,707	23,298,266
Total Assets	611,467,724	581,711,156	605,683,084	23,971,928
Current Liabilities	14,576,502	9,666,125	11,247,842	(1,581,717)
Non-current Liabilities	14,225,145	12,886,943	13,430,374	(543,431)
Total Liabilities	28,801,647	22,553,068	24,678,215	(2,125,147)
Equity	582,666,077	559,158,087	581,004,869	21,846,781

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QUARTERLY BUDGET REVIEW - DECEMBER 2013 (cont'd)

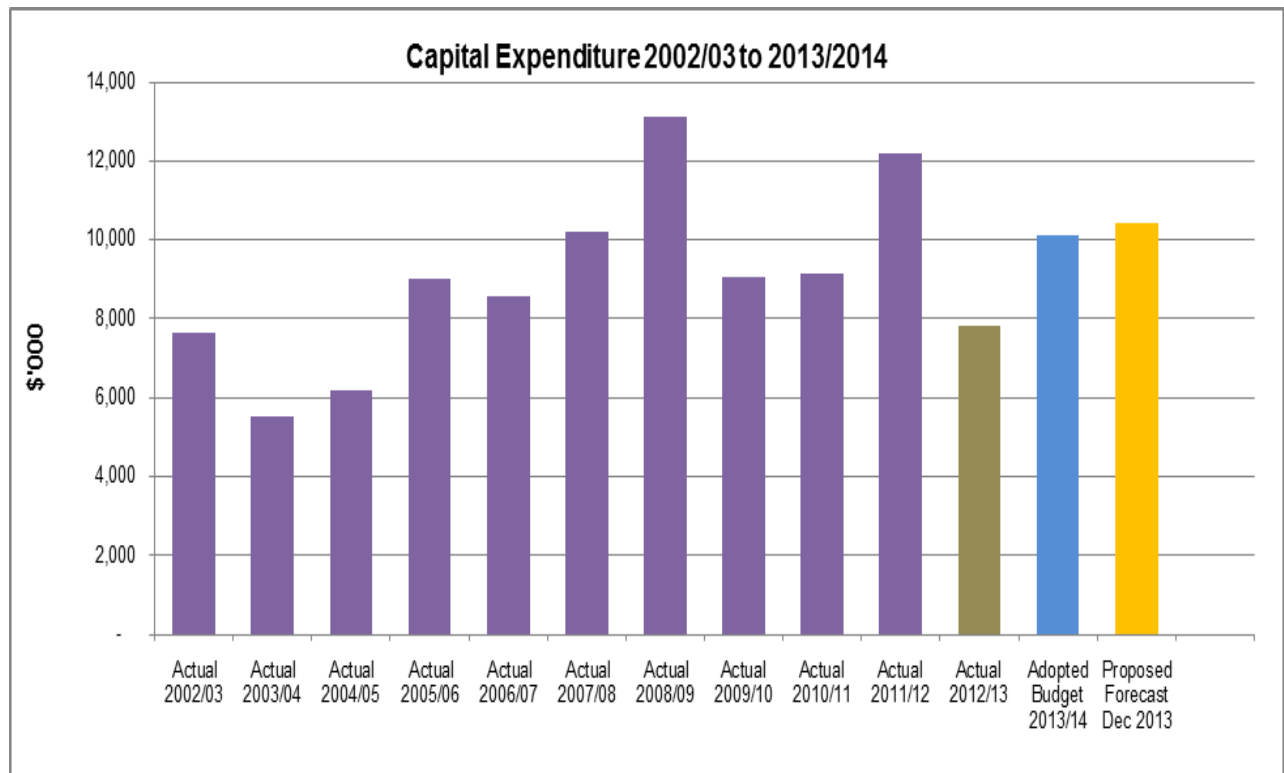
2.5 Capital

Council needs to minimise net capital expenditure in the short term due to the cash flow challenges which exist.

	Actuals 2012/13	Adopted Budget 2013/14	Proposed Forecast Dec 2013	Variance from Adopted Budget \$
Total capital income	(5,961,929)	(4,901,431)	(5,835,142)	933,711
Total capital expenditure	7,831,836	10,105,873	10,434,441	(328,568)
Grand Total	1,869,907	5,204,442	4,599,299	605,143

2.6 Capital expenditure

Historical expenditure on capital works:

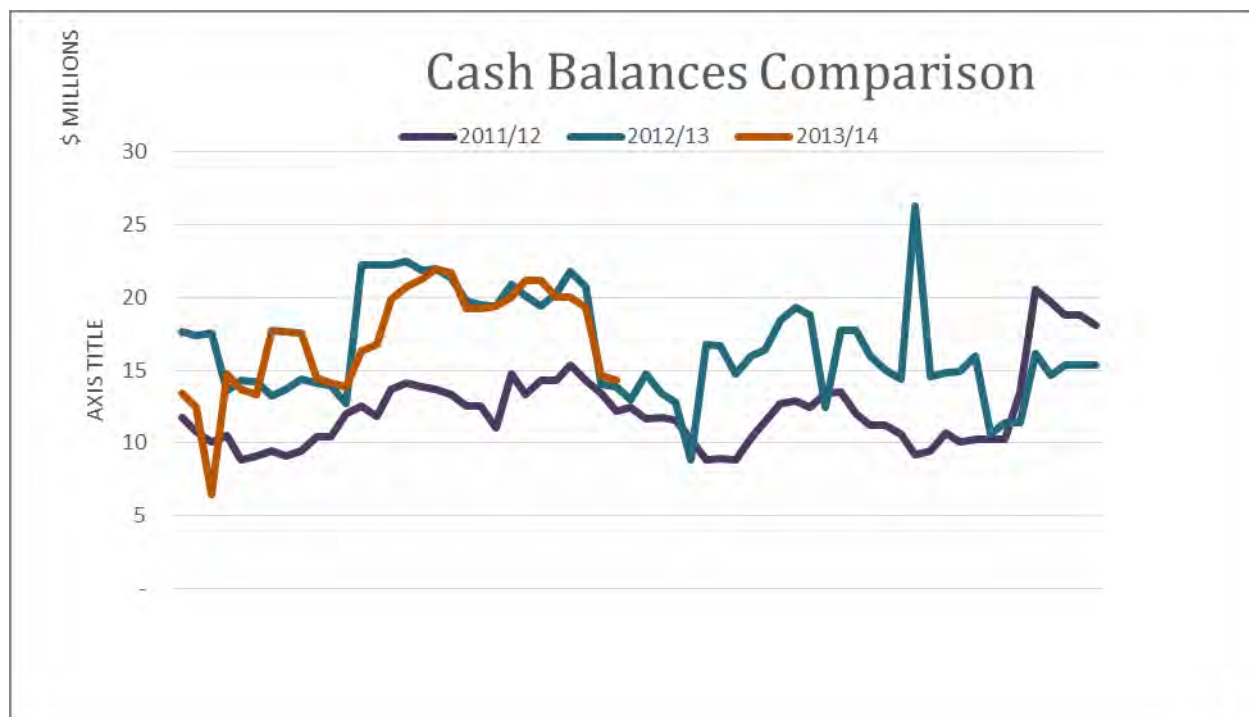


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QUARTERLY BUDGET REVIEW - DECEMBER 2013 (cont'd)

2.7 Cash Balances



This graph represents the balance of cash assets which comprises cash at bank and on hand plus investments. The balance of cash assets remains in a sound position at \$14.29 million as at 31 December 2013.

2.8 Working Capital

Working capital equals current assets (assets which can be turned into cash within one year) less current liabilities (amounts owing by Council which need to be paid within one year).

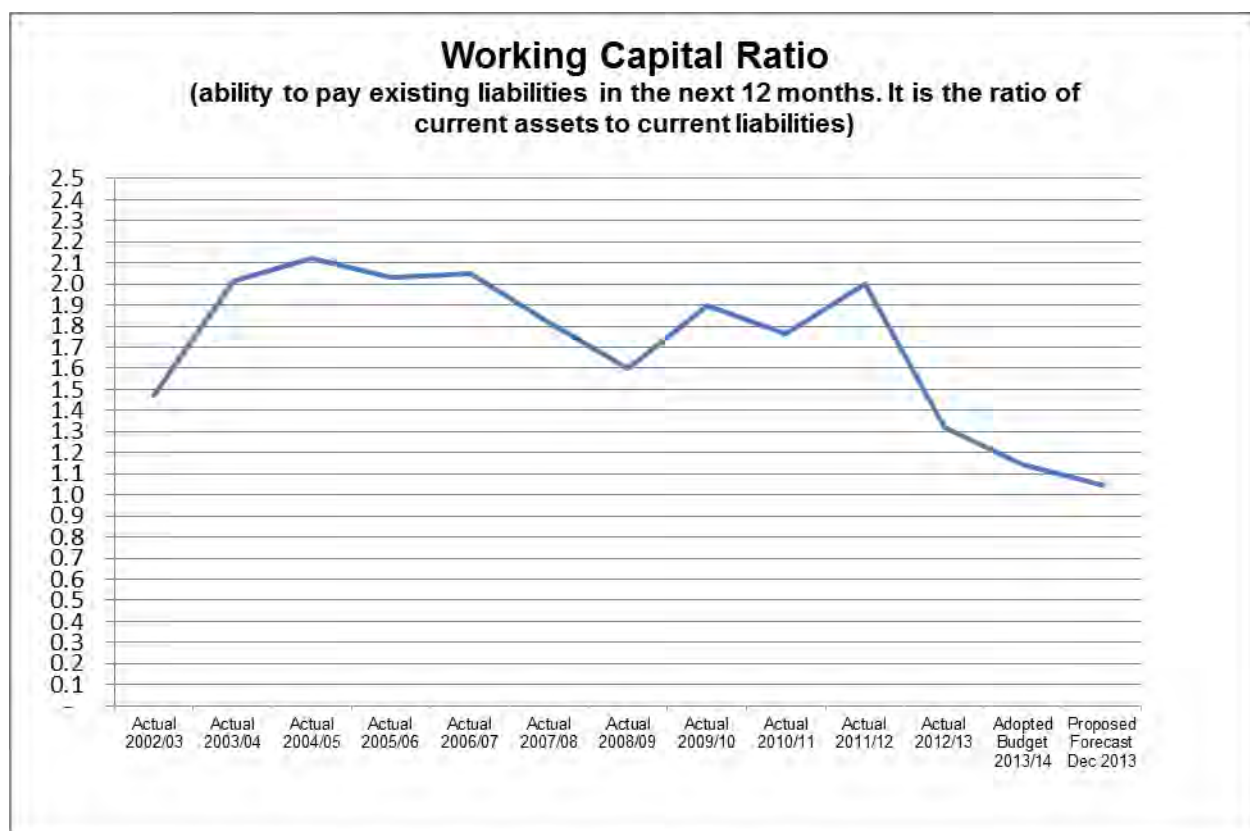
The working capital is projected to be \$0.5 million as at 30 June 2014. This would result in a working capital ratio of 1:1.04, which is below the low risk sustainability indicator of the Victorian Auditor-General's Office of better than 1:1.5. Council will continue to work hard to reduce expenditure and increase income to meet the VAGO ratio benchmark.

The present long term financial plan model indicates that the working capital ratio (at present 1:1.04), will not meet the VAGO target until 2021/22.

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QUARTERLY BUDGET REVIEW - DECEMBER 2013 (cont'd)



2.9 Financial Risks

Moving forward it is appropriate to examine risks as they may impact on the financial position of Council. The areas identified are flagged to highlight potential impacts on Council.

Capital Works

Council's capital works need to be managed prudently to strengthen Council's financial position and ensure Council meets all the low risk financial sustainability indicators as specified by the Victorian Auditor-General's Office.

Grant Income

Council has a significant level of government grants - \$11.4 million. These grants underpin several capital works projects and operating programs, all of which are of importance to the community. Capital grants, for 2013/14, total \$5.3 million and operating grants \$6.1 million. Due to the current cash-strapped position of the Government there is a declining trend of Grants as a proportion of the total income. The continuation of this level of funding will be monitored closely and to actively look for more income streams.

Underlying deficit

In essence, the underlying result is the operating result after eliminating non-cash capital income, which is contributed assets from developers. For 2013/14 this financial indicator is a deficit and therefore well below the VAGO target of greater than zero. In 2014/15 the situation is slightly better - the indicator is (0.89%).

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QUARTERLY BUDGET REVIEW - DECEMBER 2013 (cont'd)

Indebtedness (total long term liabilities) / own source revenue

This ratio measures the ability for Council to pay its liabilities from its own sources of income, which excludes all grants and contributions. Council's long term liabilities include loans and Council's obligation to rehabilitate landfills.

To be in the low financial risk category VAGO suggests that the ratio be 40% or lower. Council's ratio is currently 39% and reduces gradually as Council's does not plan to avail of new loans.

3. Community Consultation

The Council's December 2013 budget review is provided for public viewing in accordance with Council's open and transparent governance policy.

4. Internal Consultation

The following members of staff were consulted:

- Corporate Management Team
- All Managers
- Financial Accountant
- Assistant Accountant
- Cost Clerk
- IT Network Administrator

5. Legislative / Policy Implications

This report complies with the Local Government Act 1989 and Council's Budget and Financial Reporting policy.

In accordance with Section 138 of the Local Government Act 1989, at least every three months the Chief Executive Officer must ensure a statement comparing the budgeted revenue and expenditure for the financial year with actual revenue and expenditure to date is presented to the Council.

The December quarterly review report is being presented to Council at the November Ordinary Council Meeting. Advice was sought from the Department of Local Government with respect to Council's obligations under Section 138 of the *Local Government Act 1898*. Council was advised that there is no requirement under the Act stipulating when the quarterly statements must be prepared and it is reasonable to assume they can be prepared and provided as soon as is practical after the year end statements are finalised which has occurred in this instance.

6. Environmental Sustainability

Council's sound financial position continues to allow Council to implement and maintain its environmental projects.

7. Conflict of Interest Considerations

There are no officer conflict of interest issues to consider within this report.

8. Conclusion

The projected cash position is \$6.9 million as at 30 June 2014.

An operating deficit of \$1.6 million is forecast as at 30 June 2014.

FILE NO: 180.07.0021
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.2
(TEAM LEADER - FINANCIAL
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(FINANCE MANAGER, WARREN BROWN)

QUARTERLY BUDGET REVIEW - DECEMBER 2013 (cont'd)

A capital works program of \$10.4 million is currently forecast to be delivered as at 30 June 2014.

Council is facing a challenging position and will have to seek additional revenue streams and decrease expenditure as explained earlier.

Attachments

Nil

RECOMMENDATION

That Council consider and approve:

1. The projections for the 2013/14 financial year contained in the December 2013 quarterly budget review;

MOTION

CRS ED COX / ALEX MONK

That Council consider and approve:

1. The projections for the 2013/14 financial year contained in the December 2013 quarterly budget review;

(CARRIED)

FILE NO: 120.08.0002
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND COUNCIL STAFF

1. Executive Summary

The instruments of delegation from Council to the Chief Executive Officer and to Members of Council Staff have been reviewed to include updates to legislation and any organisational changes. The reviewed instruments attached to this report will bring these delegations up to date.

2. Discussion

About delegations

Delegating powers, duties or functions of a council under section 98 of the *Local Government Act 1989* (the Act) enables councils to run efficiently and effectively. The Council engages the Chief Executive Officer and provides broad delegations to facilitate that role.

The Chief Executive Officer then sub-delegates operational matters to directors, managers and other employees to distribute work across the organisation. Consideration is given to the appropriate level of delegation for a position and whether conditions and limitations should be applied.

In addition, the way some legislation is written requires delegation to come directly from Council to Council staff rather than to be sub-delegated by the Chief Executive Officer. Having appropriate delegations in place allows Council to use its formal meetings to deal with the most important and strategic decisions. Clauses within all instruments of delegation require delegates to observe the strategies, policies and guidelines adopted by Council. Section 98 of the *Local Government Act 1989* enables delegation:

98. Delegations

- (1) A Council may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act other than—
 - (a) this power of delegation; and
 - (b) the power to declare a rate or charge; and
 - (c) the power to borrow money; and
 - (d) the power to approve any expenditure not contained in a budget approved by the Council; and
 - (e) any power, duty or function of the Council under section 223; and
 - (f) any prescribed power.
- (2) The Chief Executive Officer may by instrument of delegation delegate to a member of the Council staff any power, duty or function of his or her office other than this power of delegation unless subsection (3) applies.
- (3) The instrument of delegation to the Chief Executive Officer may empower the Chief Executive Officer to delegate a power, duty or function of the Council other than the power of delegation to a member of the Council staff.
- (4) The Council must keep a register of delegations to members of Council staff.
- (5) A delegation under this section to a member of Council staff may be made to—
 - (a) a person named in the delegation; or
 - (b) the holder of an office or position specified in the delegation.
- (6) A Council must review within the period of 12 months after a general election all delegations which are in force and have been made by the Council under subsection (1).

FILE NO: 120.08.0002
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

Maddocks delegation and authorisation service

Council subscribes to the delegations and authorisation service offered by Maddocks lawyers which is used widely across local government in Victoria. The service includes a range of templates for instruments and resolutions, advice, and updates twice a year after parliamentary sessions. The two attached instruments of delegation are based upon templates included in the Maddocks service.

FILE NO: 120.08.0002
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

All delegations are reviewed concurrently

To ensure certainty Council's instruments of delegation are reviewed and updated concurrently. This removes the possibility of delegations made at different times being open to a challenge in a court of law as a result of Commonwealth legislation differing from Victorian legislation.

Last update

Council approved the last update of these two instruments of delegation on 18 November 2013.

Delegation to the Chief Executive Officer

Maddocks Lawyers have amended the instrument to include a limitation on the Chief Executive Officer's (CEO) delegation that they not take any action or do any act or thing which is required by law to be done by council resolution. This change is not the result of legislative amendment, but is added to clarify the position that where something is required to be done by council resolution, the CEO will not be able to exercise that power, duty or function under delegation. In these circumstances, the CEO or other sub-delegates are able to take action to implement a decision made by council resolution.

Delegations to Council staff

Legislation changes included in the update are:

- various changes to the provisions included for the *Planning and Environment Act 1987* and the *Planning and Environment Regulations 2005*, some of which are a result of legislative amendment and others are to clarify the operation of a particular power, duty or function; and
- the *Planning and Environment (Fees) Interim Regulations 2013* have now been revoked and replaced with the *Planning and Environment (Fees) Further Interim Regulations 2013*. Councils' powers and duties under these regulations remain the same, with expiry on 18 October 2014; and
- with respect to the Food Act 1984, reference to some duties and functions under this Act have been moved from the S6 Instrument of Delegation to the S7 Instrument of Sub-Delegation. This is because it is considered unnecessary that these duties and functions be delegated directly from council to staff, pursuant to section 58A of this Act.

The position title for Business Support Officer Planning, which was amended last year, has now been incorporated into the instrument.

3. Financial Implications

There are no financial implications to consider with this report.

4. Community Consultation

As required under regulation 11(j) of the *Local Government (General) Regulations 2004* the Council keeps a register of delegations kept under sections 87 and 98 of the Act, including the date on which the last reviews under section 86(6) and 98(6) took place. This register is available for public inspection.

FILE NO: 120.08.0002
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

5. Internal Consultation

Legal advice through the delegations and authorisations update service has formed the basis of this report, together with consultation on organisational needs with the Corporate Management Team and other relevant Council officers.

6. Legislative / Policy Implications

This report is in accordance with section 98 of the *Local Government Act 1989*.

7. Environmental Sustainability

There are no direct environmental implications to consider within this report.

8. Conflict of Interest Considerations

There are no council officer conflict of interest issues to consider within this report.

9. Conclusion

The reviewed instruments of delegations attached to this report will provide the appropriate level of delegation to ensure that the duties and functions of the Chief Executive Officer and Council staff can be carried out effectively.

Attachments

- 1 Instrument of Delegation to the Chief Executive Officer
- 2 Instrument of Delegation to Members of Council Staff

RECOMMENDATION

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

Chief Executive Officer delegations

1. there be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument.
2. the instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. on the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
4. the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
5. it is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.

Council staff delegations

6. there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to*

FILE NO: 120.08.0002
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument.

7. the instrument comes into force immediately the common seal of Council is affixed to the instrument.
8. on the coming into force of the instrument all previous delegations by Council to members of Council staff (other than the Chief Executive Officer) are revoked.
9. the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

MOTION

CRS BRIAN KEENAN / ED COX

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

Chief Executive Officer delegations

1. there be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument.
2. the instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. on the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
4. the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
5. it is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.

Council staff delegations

6. there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument.
7. the instrument comes into force immediately the common seal of Council is affixed to the instrument.
8. on the coming into force of the instrument all previous delegations by Council to members of Council staff (other than the Chief Executive Officer) are revoked.
9. 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. (CARRIED)

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3. OUR COMMUNICATIONS AND
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ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

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



Moirashire Council

**Instrument of Delegation
to
the Chief Executive Officer**

February 2014



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3. OUR COMMUNICATIONS AND
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ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

ATTACHMENT No [1] - 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 98(1) of the *Local Government Act 1989* (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 17 February 2014 ;
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 the Council resolves to vary or revoke it.
3. The member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

"The COMMON SEAL of the
MOIRA SHIRE COUNCIL
was affixed hereto by authority
of the Council on the
..... day of February 2014
in the presence of:

.....Chief Executive Officer

FILE NO: 120.08.0002
3. OUR COMMUNICATIONS AND
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ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

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

S5 - Instrument of Delegation to the Chief Executive Officer



SCHEDULE

The power to

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

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

Conditions and Limitations

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

4. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 4.1 awarding a contract exceeding a value of \$150,000 for contracts in relation to goods and services and \$200,000 for contracts in relation to works;
 - 4.2 making a local law under Part 5 of the Act;
 - 4.3 approval of the Council Plan under section 125 of the Act;
 - 4.4 adoption of the Strategic Resource Plan under section 126 of the Act;
 - 4.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
 - 4.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
 - 4.7 determining pursuant to section 37 of the Act that an extraordinary vacancy on Council not be filled;
 - 4.8 exempting a member of a special committee who is not a Councillor from submitting a return under section 81 of the Act;
 - 4.9 appointment of councillor or community delegates or representatives to external organisations; or
 - 4.10 the return of the general valuation and any supplementary valuations;
5. if the issue, action, act or thing is an issue, action or thing which 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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(CORPORATE GOVERNANCE OFFICER,
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ALISON COE)

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

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

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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 strategyadopted by Council; or
8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act, or otherwise; or
9. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

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3. OUR COMMUNICATIONS AND
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ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



Moira Shire Council

**Instrument of Delegation
to
Members of Council Staff**

February 2014



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(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff

S6 - Instrument of Delegation to Members of Council Staff



Instrument of Delegation

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

- 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 a reference in the Schedule to abbreviations in column 3 means the following positions:

AE	Assets Executive	EHTO	Environmental Health Technical Officer
ASA	Administration Support Officer (Assets)	EMO	Executive Manager Operations
ASSA	Administration Support Officer Safety and Amenity	LUP	Land Use Planner
ASP	Administration Support Officer Planning	MCA	Manager Construction and Assets
ATO	Assets Technical Officer	MF	Manager Finance
BSP	Business Support Officer Planning	MSAE	Manager Safety, Amenity and Environment
BSSA	Business Support Officer Safety and Amenity	MTPB	Manager Town Planning and Building
CGO	Corporate Governance Officer	SAO	Safety and Amenity Officer
CO	Communications Officer	SP	Senior Planner
CSA	Co-ordinator Safety and Amenity	SFBP	Superintendent Fleet, Building Maintenance and Parks
DCG	Director Corporate Governance	SPC	Statutory Planning Co-ordinator
DCO	Development Compliance Officer	SWS	Superintendent Works and Services
DC	Director Community	TLEH	Team Leader Environmental Health
DIL	Director Infrastructure and Liveability	TLO	Team Leader Operations
EE	Executive Engineer	TO	Technical Officer (Assets)
EHO	Environmental Health Officer	TP	Town Planner

- declares that:
 - this Instrument of Delegation is authorised by a resolution of Council passed on 17 February 2014 and
 - the delegation:
 - comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - remains in force until varied or revoked
 - is subject to any conditions and limitations set out in sub-paragraph 3.3 and the Schedule; and
 - must be exercised in accordance with any guidelines or policies which Council from time to time adopts.

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3. OUR COMMUNICATIONS AND
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(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff

S6 - Instrument of Delegation to Members of Council Staff



- 3.3 the delegate must not determine the issue, take the action or do the act or thing;
- 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
- 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
- (a) policy; or
 - (b) strategy
- adopted by Council; or
- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

The COMMON SEAL of the
MOIRA SHIRE COUNCIL
was affixed hereto by
authority of the Council on the
day of February 2014
in presence of:

.....Chief Executive Officer

FILE NO: 120.08.0002
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff

S6 - Instrument of Delegation to Members of Council Staff



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

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
s.41A(1)	power to declare a dog to be a menacing dog	DC, MSAE, CSA, SAO	Council may delegate this power to an authorised officer SAO delegated only when CEO, DC, MSAE or CSA unavailable and matter is considered urgent.

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

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(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	TLEH, EHO	If section 19(1) applies
s.19(2)(b)	power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	TLEH, EHO	If section 19(1) applies
s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	TLEH, EHO	If section 19(1) applies
s.19(6)(a)	duty to revoke any order under s.19 if satisfied that an order has been complied with where the subject of the order has been attended to	TLEH, EHO	If section 19(1) applies
s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	TLEH, EHO	If section 19(1) applies
s.19AA(2)	power to direct, by written order, that a person must take any of the actions described in (a)-(c).	TLEH, EHO	where council is the registration authority
s.19AA(4)(c)	power to direct, in an order made under s.19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	TLEH, EHO	Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s.19AA(7)	duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with	TLEH, EHO	where council is the registration authority

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ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

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

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ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	power to register, renew or transfer registration	TLEH, EHO	where council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the Chief Executive Officer (see section 58A(2))
s.38AA(5)	power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	TLEH, EHO	where council is the registration authority
s.38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	TLEH	where council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	TLEH, EHO	where council is the registration authority
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	TLEH, EHO	where council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	TLEH, EHO	where council is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	TLEH, EHO	where council is the registration authority
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	TLEH, EHO	where council is the registration authority
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	TLEH, EHO	where council is the registration authority

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ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38D(3)	power to request copies of any audit reports	TLEH, EHO	where council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	TLEH, EHO	where council is the registration authority not exceeding the prescribed time limit defined under subsection (5)
s.38E(4)	duty to register the food premises when conditions are satisfied	TLEH, EHO	where council is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	TLEH, EHO	where council is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	TLEH, EHO	where council is the registration authority only if satisfied of matters in subsections (2)(a)-(c)
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	TLEH, EHO	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	TLEH, EHO	where council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	CEO, TLEH	where council is the registration authority Must be reported to Council
s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	TLEH, EHO	where council is the registration authority

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ITEM NO: 9.1.3
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(DIRECTOR CORPORATE GOVERNANCE,
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**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
COUNCIL STAFF (cont'd)**

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

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

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

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(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
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**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
COUNCIL STAFF (cont'd)**

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.4B	power to prepare an amendment to the Victoria Planning Provisions	DIL, MTPB, SPC	if authorised by the Minister once a decision approved by Council and Ministerial authorisation given
s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	DIL, MTPB, SPC	
s.4H	duty to make amendment to Victoria Planning Provisions available	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.4I	duty to keep Victoria Planning Provisions and other documents available	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.8A(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	DIL, MTPB, SPC	
s.8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	DIL, MTPB, SPC	
s.8A(5)	function of receiving notice of the Minister's decision	DIL, MTPB, SPC	
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	DIL, MTPB	
s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	DIL, MTPB	

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3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12A(1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	DIL, MTPB	Council must approve the final Municipal Strategic Statement.
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	DIL, MTPB, SPC	DIL must authorise expenditure and regularly report to Council to review any studies
s.12B(1)	duty to review planning scheme	DIL, MTPB	
s.12B(2)	duty to review planning scheme at direction of Minister	DIL, MTPB	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	DIL, MTPB	
s.14	duties of the Responsible Authority as set out in subsections (a) to (d)	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.17(1)	duty of giving copy amendment to the planning scheme	DIL, MTPB, SPC	apply together if s.173 relates to amendment
s.17(2)	duty of giving copy s.173 agreement	DIL, MTPB, SPC	
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	DIL, MTPB, SPC	
s.18	duty to make amendment etc. available	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19	power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s19 to a planning scheme	DIL, MTPB, SPC, SP, LUP	Council approval to preparation of an amendment is required.
s.19	function of receiving notice of preparation of an amendment to a planning scheme	DIL, MTPB, SPC, SP, LUP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority
s.20(1)	power to apply to Minister for exemption from the requirements of s 19	DIL, MTPB, SPC, SP, LUP	once approved by Council
s.21(2)	duty to make submissions available	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.21A(4)	duty to publish notice in accordance with section	DIL, MTPB, SPC	
s.22	duty to consider all submissions	DIL, MTPB, SPC, SP, LUP	action must be reported to Council
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	DIL, MTPB, SPC	
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	DIL, MTPB, SPC	Council must approve referral to a panel.
s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in s 96D)	DIL, MTPB, SPC, SP, LUP	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.26(1)	power to make report available for inspection	DIL, MTPB, SPC	
s.26(2)	duty to keep report of panel available for inspection	DIL, MTPB, SPC, SP, LUP	
s.27(2)	power to apply for exemption if panel's report not received	DIL, MTPB, SPC	once approved by Council.
s.28	duty to notify the Minister if abandoning an amendment	DIL, MTPB, SPC	Note: the power to make a decision to abandon an amendment cannot be delegated
s.30(4)(a)	duty to say if amendment has lapsed	DIL, MTPB, SPC	
s.30(4)(b)	duty to provide information in writing upon request	DIL, MTPB	
s.32(2)	duty to give more notice if required	DIL, MTPB, SPC	
s.33(1)	duty to give more notice of changes to an amendment	DIL, MTPB, SPC	
s.36(2)	duty to give notice of approval of amendment	DIL, MTPB, SPC	action must be reported to Council
s.38(5)	duty to give notice of revocation of an amendment	DIL, MTPB, SPC	action must be reported to Council
s.39	function of being a party to a proceeding commenced under s.39 and duty to comply with determination by VCAT	DIL, MTPB, SPC, SP, LUP, TP, DCO	VCAT determination to be reported to Council
s.40(1)	function of lodging copy of approved amendment	DIL, MTPB, SPC	
s.41	duty to make approved amendment available	DIL, MTPB, SPC, SP, LUP, TP, DCO	

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ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.42	duty to make copy of planning scheme available	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.46AS(ac)	power to request the Growth Areas Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	DIL, MTPB, SPC	
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	DIL, MTPB, SPC, SP, LUP	in accordance with Development Contribution Plan
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	DIL, MTPB, SPC, SP, LUP	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DIL, MTPB, SPC	
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	DIL, MTPB, SPC	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	Stays with Council	not delegated
s.46P(1)	power to require payment of amount of levy under s.46N or s.46O to be satisfactorily secured	DIL, MTPB, SPC	must have terms included in the agreement to adequately cover security
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	Stays with Council	not delegated
s.46Q(1)	duty to keep proper accounts of levies paid	DCG, MF	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DIL, MTPB, SPC	
s.46Q(2)	duty to apply levy only for a purpose relating to the provision of the works, services and facilities in respect of which the levy was paid etc.	DIL, MTPB	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	DIL, MTPB	only applies when levy is paid to Council as a 'development agency'
s.46Q(4)(c)	duty to pay amount to current owners of land in the area	DIL, MTPB	must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s.46Q(4)(d)	duty to submit to the Minister an amendment to the approved development contributions plan	DIL, MTPB	must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that amount on other works etc.	DIL, MTPB	with the consent of, and in the manner approved by, the Minister
s.46QC	power to recover any amount of levy payable under Part 3B	DIL, MTPB, CFO	
s.47	power to decide that an application for a planning permit does not comply with that Act	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.49(2)	duty to make register available for inspection	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.50(4)	duty to amend application	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.50(5)	power to refuse to amend application	DIL, MTPB, SPC, SP, LUP	
s.50(6)	duty to make note of amendment to application in register	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.50A(1)	power to make amendment to application	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.50A(4)	duty to note amendment to application in register	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.51	duty to make copy of application available for inspection	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
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	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
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	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.52(1)(cb)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.52(3)	power to give any further notice of an application where appropriate	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	must be notified on prescribed form

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ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.54(1)	power to require the applicant to provide more information	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.54(1A)	duty to give notice in writing of information required under s.54(1)	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.54(1B)	duty to specify the lapse date for an application	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und s.54A(3)	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	DIL, MTPB	must be reported to Council
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	DIL, MTPB, SPC, SP, LUP, TP, DCO	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57(5)	duty to make available for inspection copy of all objections	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to s.57A(5)	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.57A(5)	power to refuse to amend application	DIL, MTPB, SPC	
s.57A(6)	duty to note amendments to application in register	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.57B(1)	duty to determine whether and to whom notice should be given	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.57C(1)	duty to give copy of amended application to referral authority	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.58	duty to consider every application for a permit	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.58A	power to request advice from the Planning Application Committee	DIL, MTPB, SPC	
s.60	duty to consider certain matters	DIL, MTPB, SPC, SP, LUP, TP, DCO	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.60(1A)	power to consider certain matters before deciding on application	DIL, MTPB, SPC, SP, LUP, TP, DCO	
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 – where no objection/s received	DIL, MTPB, SPC, SP, LUP, TP, DCO	must be reported to Council as permit issued under delegation The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>
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 – where objection/s received	Stays with Council	not delegated The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	Stays with Council	not delegated
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	DIL, MTPB, SPC	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	Stays with Council	not delegated <i>Coastal Management Act 1995</i> not relevant to Moira Shire
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DIL, MTPB, SPC	
s.62(1)	duty to include certain conditions in deciding to grant a permit	DIL, MTPB, SPC, SP, LUP, TP, DCO	if objection/s received delegation not valid – power stays with Council
s.62(2)	power to include other conditions	DIL, MTPB, SPC, SP, LUP, TP, DCO	if objection/s received delegation not valid – power stays with Council

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.62(4)	duty to ensure conditions are consistent with subsections (a),(b) and (c)	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.62(5)(b)	power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	DIL, MTPB, SPC, SP, LUP, TP, DCO	
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 s.62(5) or s.46N	DIL, MTPB, SPC, SP, LUP, TP, DCO	section 173 Agreement to be signed by Chief Executive Officer and be signed and sealed by Council.
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)	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	DIL, MTPB, SPC	
s.64(3)	duty not to issue a permit until after the specified period	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.64(5)	duty to give each objector a copy of an exempt decision	DIL, MTPB, SPC, SP, LUP, TP, DCO	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DIL, MTPB, SPC, SP, LUP	this provision applies also to a decision to grant an amendment to a permit - see section 75A (not yet in force)
s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.66(1)	duty to give notice under s.64 or s.65 and copy permit to relevant determining referral authorities	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s.66(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	if the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s.66(6)	duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s.69(1)	function of receiving application for extension of time of permit	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.69(1A)	function of receiving application for extension of time to complete development	DIL, MTPB, SPC, SP, LUP, TP, DCO	

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PROCESSES

ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.69(2)	power to extend time	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.70	duty to make copy permit available for inspection	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.71(1)	power to correct certain mistakes	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.71(2)	duty to note corrections in register	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.73	power to decide to grant amendment subject to conditions	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.74	duty to issue amended permit to applicant if no objectors	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	

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

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DIL, MTPB, SPC, SP, LUP, TP, DCO	if the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	DIL, MTPB, SPC, SP, LUP, TP, DCO	if the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under section 64 or 76	DIL, MTPB, SPC, SP, LUP, TP, DCO	if the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s.76D	duty to comply with direction of Minister to issue amended permit	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.83	function of being respondent to an appeal	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.83B	duty to give or publish notice of application for review	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	fee must be charged to the applicant for providing notice
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DIL, MTPB, SPC	if objection/s received delegation not valid – power stays with Council

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**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
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ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DIL, MTPB, SPC	
s.84(3)	duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	DIL, MTPB, SPC; SP, LUP, TP, DCO	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	DIL, MTPB, SPC; SP, LUP, TP, DCO	
s.86	duty to issue a permit at order of Tribunal within 3 working days	DIL, MTPB, SPC; SP, LUP, TP, DCO	must be reported to Council
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	DIL, MTPB, SPC	must be reported to Council
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	DIL, MTPB, SPC; SP, LUP, TP, DCO	
s.91(2)	duty to comply with the directions of the VCAT	DIL, MTPB, SPC; SP, LUP, TP, DCO	must be reported to Council
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	DIL, MTPB, SPC; SP, LUP, TP, DCO	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90	DIL, MTPB, SPC; SP, LUP, TP, DCO, ASP	
s.93(2)	duty to give notice of VCAT order to stop development	DIL, MTPB, SPC; DCO	must be reported to Council

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ITEM NO: 9.1.3
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**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
COUNCIL STAFF (cont'd)**

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.95(3)	function of referring certain applications to the Minister	DIL, MTPB, SPC	must be reported to Council
s.95(4)	duty to comply with an order or direction	DIL, MTPB, SPC	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	DIL, MTPB	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DIL, MTPB	must be reported to Council
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	DIL, MTPB, SPC	must be reported to Council
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	DIL, MTPB, SPC	
s.96F	duty to consider the panel's report under section 96E	DIL, MTPB, SPC	
s.96G(1)	power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	DIL, MTPB, SPC	must be reported to Council
s.96H	power to give notice in compliance with Minister's direction	DIL, MTPB, SPC	
s.96J	power to issue permit as directed by the Minister	DIL, MTPB, SPC	must be reported to Council

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ITEM NO: 9.1.3
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**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
COUNCIL STAFF (cont'd)**

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.96K	duty to comply with direction of the Minister to give notice of refusal	DIL, MTPB, SPC	must be reported to Council
s.97C	power to request Minister to decide the application	Stays with Council	not delegated
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	DIL, MTPB, SPC	
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	DIL, MTPB, SPC	
s.97G(6)	duty to make a copy of permits issued under s.97F available for inspection	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.97L	duty to include Ministerial decisions in a register kept under s.49	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.97MH	duty to provide information or assistance to the Planning Application Committee	DIL, MTPB, SPC	
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	DIL, MTPB, SPC	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	DIL, MTPB, SPC	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	DIL, MTPB, SPC, SP, LUP, TP, DCO	

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ITEM NO: 9.1.3
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**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
COUNCIL STAFF (cont'd)**

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.97Q(4)	duty to comply with directions of VCAT	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	DIL, MTPB	must be reported to Council
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	DIL, MTPB	
s.101	function of receiving claim for expenses in conjunction with claim	DIL, MTPB	
s.103	power to reject a claim for compensation in certain circumstances	DIL, MTPB	must be reported to Council
s.107(1)	function of receiving claim for compensation	DIL, MTPB	must be reported to Council
s.107(3)	power to agree to extend time for making claim	DIL	
s.114(1)	power to apply to the VCAT for an enforcement order	DIL, MTPB, SPC, DCO	must be reported to Council
s.117(1)(a)	function of making a submission to the VCAT where objections are received	DIL, MTPB, SPC, DCO	

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ITEM NO: 9.1.3
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**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
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ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.120(1)	power to apply for an interim enforcement order where s.114 application has been made	DIL, MTPB, SPC, DCO	must be reported to Council
s.123(1)	power to carry out work required by enforcement order and recover costs	DIL, MTPB, SPC, DCO	must be reported to Council
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under s.123(1)	DIL, MTPB, SPC, DCO	except Crown Land
s.129	function of recovering penalties	DIL, MTPB, SPC, DCO	
s.130(5)	power to allow person served with an infringement notice further time	DIL, MTPB, SPC, DCO	
s.149A(1)	power to refer a matter to the VCAT for determination	DIL, MTPB, SPC	
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	DIL, MTPB, SPC	
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (2A) and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B)), power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	DIL, MTPB, SPC	where Council is the relevant planning authority
s.171(2)(f)	power to carry out studies and commission reports	DIL, MTPB	subject to approved budget
s.171(2)(g)	power to grant and reserve easements	DIL, MTPB	

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ITEM NO: 9.1.3
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**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
COUNCIL STAFF (cont'd)**

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.173	power to enter into agreement covering matters set out in s.174	CEO	
---	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	DIL, MTPB, SPC	
---	power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	DIL, MTPB, SPC	
s.177(2)	power to end a section 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DIL, MTPB, SPC	
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	
s.178A(1)	function of receiving application to amend or end an agreement	DIL, MTPB, SPC; SP, LUP, TP, DCO, ASP	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	DIL, MTPB, SPC	

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**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
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ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DIL, MTPB, SPC, SP, LUP	
s.178A(5)	power to propose to amend or end an agreement	DIL, MTPB, SPC, SP, LUP	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	DIL, MTPB, SPC, SP, LUP	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	DIL, MTPB, SPC, SP, LUP	
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	DIL, MTPB, SPC, SP, LUP	
s.178C(4)	function of determining how to give notice under s.178C(2)	DIL, MTPB, SPC, SP, LUP	
s.178E(1)	duty not to make decision until after 14 days after notice has been given	DIL, MTPB, SPC, SP, LUP	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	DIL, MTPB, SPC, SP, LUP	If no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	DIL, MTPB, SPC, SP, LUP	If no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(c)	power to refuse to amend or end the agreement	DIL, MTPB, SPC, SP, LUP	If no objections are made under s.178D Must consider matters in s.178B
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	DIL, MTPB, SPC, SP, LUP	After considering objections, submissions and matters in s.148B

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**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
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ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	DIL, MTPB, SPC, SP, LUP	After considering objections, submissions and matters in s.148B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	DIL, MTPB, SPC, SP, LUP	After considering objections, submissions and matters in s.148B
s.178E(3)(d)	power to refuse to amend or end the agreement	DIL, MTPB, SPC, SP, LUP	After considering objections, submissions and matters in s.148B
s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	DIL, MTPB, SPC, SP, LUP	
s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	DIL, MTPB, SPC, SP, LUP	
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	DIL, MTPB, SPC, SP, LUP	
s.178G	duty to sign amended agreement and give copy to each other party to the agreement	DIL, MTPB, SPC	
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	DIL, MTPB, SPC	
s.178I(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DIL, MTPB, SPC, SP, LUP	
s.179(2)	duty to make available for inspection copy agreement	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	

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**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
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ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	DIL, MTPB, SPC, SP, LUP	
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	DIL, MTPB, SPC, SP, LUP	
s.182	power to enforce an agreement	DIL, MTPB, SPC, DCO	must be reported Council
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	DIL, MTPB, SPC, SP, LUP, TP, DCO	
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	DIL, MTPB, SPC	
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	DIL, MTPB, SPC, SP, LUP	
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	DIL, MTPB, SPC	
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	DIL, MTPB, SPC, SP, LUP, TP, DCO	

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ITEM NO: 9.1.3
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**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
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ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.184G(2)	duty to comply with a direction of the Tribunal	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.184G(3)	duty to give notice as directed by the Tribunal	DIL, MTPB, SPC, SP, LUP, TP, DCO	
s.198(1)	function to receive application for planning certificate	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.199(1)	duty to give planning certificate to applicant	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.201(1)	function of receiving application for declaration of underlying zoning	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
s.201(3)	duty to make declaration	DIL, MTPB, SPC	
---	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	DIL, MTPB, SPC, SP, LUP, TP, DCO	
---	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	DIL, MTPB, SPC	
---	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	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	

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FILE NO: 120.08.0002
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	power to give written authorisation in accordance with a provision of a planning scheme	DIL, MTPB, SPC, SP, LUP, TP, DCO	

RAIL SAFETY ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
s.33	duty to comply with a direction of the Safety Director under this section	DIL, EMO, SWS	where council is a utility under s3
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	DIL, EMO, SWS	duty of council as a road authority under the <i>Road Management Act 2004</i>
s.34	duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under s33(1)	DIL, EMO, SWS	where council is a utility under s3
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	DIL, EMO, SWS	where council is the relevant road authority
s.34D(1)	function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	DIL, EMO, SWS	where council is the relevant road authority
s.34D(2)	function of receiving written notice of opinion	DIL, EMO, SWS	where council is the relevant road authority
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	DIL, EMO, SWS	where council is the relevant road authority

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**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
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ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

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

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**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
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ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.142D	function of receiving notice regarding an unregistered rooming house	TLEH, EHO	
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	TLEH, EHO	
s.142G(2)	power to enter certain information in the Rooming House Register	TLEH, EHO	
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	TLEH, EHO	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	Not applicable	where council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	Not applicable	where council is the landlord
s.262(3)	power to publish its criteria for eligibility for the provision of housing by council	Not applicable	Council is not a landlord
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	TLEH, EHO	
s.522(1)	power to give a compliance notice to a person	TLEH, EHO	
s.525(2)	power to authorise an officer to exercise powers in s.526 (either generally or in a particular case)	CEO, DC	
s.525(4)	duty to issue identity card to authorised officers	CEO, DC, CGO	must be signed by Chief Executive Officer

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ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.526(5)	duty to keep record of entry by authorised officer under section 526	TLEH, EHO	
s.526A(3)	function of receiving report of inspection	TLEH, EHO	
s.527	authorise a person to institute proceedings (either generally or in a particular case)	CEO, DC	delegate to consult with Chief Executive Officer

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**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
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ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	DIL, MCA, AE, EE	subject to Council resolution declaring road; obtain consent in circumstances specified in s11(2)
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	DIL, MCA, AE, EE	subject to Council resolution to name the road
s.11(9)(b)	duty to advise Registrar	DIL, MCA, AE, EE	subject to Council resolution to name the road
s.11(10)	duty to inform Secretary to Department of Sustainability and Environment of declaration etc.	DIL, MCA, AE	clause subject to s11(10A) subject to Council resolution to declare, name, discontinue etc
s.11(10A)	duty to inform Secretary to Department of Sustainability and Environment or nominated person	DIL, MCA, AE	where council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	DIL	where council is the coordinating road authority subject to Council resolution to discontinue the road
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	DIL, MCA, AE, EE	power of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(5)	duty to consider written submissions received within 28 days of notice	DIL, MCA, AE, EE	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(6)	function of hearing a person in support of their written submission	DIL	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies

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**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
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ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	DIL	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(10)	duty to notify of decision made	DIL	duty of coordinating road authority where it is the discontinuing body does not apply where an exemption is specified by the regulations or given by the Minister
s.13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	DIL, MCA, AE, EE	subject to Council resolution to fix a boundary road power of coordinating road authority and obtain consent under s13(3) and s13(4) as appropriate
s.14(4)	function of receiving notice from VicRoads	DIL, MCA, AE, EE, EMO	
s.14(7)	power to appeal against decision of VicRoads	CEO	
s.15(1)	power to enter into arrangement with another road authority, or a provider of public transport to transfer a road management function of the road authority to the other road authority or provider of public transport	Stays with Council	not delegated
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
s.15(2)	duty to include details of arrangement in public roads register	DIL, MCA, AE, EE	
s.16(7)	power to enter into an arrangement under s15	Stays with Council	not delegated

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**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
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ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.16(8)	duty to enter details of determination in public roads register	DIL, MCA, AE, EE	
s.17(2)	duty to register public road in public roads register	DIL, MCA, AE, EE	where council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	Stays with Council	not delegated where council is the coordinating road authority
s.17(3)	duty to register a road reasonably required for general public use in public roads register	DIL, MCA, AE	where council is the coordinating road authority
s.17(4)	power to decide that a road is no longer reasonably required for general public use	Stays with Council	not delegated where council is the coordinating road authority
s.17(4)	duty to remove road no longer reasonably required for general public use from public roads register	DIL, MCA, AE, EE	subject to Council resolution that road no longer reasonably required for general public use where council is the coordinating road authority
s.18(1)	power to designate ancillary area	DIL, MCA, AE, EE	where council is the coordinating road authority, and obtain consent in circumstances specified in s18(2)
s.18(3)	duty to record designation in public roads register	DIL, MCA, AE, EE	where council is the coordinating road authority
s.19(1)	duty to keep register of public roads in respect of which it is the coordinating road authority	DIL, MCA, AE, EE	
s.19(4)	duty to specify details of discontinuance in public roads register	DIL, MCA, AE, EE	
s.19(5)	duty to ensure public roads register is available for public inspection	DIL, MCA, AE, EE	

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**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
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ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.21	function of replying to request for information or advice	DIL	obtain consent in circumstances specified in s11(2)
s.22(2)	function of commenting on proposed direction	DIL	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	DIL, MCA, AE, CO	
s.22(5)	duty to give effect to a direction under this section.	DIL, MCA, AE	
s.40(1)	duty to inspect, maintain and repair a public road	DIL, EMO, SFBP, SWS, TLO, ATO, TO, MCA, AE	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	DIL, EMO, SFBP, TLO, ATO, TO, MCA, AE	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	DIL, MCA, AE, EMO, EE	
s.42(1)	power to declare, by public notice, a public road as a controlled access road	DIL, MCA, AE, EE	subject to Council resolution to declare power of coordinating road authority and Schedule 2 also applies
s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	DIL, MCA, AE, MEO, EE	subject to Council resolution to amend or revoke power of coordinating road authority and Schedule 2 also applies
s.42A(3)	duty to consult with VicRoads before road is specified	DIL, MCA, AE, EE	where council is the coordinating road authority if road is a municipal road or part thereof

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ITEM NO: 9.1.3
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**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
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ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	DIL, MCA, AE, EE	where council is the coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road
s.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	DIL, MCA, AE, EMO, SWS	where council is the responsible road authority, infrastructure manager or works manager
s.48M(3)	function of consulting with the Secretary for purposes of developing guidelines under section 48M	DIL, MCA, AE, EMO	
s.48N	duty to notify the Secretary of the location of the bus stopping point and the action taken by council	DIL, MCA, AE, EMO, EE	
s.49	power to develop and publish a road management plan	DIL, MCA, AE, EMO, EE	must be adopted by Council before publishing
s.51	power to determine standards by incorporating the standards in a road management plan	Stays with Council	not delegated
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	DIL, MCA, AE, EE	subject to Council resolution of amendment etc of document
s.54(2)	duty to give notice of proposal to make a road management plan	DIL, MCA, AE, EE	subject to Council resolution of proposal to make a road management plan
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	DIL, MCA, AE, EMO, EE	
s.54(6)	power to amend road management plan	Stays with Council	not delegated

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ITEM NO: 9.1.3
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**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
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ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54(7)	duty to incorporate the amendments into the road management plan	DIL, MCA, AE, EMO, EE	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	DIL, MCA, AE, EE	
s.63(1)	power to consent to conduct of works on road	DIL, MCA, AE, EMO, SWS, ATO, ASA, EE	where council is the coordinating road authority
s.63(2)(e)	power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	DIL, MCA, AE, EMO, SFBP, SWS, TLO, EE	where council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	DIL, MCA, AE, EMO, SWS, EE	where council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	DIL, MCA, EMO, EE	advertising signs are subject to consultation with Local Laws / Town Planning where council is the coordinating road authority
s.67(2)	function of receiving the name & address of the person responsible for distributing the sign or bill	DIL, MCA, AE, EE, MSAE, CSA, SAO, BSSA, ASSA	where council is the coordinating road authority
s.67(3)	power to request information	DIL, MSAE, CSA, SAO, BSSA, ASSA, EE	where council is the coordinating road authority
s.68(2)	power to request information	DIL, MSAE, CSA, SAO, BSSA, ASSA, EE	where council is the coordinating road authority

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**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER AND
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S6 - Instrument of Delegation to Members of Council Staff

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.71(3)	power to appoint an authorised officer	CEO	
s.72	duty to issue an identity card to each authorised officer	DC, MSAE, CSA, CGO, BSSA, ASSA	must be signed by Chief Executive Officer
s.85	function of receiving report from authorised officer	DC, MSAE, CSA, SAO, BSSA, ASSA	
s.86	duty to keep register re s85 matters	DC, MSAE, CSA, SAO, BSSA, ASSA	
s.87(1)	function of receiving complaints	DC, MSAE, CSA, SAO, BSSA, ASSA	
s.87(2)	duty to investigate complaint and provide report	DC, MSAE, CSA, SAO	
s.112(2)	power to recover damages in court	DC, MSAE, CSA	
s.116	power to cause or carry out inspection	DIL, EMO, SWS, ATO, TO, MCA, EE	
s.119(2)	function of consulting with VicRoads	DIL, EMO, MCA, AE, EE	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	DIL, EMO, EE, MCA, AE, TLO	
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	DIL, EMO, SWS, MCA, AE, TLO, EE	

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.121(1)	power to enter into an agreement in respect of works	DIL, EMO, MCA, AE, EE	
s.122(1)	power to charge and recover fees	DIL, EMO, MCA, AE	Fees and charges set by Council during budget process
s.123(1)	power to charge for any service	DIL, EMO, MCA, AE	Fees and charges set by Council during budget process
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	DIL	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	Stays with Council	not delegated
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	Stays with Council	not delegated
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	DIL, MCA, AE, EMO	
Schedule 2 Clause 5	duty to publish notice of declaration	DIL, MCA, AE, EMO, EE	
Schedule 7, Clause 7(1)	duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	DIL, MCA, AE, EMO, SWS, EE	where council is the infrastructure manager or works manager
Schedule 7, Clause 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	DIL, MCA, AE, EMO, SWS, EE	where council is the infrastructure manager or works manager

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7, Clause 9(1)	duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	DIL, MCA, AE, EMO, SWS, EE	where council is the infrastructure manager or works manager responsible for non-road infrastructure
Schedule 7, Clause 9(2)	duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	DIL, MCA, AE, EMO, SWS, EE	where council is the infrastructure manager or works manager
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	DIL, MCA, AE, EMO, SWS, EE	where council is the infrastructure manager or works manager
Schedule 7, Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	DIL, MCA, AE, EE, EMO	where council is the coordinating road authority
Schedule 7, Clause 12(3)	power to take measures to ensure reinstatement works are completed	DIL, MCA, AE, EE, EMO	where council is the coordinating road authority
Schedule 7, Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	DIL, MCA, AE, EE	where council is the coordinating road authority
Schedule 7, Clause 12(5)	power to recover costs	DIL, MCA, AE, EE	where council is the coordinating road authority
Schedule 7, Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	DIL, MCA, AE, EMO, EE	where council is the works manager

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Maddocks Update December 2013 - considered by Council 17 February 2014 (Maddocks Conditions and Limitations in bold)
instrument of delegation from council to members council staff s6 - february 2014

FILE NO: 120.08.0002
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 13(2)	power to vary notice period	DIL, MCA, AE, EE	where council is the coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	DIL, MCA, AE, EMO, EE	where council is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	DIL, MCA, AE, ATO, ASA, EE	where council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	DIL, MCA, AE, ATO, ASA, EE	where council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	DIL, MCA, AE, ATO, ASA, EE	where council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	DIL, MCA, AE, ATO, ASA, EE	where council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	DIL, MCA, AE, ATO, ASA, EE	where council is the coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	DIL, MCA, AE, EE	where council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	DIL	where council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	DIL, MSAE, CSA, SAO, EMO, EE, AE	where council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	DIL, MSAE, CSA, SAO, EMO, EE, AE	where council is the coordinating road authority

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Maddocks Update December 2013 - considered by Council 17 February 2014 (Maddocks Conditions and Limitations in bold)
Instrument of delegation from council to members council staff s6 - february 2014

FILE NO: 120.08.0002
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DIL, MSAE, CSA, SAO, EMO, EE	where council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	DIL, MCA, AE, EE	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	DIL, MCA, AE, EE	where council is the responsible road authority
Schedule 7A Clause 3(1)(e)	duty to pay installation and operation costs of street lighting -where road is a service road on an arterial road and adjacent areas	DIL, MCA, AE, EE	where council is the responsible road authority
Schedule 7A Clause 3(1)(f),	duty to pay installation and percentage of operation costs of street lighting -for arterial roads in accordance with clauses 3(2) and 4	DIL, MCA, AE, EE	duty of council as responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs)

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instrument of delegation from council to members council staff s6 - february 2014

FILE NO: 120.08.0002
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

PLANNING AND ENVIRONMENT REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
r.6	duty of responsible authority to provide copy of matter considered under section 60(1A)(g) for inspection free of charge	DIL, MTPB, SPC, SP, LUP, TP, DCO, ASP	
r. 8	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	DIL, MTPB, SPC	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.22	power of responsible authority to require verification of information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in application for permit or to amend a permit or any information provided under section 54 of the Act	DIL, MTPB, SPC	
r.40	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of an amendment to a planning scheme	DIL, MTPB, SPC	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.55	duty of responsible authority to tell Registrar of Titles under r 183 of the Act of the cancellation or amendment of an agreement	DIL, MTPB, SPC	

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FILE NO: 120.08.0002
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

PLANNING AND ENVIRONMENT (FEES) FURTHER INTERIM REGULATIONS 2013 * These regulations expire on 18 October 2014			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
r.16	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DIL, MTPB, SPC	
r.17	power to waive or rebate a fee relating to an amendment of a planning scheme	DIL, MTPB, SPC	
r.18	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.16 or 17	DIL, MTPB, SPC, SP, LUP, TP, DCO	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.7	function of entering into a written agreement with a caravan park owner	TLEH, EHO	
r.11	function of receiving applications for registration	TLEH, EHO	
r.13(1)	duty to grant registration if (a) and (b) are satisfied	TLEH, EHO	
r.13(2)	duty to renew the registration if satisfied that the caravan park complies with these regulations	TLEH, EHO	
r.13(4) & (5)	duty to issue a certificate of registration	TLEH, EHO	
r.15(1)	function of receiving notice of transfer of ownership	TLEH, EHO	
r.15(3)	power to determine where notice of transfer is displayed	TLEH, EHO	

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FILE NO: 120.08.0002
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.16(1)	duty to transfer registration to new caravan park owner	TLEH, EHO	
r.16(2)	duty to issue certificate of transfer of registration	TLEH, EHO	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	TLEH, EHO	
r.18	duty to keep register of caravan parks	TLEH, EHO	
r.19(4)	power to determine where the emergency contact person's details are displayed	TLEH, EHO	
r.19(6)	power to determine where certain information is displayed	TLEH, EHO	
r.22A(1)	duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	TLEH, EHO	
r.22A(2)	duty to consult with relevant emergency services agencies	TLEH, EHO	
r.23(2)	power to determine places in which caravan park owner must display a copy of emergency procedures	TLEH, EHO	
r.24(1)	power to determine places in which caravan park owner must display copy of public emergency warnings	TLEH, EHO	
r.25(3)	duty to consult with relevant floodplain management authority	TLEH, EHO	

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FILE NO: 120.08.0002
3. OUR COMMUNICATIONS AND
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ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.26	duty to have regard to any report of the relevant fire authority	TLEH, EHO	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	TLEH, EHO	
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	TLEH, EHO	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	TLEH, EHO	
r.40(4)	function of receiving installation certificate	TLEH, EHO	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	TLEH, EHO	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	TLEH, EHO	

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Instrument of delegation from council to members council staff s6 - february 2014

FILE NO: 120.08.0002
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

ROAD MANAGEMENT (GENERAL) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.301(1)	duty to conduct reviews of road management plan	DIL, MCA, AE, EMO, EE	
r.302(2)	duty to give notice of review of road management plan	DIL, MCA, AE, EMO, EE	
r.302(5)	duty to produce written report of review of road management plan and make report available	DIL, MCA, AE, EMO, EE	
r.303	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	DIL, MCA, AE, EMO, EE	
r.306(2)	duty to record on road management plan the substance and date of effect of amendment	DIL, MCA, AE, EMO, EE	
r.501(1)	power to issue permit	DIL, MCA, AE, ATO, ASA, EMO, EE	where council is the coordinating road authority
r.501(4)	power to charge fee for issuing permit under r.501(1)	DIL, MCA, AE, ATO, ASA, EMO, EE	as determined by Council where council is the coordinating road authority
r.503(1)	power to give written consent to person to drive on road a vehicle which is likely to cause damage to road	DIL, MCA, AE, EE	in consultation with Manager Operations where council is the coordinating road authority
r.508(3)	power to make submission to Tribunal	DIL	where council is the coordinating road authority
r.509(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	DC, DIL, EMO, SFBP, SWS, TLO, MSAE, CSA, SAO	where council is the responsible road authority

Maddocks Update December 2013 - considered by Council 17 February 2014 (Maddocks Conditions and Limitations in bold)
Instrument of delegation from council to members council staff s6 - february 2014

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FILE NO: 120.08.0002
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 9.1.3
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

ATTACHMENT No [2] - Instrument of Delegation to Members of Council Staff



S6 - Instrument of Delegation to Members of Council Staff

ROAD MANAGEMENT (GENERAL) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.509(2)	power to sell or destroy things removed from road or part of road (after first complying with r.509(3))	DC, EMO, MSAE, CSA, SAO	where council is the responsible road authority
r.509(4)	power to recover in the Magistrates' Court, expenses from person responsible	DC, MSAE, CSA, SAO, EMO	

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.10	power, where consent given under s.63(1) of the Act, to exempt a person from requirement under clause 13(1) of Schedule 7 to that Act to give notice as to the completion of those works	DIL	where council is the coordinating road authority and where consent given under section 63(1) of the Act
r.18(2)	power to waive whole or part of fee in certain circumstances	DIL	where council is the coordinating road authority

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Maddocks Update December 2013 - considered by Council 17 February 2014 (Maddocks Conditions and Limitations in bold)
Instrument of delegation from council to members council staff s6 - february 2014

FILE NO: 120.08.003
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.4
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

1. Executive Summary

Council last appointed and authorised Council officers under the *Planning and Environment Act 1987* on 9 December 2013. As appointments are made to a Council officer by name, rather than position title, the instrument needs to be reviewed regularly. The attached instrument has been updated to include a new appointment to the role of Manager Town Planning and Building, and the engagement of a Consultant Planner.

By virtue of their position and the duties undertaken, some Council officers require appointment to the statutory position of 'authorised officer'. This administrative appointment provides a person with statutory powers which vary according to the relevant legislation.

2. Discussion

Section 188(2)(c) of the *Planning and Environment Act 1987* (the Act) requires that Council officers must be appointed and authorised by Council rather than by the Chief Executive Officer under delegation. For other legislation the Chief Executive Officer undertakes the administrative function of appointing and authorising officers under delegated authority from Council.

It is important to keep appointments and authorisations up to date as they can be subjected to legal scrutiny and used in court to show that an authorised officer was duly authorised to take the action, or make the decision, he or she made.

Appointments and authorisations differ from delegations. Firstly, they must be made to an individual by name, whereas delegations are made to a position title, where the position holder must be a member of Council staff. Secondly, appointing a person to the statutory role of 'authorised officer' provides an individual with the powers of that position, as determined by the relevant legislation. A person does not need to be a member of Council staff to be an authorised officer. So, persons appointed or authorised by a council to hold a statutory position are acting as holders of statutory powers – they are not acting as delegates, or on behalf of the Council.

FILE NO: 120.08.003
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.4
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

Appointments under this Act are made to the Chief Executive Officer and most officers within the planning and safety and amenity areas. The Instrument of Appointment and Authorisation provides the legal basis to undertake inspections and carry out enforcement if required.

The attached instrument has been updated to include the appointment of Jorine Bothma as Manager Town Planning and Building (replacing Scott Taylor) and the engagement of James (Scott) Taylor as a Consultant Planner.

3. Financial Implications

There are no financial implications outside of the adopted budget associated with this report.

4. Community Consultation

A register of authorised officers, in accordance with regulation 11(n) of the *Local Government (General) Regulations 2004*, is available for public inspection.

5. Internal Consultation

Consultation has been undertaken with the Acting Manager Town Planning and Building and the Human Resources Officer.

6. Legislative / Policy Implications

This report is in accordance with sections 147 and 188 of the *Planning and Environment Act 1987*, and section 232 of the *Local Government Act 1989*.

7. Environmental Sustainability

These authorisations will allow the relevant officers to carry out Council's environmental obligations under the *Planning and Environment Act 1987*.

8. Conflict of Interest Considerations

There are no council officer conflict of interest issues to consider within this report.

9. Conclusion

The updated instrument of appointment and authorisation encompasses staff changes and will provide the legal basis for Council officers to act as authorised officers under the *Planning and Environment Act 1987*.

Attachments

- 1 Instrument of Appointment and Authorisation February 2014

FILE NO: 120.08.003
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.4
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

RECOMMENDATION

That Council, in the exercise of the powers conferred by section 147 of the *Planning and Environment Act 1987* and the other legislation referred to in the attached instrument of appointment and authorisation (the instrument), resolves that:

1. the members of Council staff referred to in the instrument be appointed and authorised as set out in the instrument;
2. the instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it;
3. the instrument be sealed; and
4. on coming into force of the instrument, all previous instruments of appointment and authorisation by Council to members of Council staff under the *Planning and Environment Act 1987* are revoked.

MOTION

CRS ALEX MONK / KEVIN BOURKE

That Council, in the exercise of the powers conferred by section 147 of the *Planning and Environment Act 1987* and the other legislation referred to in the attached instrument of appointment and authorisation (the instrument), resolves that:

1. the members of Council staff referred to in the instrument be appointed and authorised as set out in the instrument;
2. the instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it;
3. the instrument be sealed; and
4. on coming into force of the instrument, all previous instruments of appointment and authorisation by Council to members of Council staff under the *Planning and Environment Act 1987* are revoked.

(CARRIED)

FILE NO: 120.08.003
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 9.1.4
(CORPORATE GOVERNANCE OFFICER,
LISA DEAYTON)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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

ATTACHMENT No [1] - Instrument of Appointment and Authorisation February 2014

S11A - Instrument of Appointment and Authorisation



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

In this instrument "officer" means –

Peter Bertolus, Acting Chief Executive Officer
Jorine Bothma, Manager Town Planning and Building
Sally Rice, Manager Safety Amenity and Environment
Erin Stubberfield, Town Planner
Martina Foley, Town Planner
Peter Stenhouse, Statutory Planning Co-ordinator
Patrick Dubuc, Development Compliance Officer
Gary Deayton, Natural Resources Officer
John Shaw, Team Leader Safety and Amenity
Alison Greenwood, Safety and Amenity Officer
Andrew Christie, Safety and Amenity Officer
Robert l'Anson, Safety and Amenity Officer
James (Scott) Taylor, Consultant 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 232 of the *Local Government Act 1989* authorises the officers generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

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

This instrument is authorised by a resolution of the Moira Shire Council on 17 February 2014.

"The COMMON SEAL of the
MOIRA SHIRE COUNCIL
was affixed hereto by authority
of the Council on the day of
February 2014 in presence of:

.....Chief Executive Officer

FILE NO: 120.02.0001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.5
(MANAGER CORPORATE GOVERNANCE,
DAVID BOOTH)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

COUNCIL PLAN 2013/14 DECEMBER QUARTERLY REVIEW

1. Executive Summary

In accordance with the requirements of the Local Government Act 1989, a quarterly report is required to be presented to Council detailing the progress against the Council Plan in that reporting period. The first quarterly report against the 2013/14 to 2016/17 Council Plan was provided at the October 2013 Ordinary Council Meeting.

This report contains details of the Key Performance Indicators (KPIs) contained within the adopted 2013-14 to 2016/17 Council Plan as at 31 December 2014. Each of the 118 identified KPIs are on target. More detail on these KPIs is included in **Attachment 1**.

A number of the identified Key Performance Indicators relate to the results of the Department of Planning and Community Development (DPCD)'s Annual Community Satisfaction Survey. The results of this Survey is not released until July 2014. Subsequently the results from this Survey are not able to be reported until 2014.

2. Discussion

Council identified a number of Key Performance Indicators for inclusion in the Council Plan.

These KPIs form the base of the Council Plan and are KPIs which have been identified by the Victorian Auditor Generals Office (VAGO) as core KPIs which will be compulsorily reported against from 2014. The identified KPIs reflect the 'core business' of Council and it is anticipated that further KPIs will be added to the Council plan as they are identified moving forward.

3. Financial Implications

This report contains no financial implications.

4. Community Consultation

Community consultation is achieved through the publishing of this report as part of Councils Agenda and also its placement on Councils website.

5. Internal Consultation

Internal consultation has been achieved through the Director of Corporate Governance, Manager of Governance, Management team and officers responsible for updating individual actions culminating in the overall review by the Corporate Management Team.

6. Legislative / Policy Implications

This report is in compliance with legislative requirements relating to progress reporting on objectives contained within the current Council Plan.

FILE NO: 120.02.0001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 9.1.5
(MANAGER CORPORATE GOVERNANCE,
DAVID BOOTH)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

COUNCIL PLAN 2013/14 DECEMBER QUARTERLY REVIEW (cont'd)

7. Environmental Sustainability

The report contains no environmental implications.

8. Conflict of Interest Considerations

There are no identified conflicts of interest with staff responsible for the compilation of this report.

9. Conclusion

This report provides an update on progress in relation in achieving the objectives of the Council Plan as at 31 December 2014.

Attachments

- 1 Council Plan Progress Report

RECOMMENDATION

That Council receive and note the Council Plan December progress report for the period ending 31 December 2013 in relation to the adopted 2013/14 to 2016/17 Council Plan.

MOTION

CRS ALEX MONK / BRIAN KEENAN

That Council receive and note the Council Plan December progress report for the period ending 31 December 2013 in relation to the adopted 2013/14 to 2016/17 Council Plan.

(CARRIED)

FILE NO: 120.02.0001
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 9.1.5
(MANAGER CORPORATE GOVERNANCE,
DAVID BOOTH)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

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Strategic Goal 1. ENVIRONMENT						
Strategy : 1.1 Strengthen Moira's focus on the environment, environmental health and sustainability agendas by building on innovation, leading practice, education and communication for the community;						
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS		Department
1.1.1 Annual residential waste generation (kilograms) for recycling, landfill & green waste: * Per Capital * Per residential assessment	* Less than 600 Kilograms per capita * 1000 kilograms per residential assessment	Medium	On Target	The Annual report submitted by Resource GV which includes these calculations are typically received by Council in May of each year.		Environment/ Operations
Strategy : 1.2 Environmental Health						
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS		Department
1.2.1 Percentage community satisfaction (index score) with waste management	65%	Medium	On Target	Reported Annually		Environment/ Operations

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Strategy : 1.3 > Natural Resource Management > Environmental Sustainability programs and services					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
1.3.1 Implement the Environment Sustainability Strategy and report it to Council in a timely manner	* Host 4 Advisory Committee meetings * Facilitate 6 educational activities	Med	On Target	Facilitating Picola recreation reserve committee to improve waste management in their reserve. Met with committee on site and provided education on waste management and guidance on site specific issues. Ongoing involvement with Yarrawonga Urban Land Care Group in response to their work with in the community.	Environment
Strategy : 1.4 Comply with legislative and regulatory obligations					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
1.4.1 Compliance with EPA landfill requirements	80%	High	On Target	Yarrawonga Landfill Rehabilitation complete to plan and Cobram Landfill Rehabilitation out for tender. No Non Compliances noted.	Operations
1.4.2 Respond to native vegetation referrals within 30 days	100% referrals processed	High	On Target	171 referrals and requests processed to end of January. Technical advice and support provided for implementation of RVPMP. Priority areas were identified, quotes sourced and a work schedule developed. Held a contractor induction meeting to discuss works plan and mapping. Works commenced early 2014 with roads Zone A completed by the end of January. Maintaining ongoing liaison with contractor.	Environment

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<i>Strategic Goal 1. ENVIRONMENT</i>						
<i>Strategy : 1.5 Lead and support Council and the community in moving towards and adopting sustainable energy options, programs and services and reducing its own environmental footprint</i>						
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress - 31 January 2014</i>	<i>COMMENTS</i>	<i>Department</i>	
1.5.1 Lead by example in preparing for and adapting to a more variable climate	100% of new or upgraded Council buildings exceed the six star rating	Med	On Target	Arranged for the installation of 5 hot water systems at rec reserves throughout the shire. Electricity accounts continue to be migrated in to the AGL contract to support improved reporting and reduced cost. Continued to progress with the VASP projects.	Environment	
1.5.2 Increase Councils uptake and renewable energy	Implement 100% of all renewable energy business cases demonstrating a feasible return on investment	Med	On Target	Organising a quarterly review with Planet Footprint and will review utilities usage and overview of Finance Footprint module with finance staff. Funding for the VRPS project will enable work towards increasing renewable energy generation in Moira Shire	Environment	
<i>Strategy : 1.6 Reduce the environmental impacts of Council and use the communities natural resources efficiently, and protect vulnerable elements of the environment</i>						
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress - 31 January 2014</i>	<i>COMMENTS</i>	<i>Department</i>	
1.6.1 Maintain or decrease environmental footprint	Councils emissions < 5000 TC02 e per annum	High	On Target	Councils GHG emissions are continuing to decrease. These emissions do not include GHG from council's landfill - which will decrease also with the introduction of the new organics waste service. RSVP to attend AGL training event to improve AGL electricity contract management.	Environment	
1.6.2 Waste Diversion from Landfill, calculated as the proportion of the overall kerbside waste stream that is recycled (includes paper, bottles and green waste) instead of being disposed to landfill	53%	Med	On Target	The resource recovery shed at the Yarrowonga Transfer station continues to provide a variety of resource recovery and recycling opportunities to the public	Environment/ Operations	

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<i>Strategy : 1.7 Develop a Green Waste Strategy</i>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress - 31 January 2014</i>	<i>COMMENTS</i>	<i>Department</i>
1.7.1 Develop 1 Green Waste Strategy	100%	High	On Target	On Target	Environment/ Operations
<i>Strategic Goal 2. COMMUNITY</i>					
<i>Strategy : 2 Continue to plan, deliver and improve the quality, accessibility and relevance of community services, to ensure they meet current and future needs of all the demographic groups in Moira Shire</i>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress - 31 January 2014</i>	<i>COMMENTS</i>	<i>Department</i>
2.1. The Disability Action Plan be implemented and reported to Council in a timely manner	Host four Advisory Committees	Medium	On Target	A Disability Action Plan was adopted by Council at its May Ordinary Council meeting. International Day for People with a Disability events went well with over 200 attendees at events across the Shire. The Disability Advisory Committee has met 5 times this year. CMT approved for Council to participate in the assessment to become a Communication Accessible organisation. DAC meetings scheduled for 2014 and currently reviewing actions in the Disability Action Plan	Community Development
2.1.2 The Positive Ageing Strategy be reviewed and report to Council in a timely manner	Complete strategy review	Low	On Target	Meeting with consultant to begin community consultation for initial review. Working on a report for CMT and Council in relation to Active Ageing group and further investigations	Community Development

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Strategy - 2 Continue to plan, deliver and improve the quality, accessibility and relevance of community services, to ensure they meet current and future needs of all the demographic groups in Moira Shire					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
2.1.3 Continue to provide immunisation services within Moira	* Deliver an immunisation service in all 8 Secondary schools and the four main centres within Moira * 40% of Childhood Infant Immunisations delivered by Councils service	High	On Target	Immunisation schedules are set for the year. Infant sessions are held in Cobram, Nathalia, Numurkah, Tungamah and Yarrawonga. The third and final round of vaccinations was completed for secondary schools in September 2013. As of June 2013 Council are delivering 44.8% of childhood immunisations within Moira Shire. Next update to be provided February 2014.	Community Services
2.1.4 Number of families participating in Parental Early Education Partnership (PEEP) support program	Increase the number of PEEP pro- grams operating from 1 (Cobram) to 2 (Cobram and Numurkah)	Low	On Target	Planning has commenced for PEEP programs in Cobram and Numurkah. Currently working on recruiting qualified staff.	Maternal and Child Health
2.1.5 Provide youth focused social and sporting events	Host six events throughout the Shire	Medium	On Target	Secondary College students participated in Kool Skools recording in July. Battle of the Bands was held at Yarraweyah Town Hall on 23 August 2013, with approximately 300 attending. Skateboarding Australia workshop was held in Yarrawonga on 19 October 2013 with 13 enrolled which is highest number to date. Open Mic event was held at Cobram Show on 26 October 2013 with 10 acts performing during the day. FreeZa event held at Strathmerton Skate Park on 16 November 2013, 100 people attended throughout the day and utilised free jumping castle, sausage sizzle and skating workshops. Next FreeZa event scheduled Saturday 15 February 2014 at Nathalia skate park. Will involve skate work shop and local bands playing.	Sport, Recreation and Youth

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<i>Strategy : 2 Continue to plan, deliver and improve the quality, accessibility and relevance of community services, to ensure they meet current and future needs of all the demographic groups in Moira Shire</i>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress -31 January 2014</i>	<i>COMMENTS</i>	<i>Department</i>
2.1.6 Engage with local youth	Host four Junior Council Meetings per year	Host four Junior Council Meetings per year	On Target	Junior Council meeting held in Nurnurkah on 13 August 2013. Junior Council Celebration held 15 October 2013. The celebration was conducted at Thomson's Beach in a semi-formal format with great feedback from participants with the change from the formal sit down dinner. Well attended by parents and Councillors. Meeting has been scheduled with school coordinators, councillor representatives and staff to discuss 2014 program. First Junior Council meeting for 2014 will be held on 25 February at Ulupna Island.	Sport, Recreation and Youth
<i>Strategy : 2.2 Facilitate Maternal and Child Health and wellbeing</i>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress -31 January 2014</i>	<i>COMMENTS</i>	<i>Department</i>
2.2.1 Proportion of infants born that receive primary immunisations	90%	Medium	On Target	In June 2013 93.51% of infants born are receiving primary immunisations (up to 15months of age). In January 2014 95.12% of infants born are receiving primary immunisations (up to 15 months of age). Next update to be provided in April 2014.	Maternal and Child Health
2.2.2. Percentage participation of Children in the 3.5 year old maternal and child health check *No visits attended	No. visits No. records	Medium	On Target	Total number of 3.5yo visits conducted in October 2013 was 17, with a total of 29 in this age frame enrolled, 59% attending. Total number of 3.5yo enrolled in January 2014 was 14 with 53% attending.	Maternal and Child Health

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<i>Strategy : 2.2 Facilitate Maternal and Child Health and wellbeing</i>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress - 31 January 2014</i>	<i>COMMENTS</i>	<i>Department</i>
2.2.4 Percentage participation of Children in Maternal and Child Health.	Meet or exceed state average of 85%	Medium	On Target	December Statistics: Home Visit - 100% 2 week - 88% 4 week - 90% 8 week - 90% 4 months - 100% 8 months - 75% 12 months - 76% 18 months - 69% 2 years - 61% 3.5 years - 53% Average - 80.2%	Maternal and Child Health
2.2.5 Participation satisfaction with Moira Maternal and Child Health Service	95%	Medium	On Target	Survey developed. Survey to be distributed in March 2014.	Maternal and Child Health
2.2.6 Operate a Family Day Care service within Moira Shire	Maintain at least 15 educators that provide Family Day Care	Low	On Target	18 educators registered in January 2014. Promotional activities to recruit educators have had a positive response with 3 new Educators currently in the process of registering.	Family Day Care

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<i>Strategic Goal 2. COMMUNITY</i>						
<i>Strategy - 2.3 Maintain and enhance community health and wellbeing through high quality service provision and partnerships to meet the needs of the broader community</i>						
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress - 31 January 2014</i>	<i>COMMENTS</i>	<i>Department</i>	
2.3.1 The Municipal Public Health and Wellbeing Plan be implemented and reported to Council in a timely manner	Host four meetings with relevant stakeholders to monitor MPHWP	Medium	On Target	Plan was adopted at the November Council meeting. The Steering Committee will hold its last meeting on Monday 2 December with this being the third meeting for 2013. Working on outcomes and actions listed in the MPHWP. Meeting to discuss the launch of the Act Belong Commit program in Moira on 22 January 2014.	Community Development	
2.3.2 Continue to support Moira HealthCare Alliance (MHA) in the delivery of HACC Services	Council is an active participant on the Board of Moira Healthcare Alliance (100% meetings Councilor representative or delegate) Annual presentation by MHA to Council	low	On Target	Councils Director of Corporate Governance and a Councilor attend monthly Moira Healthcare Alliance board meetings.	Community Development	

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<i>Strategy : 2.4</i> Identify, develop and action community safety initiatives addressing real and perceived safety issues					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress - 31 January 2014</i>	<i>COMMENTS</i>	<i>Department</i>
2.4.1 Support the Moira Shire Safety Committee through facilitating meetings involving all relevant stakeholder	Host four Safety Committee meetings per year	Low	On Target	Local Safety Committee meetings are scheduled based on calendar year. In 2013 meetings were held across the four major towns on 05 February, 02 April, 04 June, 06 August, 01 October and 03 December. The first meeting for 2014 was held in Numurkah on 04 February.	Community Development
<i>Strategy : 2.5</i> Improve community engagement, participation and effectiveness by facilitating community involvement in decision making processes					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress - 31 January 2014</i>	<i>COMMENTS</i>	<i>Department</i>
2.5.1 Maintain and strengthen the community volunteer base	* 22 townships within Moira meet to deliver on their Community Action Plan * Deliver two volunteer skills based workshops	Medium	On Target	Planning has commenced for delivery of Council's Community Training Workshop to volunteers across the Shire. Community plans development with whole of Council approach is continuing.	Community Development

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<i>Strategic Goal 2. COMMUNITY</i>						
<i>Strategy - 2.6</i> Provide quality facilities, open spaces and programs to increase participation and cater for the communities needs and interests						
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress - 31 January 2014</i>	<i>COMMENTS</i>	<i>Department</i>	
2.6.1 Deliver Community Assistance and Small Grants Program	100% uptake of grant program	Low	On Target	All of the Community Assistance Grants funds (\$120,000) have been committed to these projects. August Small Grants Scheme has closed and Council approved to fund 20 projects totalling \$39,100 - successful and unsuccessful applicants have been notified. January Small Grants Scheme are currently being advertised and will close on Wednesday 12 February 2014.	Community Development	
2.6.2 In partnership with the community and contracts proactively manage Councils community facilities	Increase the patronage of Council owned aquatic facilities to over 65,000 per year. 100% of Councils community facilities recorded usage and statistics	Medium	On Target	67,721 - Next update to be provided June 2014.	Community Development	
2.6.3 Monthly audit scores of Parks measuring the quality, appearance and maintenance performance of public open space areas	Number of complaints received 20< per annum	Low	On Target	One complaint was received during January regarding the appearance and maintenance of public open spaces. A total of four complaints have been received for 2013/14 financial year.	Operations	

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<i>Strategy</i> - 2.7 Recognise and enhance Moira's diverse cultural and indigenous heritage through events and programs supporting the arts, traditions and history					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress - 31 January 2014</i>	<i>COMMENTS</i>	<i>Department</i>
2.7.1 Multicultural Action Plan is reported to Council in a timely manner	Establish one new multicultural advisory committee + Review new multicultural action plan and deliver on two priorities	Medium	On Target	Implementation of the Multicultural Action Plan has commenced. The committee moved at its December meeting to implement the following two actions: That Moira Shire ensures their staff are capable of engaging interpreters and translators (across the board) "business as usual" (part of staff orientation) or through interpreter engagement training so To have a human rights statement in the foyer or on Shire letterhead Planning activities for Cultural Diversity Week has commenced.	Community Development
2.7.2 Maintain the sustainable relationship with the local indigenous committee through the development and support of social inclusion projects	Establish one community garden in Barmah	Medium	On Target	Memorandum of Understanding to establish a community garden between Yenbena Aboriginal Training Centre and the Barmah Community Patch was signed on the 19 June 2013. Works on the garden have commenced including planter boxes installed.	Community Development

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<i>Strategic Goal 2. COMMUNITY</i>					
<i>Strategy * 2.7 Recognise and enhance Moira's diverse cultural and indigenous heritage through events and programs supporting the arts, traditions and history</i>					
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress -31 January 2014</i>	<i>COMMENTS</i>	<i>Department</i>
2.7.3 Develop Moira Shire Arts and Culture Board	<ul style="list-style-type: none"> * One board implemented * One Strategy implemented * One Strategic Plan implemented 	Medium	On Target	AGM was held on 3 December 2013 with all positions filled. Received Incorporation certificate 12 December 2013. Received letter from Acting CEO regarding 9 December 2013 Council motion requesting board to review their structure, guidelines and processes. Board meeting held on 7 January 2014. At this meeting the board reviewed the processes, guidelines and structures of the board. Passed motion to that effect. Letter of response sent to acting CEO with regard to this. Service delivery agreement to be entered into with the Shire regarding funding. Developing Strategic Action Plan community workshops with facilitator Deborah Mills.	Community Development
2.7.4 Develop a 3 year Arts and Culture Strategic Plan to steer development and programs across Moira.	<ul style="list-style-type: none"> * Subject to funding * 10 Community Arts projects funded * In partnership host 8 community arts programs * Run four skill development workshops for the art community * Total attendance for all events 4120 	Medium	On Target	Successful launch of the Moira Arts and Culture Inc Board alongside the very successful performance of "The man they call the Banjo" at Picola Hall with 120+ people in attendance. Moira Arts and Culture Small Grants scheme open to public closing on the 28 February 2014. Partnering with Regional Arts Victoria to deliver skill development Grant writing workshop on the 8 February to access Federal Arts Funding.	Community Development

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<i>Strategic Goal 2. COMMUNITY</i>						
<i>Strategy : 2.8 Emergency Management</i>						
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress - 31 January 2014</i>	<i>COMMENTS</i>	<i>Department</i>	
2.8.1 The Municipal Emergency Management Plan be implemented and reported to Council in a timely manner	100% compliance with Emergency Management Victoria requirements	Med	On Target	The final audit of MEMP has been deferred for 6 months pending a reformat of the plan to include the latest requirements set out and recommended in the guidelines - Emergency Management Manual Victoria. The new format will include a risk assessment completed by using the newly released Community Emergency Risk Assessment (CERA) process	Environment	
<i>Strategy: 2.9 Protect the Safety and Amenity for the Community</i>						
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress - 31 January 2014</i>	<i>COMMENTS</i>	<i>Department</i>	
2.9.1 The Domestic Animal Management Plan be implemented and reported to Council in a timely manner	Domestic Animal Management Plan 100% compliant with the Victorian Government requirements	Med	On Target	One kitten and three dogs were rehoused during January	Safety and Amenity	
2.9.2 Respond to complaints received regarding to Moira Shire Local Laws	100% responses processed	Med	On Target	Officers continue to attend to complaints received from the public in a timely manner. All requests received to date have been assigned to an action officer and responded to within the required timeframe	Safety and Amenity	

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<i>Strategic Goal 2. COMMUNITY</i>						
<i>Strategy: 2.10: Regulation and Public Safety</i>						
<i>Performance Measures</i>	<i>Target</i>	<i>Risk</i>	<i>Progress - 31 January 2014</i>	<i>COMMENTS</i>	<i>Department</i>	
2.10.1 Attend and undertake inspections at market and Agricultural Show venues within the Shire	100% venues inspected	Med	On Target	Cobram Twilight Market, Thompson's Beach Night Market, Yarrawonga Rotary Market & Yarrawonga Farmers Market inspected in January.	Environmental Health	
2.10.2 Respond to nuisance complaints and report to Council annually the nature and frequency of nuisance complaints	100% applications processed	Med	On Target	Complaints are attended to as they are received.	Environmental Health	
2.10.3 Process all applications for septic tank installations	100% applications processed	High	On Target	All applications for the installation of septic tank systems continue to be processed as a priority.	Environmental Health	
2.10.4 Number of registered premises receiving one full compliance assessment annually in accordance with the Health and Food Acts	100%	Med	Below Target	These inspections have not commenced. Due to Team Leader being absent for some months, EHO's are only able to concentrate on completing their statutory requirements eg inspecting every food premises once per annum. When the Team Leader resumes duties, these inspections will be carried out.	Environmental Health	
2.10.5 All registered premises inspected prior to the renewal of their registration including compliance enforcements as needed	100% premises inspected	High	On Target	All registered premises due to be inspected for the purpose of renewal of registration continue to be inspected to ensure that all inspections are completed before 28/02/2014.	Environmental Health	

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Strategic Goal 3. DEVELOPMENT (LIVEABILITY)						
Strategy 3.1 Land use, planning and building						
Performance Measures	Target	Risk	Progress -31 January 2014	COMMENTS	Department	
3.1.1 Percentage of building permits determined within 30 days	100%	Medium	On Target	Target achieved July to December	Planning and Building	
3.1.2 Number of planning applications: * Received * Decided	Maintain 2012/13 statistics	Low	On Target	Total number of Planning Applications received 191 and total number of applications decided 212 for the first half of FY.	Planning and Building	
3.1.3 Number decisions appealed to VCAT	Maintain 2012/13 statistics	Low	On Target	No VCAT appeals lodged during the reporting period	Planning and Building	
3.1.4 Percentage of planning applications decided during year by: * Council * Officers under delegations	Maintain 2012/13 statistics	Low	On Target	Breakdown of statistics to be calculated at end of the financial year	Planning and Building	
Strategy 3.2 Development and Planning						
Performance Measures	Target	Risk	Progress -31 January 2014	COMMENTS	Department	
3.2.1 Percentage of planning applications processed within 60 days statutory timeframes	95%	Medium	Below target	82% Due to staffing issues	Planning and Building	
3.2.2 Median processing days (gross) for planning applications	80% gross days	Low	On target	Achieved	Planning and Building	
3.2.3 Percentage of appeals determined by VCAT in favour of Council	50%	Low	On Target	100% year to date	Planning and Building	

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Strategy 3.2 Development and Planning					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
3.2.4 Community satisfaction ratings for performance compared to similar councils: * Town Planning * Planning and Building permits approvals	55%	Medium	On target	Rating for this measure will be collated at end of year	Planning and Building
Strategy 3.3 Community Inclusion					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
3.3.1 Number of Groups applied for Community Grants	>60	Low	On Target	To date in the 2013/14 financial year we have undertaken two of the three grant rounds. Council received 33 grant applications for the Community Assistance Grants Scheme. Council approved to fund 15 of these projects totalling \$119,640. Council received 40 grant applications for the August Small Grants Scheme. Council approved to fund 20 of these projects totalling \$39,100. Update to be provided after January Small Grants round.	Community Development
3.3.2 Value of recurrent grants provided to the Moira Shire	\$5,000,000	Medium	On Target	Recurrent Funding has commenced for the 2013/14 financial year.	Community Development

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Strategy 3.4 : Tourism, that Council provides accredited visitor Services in Yarrawonga, Cobram, Numurkah and Nathalia					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
3.4.1 Visitor attendance numbers at Information Centres; Yarrawonga, Cobram, Numurkah, Nathalia	Yarrawonga 2013:85000 2014:90000 Cobram 2013: 72000 2014: 78000 Numurkah 2013: 6000 2014: 6600 Nathalia 2013:10000 2014:13000	Low	On Target	Visitor Numbers to the Visitor Information Centre's is as follows Yarrawonga: 79461 Cobram :84348 Nathalia: (TBA) Numurkah: (TBA)	Tourism
3.4.2 Service standards in the Visitor Information Centres through mystery shopper audits	84%	Low	Not yet started	This annual survey is undertaken later in the reporting year. Due March / April 2014.	Tourism
3.4.3 Develop a three year (2013 to 2016) Destination Management Plan in consultation with Moira Shire Council and the community	That the Sun Country on the Murray Inc. 3 Year Destination Management Plan Action Items are completed and progress reports presented to Council on an annual basis	Medium	Complete	A new 3 year Plan has been developed. Consultation with Local Tourism Association members in Yarrawonga, Cobram, Numurkah and Nathalia as well as a strategic workshop with Councilors was undertaken before adoption of the plan by the Sun Country on the Murray Board.	Tourism

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Strategy 3.4 : Tourism, that Council provides accredited visitor Services in Yarrawonga, Cobram, Numurkah and Nathalia					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
3.4.4 Sun Country on the Murray develops Annual Business and Marketing Plans	<p>* That the actions outlined in the Sun Country on the Murray Annual Business and Marketing Plans are completed and reported to Council in a timely manner.</p> <p>* Sun Country on the Murray must address at least 80% of the action items in the plan</p>	High	On target	Reporting on Business and Marketing plans is due in January 2014 following 6 month review.	Tourism
Strategy 3.5 : Tourism, that Council provides accredited visitor Services in Yarrawonga, Cobram, Numurkah and Nathalia					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
35.15 Sun Country on the Murray partners with Local Tourism Associations and individual businesses in the promotion and marketing of the region	That Sun Country on the Murray Inc. sources financial contributions from the industry that represents 25% of annual income	Medium	Not yet started	Marketing initiatives scheduled for August and September have been cancelled subject to a review of the annual marketing and promotional plan. Awaiting commencement recruitment of Tourism Officer.	Tourism

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Strategy 3.5 : Tourism, that Council provides accredited visitor Services in Yarrawonga, Cobram, Numurkah and Nathalia					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
3.5.2 Sun Country on the Murray conducts the ongoing familiarisation program for tourism staff and tourism ambassadors (volunteers)	Familiarisations tours are undertaken at least 4 times a year. Staff participate at least twice. Volunteers participate at least once	Low	Not yet started	Negotiations around annual funding of Sun Country on the Murray have resulted in some delay of this activity. Awaiting commencement of Tourism Officer.	Tourism
3.5.3 Sun Country on the Murray conducts industry training opportunities	At least three training/forum opportunities are offered annually	Low	Not yet started	Negotiations around annual funding of Sun Country on the Murray have resulted in some delay of this activity. Await the commencement of Tourism Officer.	Tourism
Strategy 3.6 : Library Services					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
3.6.1 Percentage of residents who are active borrowers	* 30% * 70,000 visits * 100,000 website visits	Medium	On Target	Based on 2011 census population of 28,435, 30% of residents are active members of library service as at November 2013. Update to be provided in March 2014.	Community Development

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Strategy 3.7: Support and Promote participation in Council's training and development initiatives for local businesses by delivering a comprehensive training program					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
3.7.1 Number of participants in Council's training activities	400	Low	On Target	Tourism Expo – 38 Bus Plan – 9 Business Plan Program – 1 EDS Consultation w/shops – 45 Business Scholarship – 13 StreetLife - 125 (across Moira/Campaspe/Shepparton) On-Line Strategy – 20 262 participants year to date	Economic Development
3.7.2 Percentage of users/businesses satisfied with training and support initiatives for local businesses	0.8	Low	On Target	Data sourced from an exit survey from training conducted.	Economic Development
Strategic Goal 3. DEVELOPMENT (LIVEABILITY)					
Strategy3. 8 : Investment Attraction					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
3.8.1 Level of support to businesses investing/considering investment in Moira Shire	50 Investors	Medium	On Target	Varying degrees of interest across these businesses. Increasing interest by local investors/business developers. 30 Businesses are considering investment in Moira	Economic Development
Strategy3.9 : Business Roundtables with businesses and Councillors					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
3.9.1 Conduct roundtables in key towns for 2013/14	Four round tables	Low	On Target	2 Business round tables held to this time. 1st - 15 businesses participated 2nd - 35 businesses participated	Economic Development

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Strategy3.10: Strategic Alliances					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
3.10.1 Develop strategic alliances with key government and business agencies and organisations	+ 6 Government + 10 business	Low	On Target	4 Government and 8 business alliances created Government - DBI, DEPI, Invest Victoria, EPA Business - VECCI, EDA, Murray Dairy, VPAGA, Fruit Growers Victoria, Riverine Plains, Dairy Australia, Murray Goulburn	Economic Development
Strategy3.11: Commercial Development					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
3.11.1 Assess the potential for commercial development of Council controlled assets	6 Assessments	Medium	On Target	Assessments completed for the Yarrawonga Aerodrome and Yarrawonga Caravan Park. Truck washes at Cobram and Yarrawonga CBA completed	Economic Development
Strategy3.12: Upkeep of Council Assets					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
3.12.1 Percentage of graffiti removed from Council owned assets within 48 hours of notification	95%	Medium	On Target	There were no requests received for graffiti removal during January. A total of 14 requests for the removal of graffiti have been received in the 2013/14 financial year.	Operations

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<i>Strategic Goal 3. DEVELOPMENT (LIVEABILITY)</i>					
<i>Strategy 3. 14: Development and Planning</i>					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
<i>Strategic Goal 4. ORGANISATION</i>					
<i>Strategy 4.1 INFORMATION SERVICES Efficiency and service delivery to support business processes and information sharing reduced costs and increase service effectiveness</i>					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
4.1.1 100% completion of IT Strategy	100% completion of IT strategy	Medium	On Target	7 of 7 projects underway. Aerial photography - Delivery expected early Feb. Telephone system upgrade - Project team will be put together to determine requirements and develop specification Implementation 13/14 will consist of extension of current system as required. Replacement system expected 14/15 Maternal and Child Health software upgrade - on hold due to State Government development project Wireless install - survey complete. Currently obtaining quotes. Mobile computing - see 4.1.3 for update. Intranet development underway. WCAG requirements for website - project team established and developing specification for website changes required. Mobile website - resources assigned and quotes received.	Information Technology
4.1.2 Improve data quality and work flow between building, property and planning areas through a fully integrated IT platform (CIVICA) ensuring easy electronic retrieval of key/important information	100% completion if CIVICA implementation	Medium	On Target	Meeting with Civica early Feb to discuss requirements and book required works.	Information Technology/ Building and Planning

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Strategy 4.1 INFORMATION SERVICES Efficiency and service delivery to support business processes and information sharing reduced costs and increase service effectiveness					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
4.1.3 Develop and implement mobile computing technologies	80%	Low	On Target	Finalising quotes for provision of internal wireless (will enable hot desking, mobile data downloads from Council systems not Telstra network).	Information Technology
Strategic Goal 4. ORGANISATION					
Strategy 4.1 INFORMATION SERVICES Efficiency and service delivery to support business processes and information sharing reduced costs and increase service effectiveness					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
4.1.4 Upgrade the human resources and payroll technology to improve functionality	100% implementation of payroll, HR modules and kiosk	Medium	On Target	HR works underway. Project scheduled for completion July 14.	Information Technology/ Human Resources
Strategy 4.2 HUMAN RESOURCES Ensure Council's workforce is skilled, responsive, has high job satisfaction and is capable of providing quality customer orientated services and programs to Moira's communities and ratepayers.					
4.2.1 Develop practical policies and procedures and staff training program reflecting legislative, regulatory and staff requirements	As required	Low	On Target.	Progressing well. People Plan (Organisational Development Strategy) includes the Learning & Development strategy with the redevelopment of orientation program and manager/leadership training.	Human Resources
4.2.2 Develop an Organisational Development Strategy to ensure the sustainability of the organisation	100% development and implementation of Strategy and training program				Human Resources

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Strategy 4.2 HUMAN RESOURCES Ensure Council's workforce is skilled, responsive, has high job satisfaction and is capable of providing quality customer orientated services and programs to Moira's communities and ratepayers.					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
4.2.3 Develop and implement integrated Performance Management System	100% development and implementation of system	Low	On Target	Development of strategy has commenced and HR are scoping from best practice models. On track to meet target.	Human Resources
4.2.4 Develop and deliver Stage 2 of Organisation Review	100% complete	Low	On Target	A positions within Stage 2 of restructure have been filled.	Human Resources
4.2.5 Staff Performance reviews completed	100% complete	Low	On Target	The new performance review system commenced. Will be put online within human resources technology to improve process.	Human Resources
Strategy 4.3 Ensure a safe workplace for all employees by embedding new Occupational Health and Safety (OHS) policies and procedures, OHS training and development programs					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
4.3.1 Number of workplace/site OHS inspections undertaken	100%	Medium	On Target	Four workplace inspections	Human Resources
4.3.2 WorkCover Indicative Performance Rate	<1.0	Medium	On Target	<1.0	Human Resources
4.3.3 WorkSafe Insurance Premium Rate	<1.8	Medium	On Target	<1.8	Human Resources

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Strategic Goal 4. ORGANISATION					
Strategy 4.3 Ensure a safe workplace for all employees by embedding new Occupational Health and Safety (OHS) policies and procedures, OHS training and development programs					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
4.3.4 Lost Time Injury Frequency Rate	100%	Medium	On Target	This rate is calculated at the end of the reporting period.	Human Resources
Strategy 4.4 FINANCIALMANAGEMENT Ensure Council plans and resources, records and budget systems are maintained and managed sustainably					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
4.4.1 Prepare the Annual Budget and Strategic Resource Plan in line with statutory requirements and within a financial sustainability framework for consideration by Council by 30 June 2013	100%	High	Complete	Annual budget, incorporating Strategic Resource Plan adopted by Council 24 June 2013.	Finance

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Strategy 4.5 Provide customer-focused financial management processes, budget systems and valuation practices in accordance with professional standards and legislative requirements					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
4.5.1 Attain VAGO financial ratios as part of annual budget process	100%	High	Complete	VAGO Indebtedness ratio calculated at 43.36% for the 2012-2013 financial year.	Finance
4.5.2 Complete the Annual Financial Statements for the year ended 30 June 2013 with full audit clearance by the legislated time frame	100%	High	Complete	Annual Financial Statements have been audited and have been forwarded to VAGO as part of preparations of the 2012-2013 Annual Report.	Finance
4.5.3 Budgeted adjusted working capital ratio or as per the 2012-13 adopted budget	100%	High	On target	Forecast budget to be adjusted at next review.	Finance
Strategy 4.6 Rates Revenue Generation					
4.6.1 \$M collected	\$25.327M	High	On target	Includes Rates raised of \$22.96M	Finance
4.6.2 Rating strategy to be delivered as per legislative requirements	Development and Delivery of 1 Rating Strategy	High	Complete	Rating strategy adopted by Council in April 2013.	Finance

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<i>Strategic Goal 4. ORGANISATION</i>					
Strategy 4.7 COMMUNICATIONS AND ENGAGEMENT Improve Council information, accessibility through effective use of communication and media and ensure services are continuing to meet community expectations and demonstrating a culture of engagement					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
4.7.1 DPCD Customer Service Survey/ Moira Internal Survey	75%	Low	On Target	Field survey work to commence 18 February 2014	Governance
4.7.2 Deliver effective, timely communication of Council services, activities and scope future needs and methods through Communication Strategy	Communications and engagement Strategy delivered	Medium	On Target	Communication and engagement strategy under review to reflect Council strategic planning objectives	Governance
Strategy 4.8 Provide snapshots of community views on emerging issues by establishing a community 'pulse' email panel of 1,000 - 2,000 people with an interest in Moira					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
4.8.1 Number of members on the community 'pulse' email panel	>1,000	Low	On Target	Deferred pending implementation of social media strategy	Governance

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Strategy 4.9 Encourage higher levels of young people's engagement in Council's activities through enhanced targeted communication via social media					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
4.9.1 Website quality and accessibility assessed through independent user survey	70%	Low	On Target	In progress	Governance
4.9.2 Develop and implement integrated Communications Strategy focusing on electronic communications, publications	1 strategy 100% completed	Low	On Target	Preliminary reviews underway of existing plans and programs. First draft to be completed first quarter 2014	Governance
Strategy 4.10 CUSTOMER SERVICES Ensure excellent customer service by reducing the waiting time for ratepayers and other community members to councils customer centres and services					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
4.10.1 Average time after-hours callers wait before their call is answered	<25 seconds	Medium	On Target	Systems being established to capture this information.	Governance

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Strategic Goal 4. ORGANISATION					
Strategy 4.10 CUSTOMER SERVICES Ensure excellent customer service by reducing the waiting time for ratepayers and other community members to councils customer centres and services					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
4.10.2 Percentage of customer service enquiries resolved on first call	85%	Medium	On Target	Systems being established to capture this information.	Governance
4.10.3 Percentage satisfaction of after-hours callers with the quality of information and service received	70%	Low	On Target	Systems being established to capture this information.	Governance
4.10.4 Customer service responsiveness assessed through external and internal user surveys	90%	Medium	On Target	Captured through DPCD survey	Governance

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Strategic Goal 5. INFRASTRUCTURE						
Strategy 5: CAPITAL WORKS In support of services delivered to our communities, undertake our annual capital works program including:						
<ul style="list-style-type: none">RoadsDrains studies/plansBuildingPark & gardensFootpathsKerbs and channels						
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department	
5.1 Percentage of completed capital works infrastructure projects completed at the conclusion of the financial year (based on number of projects)	95%	Low	On Target	Measure to be calculated at the end of the financial year.	Infrastructure Planning and Design	
5.1.2 Civic Mutual Plus (Overall score) compliance with Road Management Plan	80%	Medium	On Target	To be taken from the annual audit that Civic Mutual will conduct later in the financial year	Infrastructure Planning and Design	
Strategy 5.2 ASSET MANAGEMENT						
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department	
5.2.1 Percentage of Council assets at intervention level (MAV STEP PROGRAM)Composite (roads, bridges & pathways, buildings & Drains)	70%	Low	On Target	Measure to be calculated at the end of the financial year.	Asset Management	

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Strategy 5.3 ASSET RENEWALS					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
5.3.1 Condition based renewal gap - \$ spent on renewal divided by what \$ were required to be spent for period *MAV STEP program> Composite (roads, bridges and pathways, buildings & drains	65%	High	On Target	Renewal works being carried out in accordance with available budget. MAV Step program being revitalised.	Operations
5.3.2 Local Roads renewed	6% resurfaced as % of total sealed network * 0.5% Reconstructed total sealed road network. (Asset reconstructed when reaching level8) * Re-sheeted as 5% of total gravel road network	High	On Target	*Resurfacing works commenced on the 13 November 2013 and are due to be completed by the end of January 2014. *Resheeting works have been completed for 2013 with further works planned for May and June 2014. 45 kilometres of road (53 road sections) have been re-sheeted from July to October 2013, which is 69% of the works programmed for the financial year. *The 2013 Shoulder Resheeting program was completed on the 20 December 2013 with 13.6kms (27.2km both sides) of road shoulders resheeted.	Operations
5.3.3 Community satisfaction (index score) with conditions & maintenance of municipal roads, streets, footpaths (CSS)	85%	Low	On target	This measure is calculated at the end of the financial year.	Infrastructure / Asset Management / Operations

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Strategic Goal 5. INFRASTRUCTURE						
Strategy 5.4 FACILITIES AND AMENITY MANAGEMENT						
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department	
5.4.1 Civic Mutual Plus overall score for management of sporting reserves	>50	Medium	On Target	Results for 2013 show a score of 69, an increase against the average for Large Rural Shires, which was 67. Update to be provided in 2014.	Community Development	
5.4.2 Community satisfaction (index score) with: * Recreational facilities * Appearance of public areas	Number of complaints <20	Low	On Target	Council has received no complaints to date. Monthly contract meetings are held with the contractor to discuss any issues.	Community Development/ Operations	
Strategic Goal 6. GOVERNANCE						
Strategy 6.1 Ensure responsible resource management and ongoing adherence to good governance by ensuring completion of the annual internal audit plan						
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department	
6.1.1 Percentage completion for annual internal Audit plan	100%	Medium	On Target	2013/2014 Internal Audit Plan consists of an Inventory Management Audit and a Long Term Viability Audit. The Inventory management Audit was conducted in October 2013 and a Contracts Audit in January 2014. The Long Term Viability Audit is yet to be confirmed.	Governance	

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Strategy 6.1 Ensure responsible resource management and ongoing adherence to good governance by ensuring completion of the annual internal audit plan					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
6.1.2 Percentage completion of all scheduled external audits	100%	High	On Target	The Independent Audit of 2012/2013 financial and performance statements was completed and signed off by the Victorian Auditor General's Office (VAGO) on 23 October 2013. These audit reports were included as part of the 2012/13 Annual Report and presented to Council at its ordinary meeting on 18 November 2013.	Governance
Strategy 6.2: Enhance Councils management of electronic records in line with Public Records Office requirements (revising archiving procedures and provide ongoing user training and system improvements)					
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department
6.2.1 Percentage of electronic management systems actions completed within service charter timeframes	95%	Low	On Target	Reporting frameworks from TRIM on service delivery timeframes is currently being finalised.	Governance
6.2.2 Instruments of Delegation to Council staff renewed biannually and updated upon receipt of legal advice	100%	High	On Target	Instruments from Council to the CEO and to Council Staff have been reviewed following legal advice and completion of the organisational restructuring. Report on reviewed instruments was adopted at the 18 November Council meeting.	Governance

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<i>Strategic Goal 6. GOVERNANCE</i>						
Strategy 6.3: Enhancing Councils management and response times processing FOI requests are met						
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department	
6.3.1 Percentage of Freedom of Information Requests responded to within prescribed timeframes	100%	Medium	On Target	Two (2) Freedom of Information request received and a response provided within the prescribed timeframe.	Governance	
Strategy 6.4 : Ensure strategic and operational risks are appropriately managed to protect Council and the community by updating and implementing Council's Risk Management Strategy						
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department	
6.4.1 Percentage completion of Risk Management Framework (7 elements)	100%	Medium	On Target	The 7 elements of the Victorian Government Risk Management Framework are well established in Council's operations. Review and refinement of these elements are ongoing.	Governance	
6.4.2 Quarterly updating of Councils Risk Management Register presented to the Audit Committee/ Council	Quarterly (4) per annum	High	On Target	Minutes from the Internal Audit committee meeting of 25 July 2013 were reported to Council at its Ordinary meeting 19 August 2013. Councils Risk Management Register was updated as part of these minutes.	Governance	

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Strategy 6.5: Prepare Council's Annual Report 2012-13 as an accurate and transparent record of the year and submit to the Minister for Local Government by 30 September 2013						
Performance Measures	Target	Risk	Progress - 31 January 2014	COMMENTS	Department	
6.5. Annual Report presented to Council by 30 September 2013	1 Report to Council by 30 September 2013	High	Complete	The 2012/13 Annual report was included in the November Ordinary meeting agenda and noted by Council. A copy has been forwarded to the Minister, distributed to service centres and made available on Council's website.	Governance	
6.5.2 Annual Report to Minister for Local Government by 30 September 2013	1 Annual Report completed & delivered by 30 September 2013	High	Complete	The Moira Shire 2012/13 Annual Report was lodged with Minister for Local Government on 25 October 2013. Council noted the 2012/13 Annual Report at its ordinary meeting on 18 November 2013. The 30 September 2013 deadline was not met.	Governance	

FILE NO: 060.10.002
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.2.1
(MANAGER CORPORATE GOVERNANCE,
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2013 NUMURKAH AGRICULTURAL & PASTORAL SOCIETY SHOW DAY PUBLIC HOLIDAY REQUEST

1. Executive Summary

On 30 October 2013, Council received a letter from the Numurkah Agricultural Society requesting that Moira Shire Council, under the Public Holiday Amendment Bill 2011, recommend the Society be granted a Public Holiday for the 2014 Numurkah Show which will be held on Wednesday 22 October 2014.

Under the Act, Councils can request substitute public holiday days for Melbourne Cup Day. In the past Council has requested that a public holiday be declared for the 2011, 2012 and 2013 Numurkah Show Days. It is recommended that Council continue to support the full day public holiday for the Numurkah Show Day in 2014.

2. Discussion

The Public Holidays Act 1993 was amended in 2008 and as a result Melbourne Cup Day was automatically made a public holiday across the entire State of Victoria. This change ensured that all Victorians receive the same number of public holidays each year, regardless of where they live.

The Public Holiday Amendment Bill, May 2011 amended section 8 of the Public Holiday Act 1993 so that it is subject to a new section 8A. Section 8A states that Councils may request substitute public holiday days for Melbourne Cup Day.

Under the amended Act, non-metropolitan Councils may request in writing that the Minister make a declaration under Section 8(1),

- a) that the day appointed under section 6 being the first Tuesday in November (Melbourne Cup Day) is not in a specified year such a public holiday in the whole or any part of the municipal district of that Council; and
- b) that another day or 2 half days (one half day of which may be Melbourne Cup Day) be appointed as a public holiday or 2 public half-holidays in that year.

A request under subsection (1) must be made at least 90 days before the Melbourne Cup Day to which the request relates.

In years prior to 2008, Council declared a half day public holiday in the Numurkah district, as it existed prior to amalgamation, in recognition of the local Numurkah Show. However no alternate arrangements were declared in any other area.

On 30 October, Council received a letter from the Numurkah Agricultural Society requesting that Moira Shire Council recommend, under the Public Holiday Amendment Bill 2011, that the Society be granted a Public Holiday for the 2014 Numurkah Show which will be held on Wednesday 22 October 2014.

At the July 2011 Council meeting Moira Shire Council carried a motion to request the substitute public holiday for the Numurkah Annual Show in 2011; this also occurred at the February 2012 meeting for the 2012 Show day and in December 2012 for the 2013 Show day for. It is recommended that Council continue to support the full day public holiday in 2014.

FILE NO: 060.10.002
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.2.1
(MANAGER CORPORATE GOVERNANCE,
DAVID BOOTH)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

2013 NUMURKAH AGRICULTURAL & PASTORAL SOCIETY SHOW DAY PUBLIC HOLIDAY REQUEST (cont'd)

3. Financial Implications

There are no identified financial implications to Council in relation to this decision as the annual budget has taken into account all entitled public holidays.

4. Community Consultation

In addition to the petition received by Council in early 2011, Council received a delegation from the Numurkah Agricultural and Pastoral Society on the 21st of March 2011 seeking support for the Show Day public holiday. Council has received a letter dated 5 November 2012 and 30 October 2013 requesting that Council recommends a Public Holiday for 2013.

5. Internal Consultation

There was no internal consultation required for this report.

6. Legislative / Policy Implications

The Public Holiday Amendment Bill, May 2011 amends section 8 of the Public Holiday Act 1993 so that it is subject to a new section 8A. Section 8 A councils may request a substitute holiday for Melbourne Cup Day.

Under the amended Act, non-metropolitan councils may request in writing that the Minister make a declaration under Section 8(1):

- (a) that the day appointed under section 6, being the first Tuesday in November (Melbourne Cup Day) is not in a specified year such a public holiday in the whole or any part of the municipal district of that Council; and
- (b) that another day or two half days (one half day of which may be Melbourne Cup Day) be appointed as a public holiday or two public half-holidays in that year.

A request under subsection (1) must be made at least 90 days before the Melbourne Cup Day to which the request relates.

7. Environmental Sustainability

There are no identified environmental implications associated with this report.

8. Conflict of Interest Considerations

There are no officer conflict of interest issues to consider within this report.

9. Conclusion

Council is aware that changes to the Public Holidays Act 1993, amended in 2011, creates an opportunity to support the Numurkah Show as a public holiday and that strong representations have been made, particularly from the Numurkah Agricultural and Pastoral Society in relation to Council's ability to support the event and the public holiday in the area.

Moirra Shire Council did request the substitute public holiday for the 2011, 2012 and 2013 Numurkah Annual shows and it is recommended that Council support the full day public holiday for the Numurkah Show in 2014.

Attachments

- 1 Map of Numurkah Boundary

FILE NO: 060.10.002
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.2.1
(MANAGER CORPORATE GOVERNANCE,
DAVID BOOTH)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

**2013 NUMURKAH AGRICULTURAL & PASTORAL SOCIETY SHOW DAY PUBLIC
HOLIDAY REQUEST (cont'd)**

RECOMMENDATION

That Council in accordance with section 8A of the *Public Holidays Act 1993*, request the Minister to declare a full day public holiday within the Numurkah district, as defined on the attached map, on Wednesday 22 October 2014 for the Numurkah Show as a substitute public holiday for the appointed Melbourne Cup Day holiday in 2014. (The Numurkah district is defined by the Numurkah Agricultural and Pastoral Society Inc as the area within the Shire boundaries prior to amalgamation.)

MOTION

CRS MARIE MARTIN / KEVIN BOURKE

That Council in accordance with section 8A of the *Public Holidays Act 1993*, request the Minister to declare a full day public holiday within the Numurkah district, as defined on the attached map, on Wednesday 22 October 2014 for the Numurkah Show as a substitute public holiday for the appointed Melbourne Cup Day holiday in 2014. (The Numurkah district is defined by the Numurkah Agricultural and Pastoral Society Inc as the area within the Shire boundaries prior to amalgamation.)

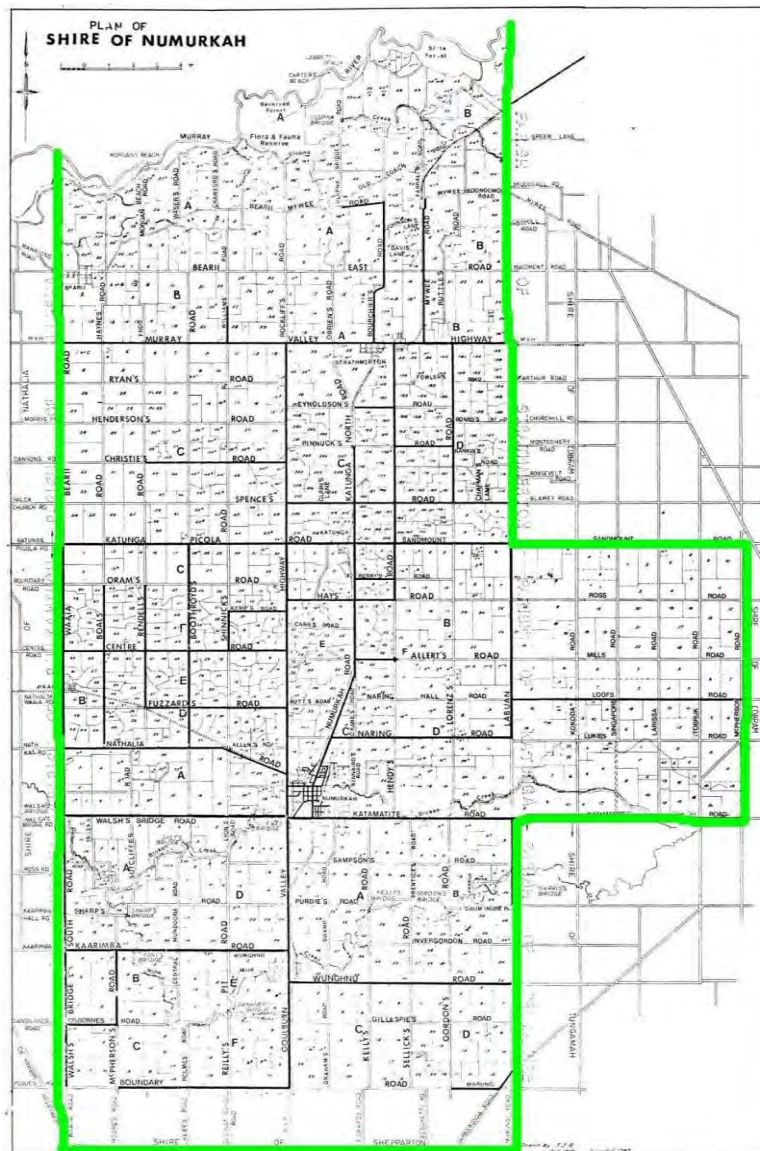
(CARRIED)

FILE NO: 060.10.002
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.2.1
(MANAGER CORPORATE GOVERNANCE,
DAVID BOOTH)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

**2013 NUMURKAH AGRICULTURAL & PASTORAL SOCIETY SHOW DAY
PUBLIC HOLIDAY REQUEST (cont'd)**

ATTACHMENT No [1] - Map of Numurkah Boundary



FILE NO: F13/114
1. OUR COMMUNITIES

ITEM NO: 9.2.2
(COMMUNITY DEVELOPMENT OFFICER,
FRANK MALCOLM)
(ACTING DIRECTOR, COMMUNITY , BRUCE
CONNOLLY)

NEW MELVILLE STREET NUMURKAH PEDESTRIAN CROSSING

1. Executive Summary

Due to the successful delivery below budget of road safety works in Numurkah under the Vic Roads "Black spot" funding program it is proposed to use the unspent funding to construct a new pedestrian crossing in Melville Street Numurkah between Quinn and Saxton Streets Numurkah.

To gauge community support for the crossing's location an opportunity was provided for members of the public to fill in survey forms that had as option one a pedestrian crossing mid-block between Quinn and Saxton Streets or option two a pedestrian crossing just north of the Quinn Street roundabout.

Survey results indicate approximately 94% support for option one mid-block between Quinn and Saxton Streets Numurkah.

2. Discussion

Project Introduction

Last Financial year Council was successful in obtaining significant Vic Roads 'Black spot' funding (approx. \$550k), to construct numerous traffic safety works and intersection upgrades throughout Numurkah.

These works were successfully delivered under budget, and as a result, Council has been able to extend the scope of works to include the installation of an additional formal pedestrian crossing within Melville Street.

The need for this crossing has been identified from feedback received through a number of community groups, and is supported through the analysis of pedestrian count surveys undertaken within the area.

Key Requirements

The purpose behind creating a new crossing point is to concentrate the movements of pedestrians to a selected location where:

- Pedestrians are provided with a safe place to cross the road through the use of treatments and devices that effectively manage conflicts between pedestrians and motorised traffic (vehicles);
- Motorists would expect the presence of pedestrians;
- The crossing point can be readily identified by all road users as a point of crossing;
- Pedestrians with limited vision or mobility can be provided with non-visual cues and/or physical aids;
- Regulatory traffic control devices can be installed, to change the normal law where pedestrians must "Give Way" to vehicles when crossing the road to where vehicles must "Give Way."

Options

Option 1 – Mid Block Crossing – between Quinn and Saxton Street

- Involves the construction of kerb outstands which narrow the crossing point;
- Will require the loss of approximately 8 Car parking spaces;
- Some minor drainage works will be included.

FILE NO: F13/114
1. OUR COMMUNITIES

ITEM NO: 9.2.2
(COMMUNITY DEVELOPMENT OFFICER,
FRANK MALCOLM)
(ACTING DIRECTOR, COMMUNITY , BRUCE
CONNOLLY)

NEW MELVILLE STREET NUMURKAH PEDESTRIAN CROSSING (cont'd)

Option 2 – Intersection Crossing Treatment – Just north of the Quinn Street roundabout Melville Street

- Places a formal crossing point in close proximity to the roundabout;
- Requires the loss of 3 car parking spaces;
- Will allow the raised intersection islands to be standardised with the recently completed traffic safety works along Melville Street;
- Minor drainage works to be included.

Options Excluded – Crossing point near IGA supermarket

- Currently a development application is in progress to extend the supermarket.
- This development is likely to see revised traffic flows in area surrounding the supermarket, as well as civil construction works on car parking.
- Once these details are known, the need for a crossing point in this location will be assessed

3. Financial Implications

The project is to be funded from unexpended funds from Vic Roads “Black Spot” funded works.

4. Community Consultation

Community consultation has been undertaken by utilising a web based survey tool as well as inviting submissions.

Option 1 – Mid Block Crossing – between Quinn and Saxton Street – 290 Surveys FOR

Some selected comments include:

- “Need raised hump at Commonwealth Bank/Stones crossing.”
- “I am a wheelchair user and this is the best spot.”
- “There is no crossing this end and a crossing at the roundabout is very dangerous.”
- “My wheelchair bound son has no direct access to the north end of Numurkah.”
- “People already cross at the roundabout where traffic gives way, no additional advantage at option 2.”
- “Too dangerous near roundabout.”
- “There’s a need at this end of town.”
- “Traffic will get banked up if one is situated north of Quinn Street. There is already a pedestrian refuge at the roundabout.”
- “Would be very welcome for the elderly in the community.”
- “Dangerous to have roundabout then crossing as people concentrate on roundabout not the crossing.”
- “In option 2 there is already a small crossing and I think that option 1 would be more beneficial for the community.”
- “Option 2 will create traffic problems at roundabout. Option 1 provides access from medical clinic to chemist and slows traffic in area of IGA car park.”

Option 2 – Just north of the Quinn Street roundabout Melville Street – 19 surveys FOR

Some selected comments include:

- “Definitely our kids need to cross Melville Street twice daily at ANZ/Australia Post corner.”

FILE NO: F13/114
1. OUR COMMUNITIES

ITEM NO: 9.2.2
(COMMUNITY DEVELOPMENT OFFICER,
FRANK MALCOLM)
(ACTING DIRECTOR, COMMUNITY , BRUCE
CONNOLLY)

NEW MELVILLE STREET NUMURKAH PEDESTRIAN CROSSING (cont'd)

Option 3 – No pedestrian crossing – 2 surveys FOR

No comments provided.

5. Internal Consultation

The crossing will be put on the agenda for the next Disability Advisory Committee meeting which is to be held on Thursday 20 February 2014. The crossing will be constructed to meet the latest requirements for access for all.

6. Legislative / Policy Implications

Vic Roads approval will be sought and obtained for installation of the crossing and for the signage.

7. Environmental Sustainability

Improvement to built environment.

8. Conflict of Interest Considerations

There are no Officer Conflict of Interest concerns with respect to this report.

9. Conclusion

It is recommended that Council adopt the location most preferred by the respondents to the consultation undertaken in respect of the project.

Attachments

- 1 Numurkah Senior Citizens - Proposed pedestrian crossing Numurkah
- 2 NCIN - Proposed pedestrian crossing Numurkah

RECOMMENDATION

That:

1. Council construct a new pedestrian crossing mid-block between Quinn and Saxton Streets Numurkah with funds provided through the Vic Roads "Black spot" program.
2. Council recognises the interest shown by the local community as reflected in the large number of respondents to the consultation programme.
3. Council welcome the flexibility shown by Vic Roads who have allowed Council to use unexpended funding to deliver this important facility.

FILE NO: F13/114
1. OUR COMMUNITIES

ITEM NO: 9.2.2
(COMMUNITY DEVELOPMENT OFFICER,
FRANK MALCOLM)
(ACTING DIRECTOR, COMMUNITY , BRUCE
CONNOLLY)

NEW MELVILLE STREET NUMURKAH PEDESTRIAN CROSSING (cont'd)

MOTION

CRS MARIE MARTIN / KEVIN BOURKE

That:

1. Council construct a new pedestrian crossing mid-block between Quinn and Saxton Streets Numurkah with funds provided through the Vic Roads "Black spot" program.
2. Council recognises the interest shown by the local community as reflected in the large number of respondents to the consultation programme.
3. Council welcome the flexibility shown by Vic Roads who have allowed Council to use unexpended funding to deliver this important facility.

(CARRIED)

FILE NO: F13/114
1. OUR COMMUNITIES

ITEM NO: 9.2.2
(COMMUNITY DEVELOPMENT OFFICER,
FRANK MALCOLM)
(ACTING DIRECTOR, COMMUNITY ,
BRUCE CONNOLLY)

NEW MELVILLE STREET NUMURKAH PEDESTRIAN CROSSING (cont'd)

**ATTACHMENT No [1] - Numurkah Senior Citizens - Proposed pedestrian crossing
Numurkah**



NUMURKAH
SENIOR CITIZENS CLUB
LOVE OUR LIFESTYLE

Numurkah Senior Citizens Club Inc.

Mr. Peter Bolterus.
Acting CEO
Moira Shire Office,
PO Box 578,
Cobram Vic. 3643

Dear Peter,

I am writing to advise you that at its December meeting the Club's committee unanimously passed the following motion:

"that the Committee of Management of the Numurkah Senior Citizens Club send a letter to the Moira Shire endorsing Option 1 of the proposed pedestrian crossing in Melville Street"

Several recommendations on behalf of Club members for a second pedestrian crossing mid way between Quinn and Saxton Streets in Melville Street, similar to the crossing between Amcal Chemist and Tiffany's Cafe, have been sent to the Shire over the last several years. The latest letter from the seniors club was sent to the CEO of the Shire on 7th May 2013.

The provision of a crossing in Melville Street half way between Quinn and Saxton Streets would be appreciated by not only the Club members, the town's seniors, those confined to wheel chairs or electric scooters, but also to mothers with prams, pushers and young toddlers.

The recent suggestion of a pedestrian crossing closer to the roundabout at the corners of Melville and Quinn Streets did not appeal to members for reasons of restricted traffic flow and the probability of Quinn Street traffic being completely blocked off at times. In such a situation traffic would be unable to move aside to allow emergency vehicles access through the intersection.

Having been relocated to the shop front second from the "water- wheel" roundabout during the Seniors Hub redevelopment, Club members were in a perfect position to view traffic movement and were horrified watching speeding drivers travelling north plant their feet on the accelerator after passing through the roundabout and brake only when they reached the next roundabout at Saxton Street corner. A pedestrian crossing midway would serve to slow these drivers as is evident at the existing crossing.

For the safety of our local community, please consider and implement this request for Option 1 Pedestrian Crossing.

For further contact I am available at the Numurkah Seniors Hub or by phone - 58621019.

Yours sincerely,

Moira Shire Council	
File #	
Corres No.	
- 9 JAN 2014	
Referred to.	
Copies to.	

FILE NO: F13/114
1. OUR COMMUNITIES

ITEM NO: 9.2.2
(COMMUNITY DEVELOPMENT OFFICER,
FRANK MALCOLM)
(ACTING DIRECTOR, COMMUNITY ,
BRUCE CONNOLLY)

NEW MELVILLE STREET NUMURKAH PEDESTRIAN CROSSING (cont'd)

ATTACHMENT No [2] - NCIN - Proposed pedestrian crossing Numurkah

to Moira Shire Council
attention C.E.O. Garry Arnold and Engineering Staff.

May 1 -13.

The N.C.I.N. group has discussed amongst its members and other citizens the need for a second pedestrian crossing in Numurkahs Melville St between the Quinn St and Saxton St roundabouts.

We have some information that Moira Engineering and Development staff may be investigating placing a pedestrian crossing adjacent to the Quinn St roundabout. In our view this is not a practical or safe measure. To restrict traffic at or near a roundabout is counter productive, confusing and and more importantly dangerous.

Our contention is that a pedestrian crossing located roughly midway between the above mentioned roundabouts has significantly greater benefits than at a location alongside an existing roundabout.

In the section of Melville we are discussing there are four Banks a pharmacist, a Retail clothing store, several food outlets, a butcher, a fruit and vegetable outlet, a veterinary business and other professional businesses.

A pedestrian crossing midway would be significantly more advantageous to older pedestrians, gopher drivers, mothers with prams and small children who technically and by law have to move to either roundabout to cross the street rather than brave the traffic to jaywalk.

The other benefit is slowing down the traffic movement where at the moment inconsiderate drivers take great delight in travelling right up to and over the lawful speed between existing roundabouts.

The only negative to our proposal is the loss of parking spaces however the safety benefits for all concerned is the main positive of this proposal.

Accordingly we seek the support of Council to include planning for a second pedestrian crossing to be included in the current estimates procedures as a matter of importance allowing the proposal to be eligible for Grants funding.

We appreciate your anticipated support in order to make Melville St safer and more practical for the Numurkah and district community.

FILE NO: 170.12.0001
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.2.3
(ENVIRONMENTAL SERVICES TECHNICAL
OFFICER, JAMES WALTERS)
(ACTING DIRECTOR, COMMUNITY , BRUCE
CONNOLLY)

WASTE DAY 2014 (IN CONJUNCTION WITH CLEAN UP AUSTRALIA DAY)

1. Executive Summary

For the past two years, Council have passed a free waste day to be held in conjunction with Clean Up Australia Day. This report looks into the financial, environmental, policy and legislative liabilities of the 2012, 2013, and proposed 2014 waste days with possible future liabilities that may arise from future similar proposals and projections. It will provide information on four different proposals for a free waste event for residents within Moira Shire. Each proposal has been listed in order of their preference.

Preference	Estimated Additional Costs
1	\$0
2	\$10,000 at 1M ³ at 7% participation
3	\$436,000 at 100% redemption, not including airspace cost
4	\$84,700 at 7% participation, not including airspace cost

2. Discussion

Waste management hierarchy (extract Environment Protection Act 1970)

The wastes hierarchy is one of eleven principles of environment protection contained in the Environment Protection Act 1970. The principles provide a framework for EPA's decision making and are intended to benefit the Victorian environment and community. In making decisions, EPA takes all of the principles into account and applies them in an integrated manner.

The wastes hierarchy is an order of preference and states that waste should be managed in accordance with the hierarchy, with avoidance being the most preferred option and disposal being the least.

The Waste Hierarchy

The Waste Hierarchy provides a framework for setting strategic directions for waste and resource efficiency. Towards Zero Waste will provide support and incentives for actions at the top end of the waste

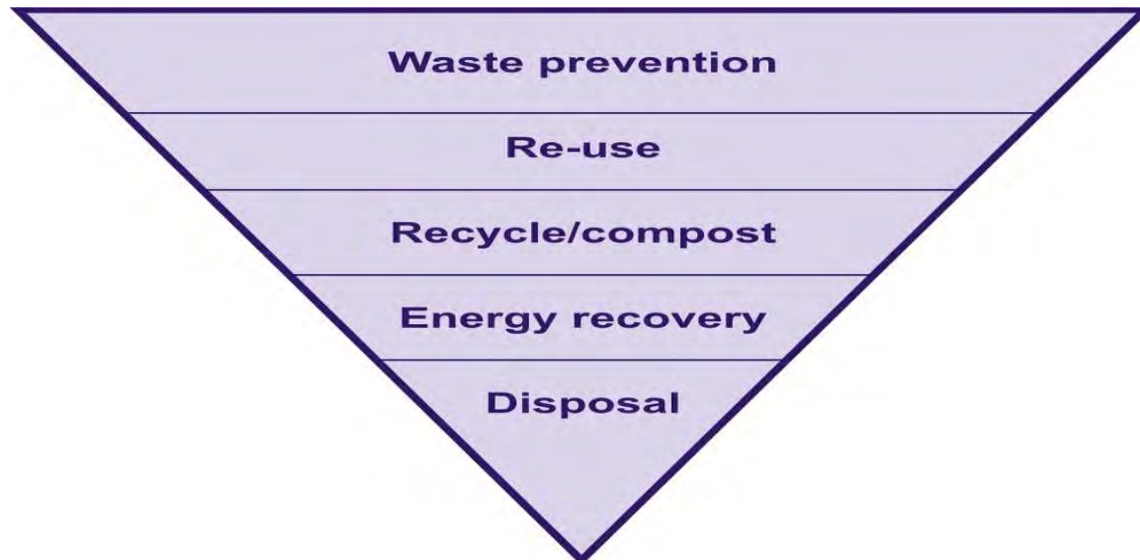
Hierarchy which aim to gain the best value from resources by:

- Avoiding the generation of waste in the first place
- Increasing the reuse and recycling of materials; and
- therefore, reducing the need for landfill disposal which is the least desirable option

FILE NO: 170.12.0001
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.2.3
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WASTE DAY 2014 (IN CONJUNCTION WITH CLEAN UP AUSTRALIA DAY) (cont'd)



Extract from Towards Zero Waste 2020

“Engagement and education are essential for achieving behavioural changes which translate into positive and enduring sustainability practices. Local government will build on existing innovative programs to promote the ‘reduce, reuse and recycle’ message to communities and will continue to do so as an important element of the Towards Zero Waste Strategy. State and local governments will continue to coordinate, develop and implement the highly successful Waste Wise Program – an initiative assisted by regional educational officers and local government, to foster community action. This program has earned Victoria recognition as a leader in behavioural change education.”

Getting Full Value – Victorian Waste and Resource Recovery Policy

In 2013 the Victorian State Government released its new waste and Resource Recovery policy: ‘Getting Full Value’.

The ‘Getting Full Value’ policy is a commitment to working towards Victoria having “an integrated, state-wide waste management and resource recovery system that provides an essential community service by protecting the environment and public health, maximising the productive value of resources, and minimising long term costs to households, industry and government.”

“The Victorian Government will continue to use the landfill levy as a market signal that provides incentives to resource recovery industries and provides certainty to Victorian industries and businesses”

The State Government will “facilitate a Victorian waste and resource recovery system that maximises the economic value of waste.”

Waste management in Moira Shire

Moira Shire Council operates nine waste management sites including eight transfer stations all of which vary in their capacity. The landfill site at Cobram receives the residual waste that is

FILE NO: 170.12.0001
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.2.3
(ENVIRONMENTAL SERVICES TECHNICAL
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CONNOLLY)

WASTE DAY 2014 (IN CONJUNCTION WITH CLEAN UP AUSTRALIA DAY) (cont'd)

taken at the other sites, and requires a lot of efficient logistical planning to work efficiently and effectively.

A 'free' waste day has taken place in conjunction with Clean Up Australia day for the last two consecutive years.

On the 2012 'free' waste day, most of Victoria's north-east was affected by a one in 100 year flooding event some locations were higher than both the 1993 and 1974 flood levels. The impact of up to 160 millimetres of rain dumped on the region in 24 hour period following a week of heavy downpours dampened the enthusiasm of participants for the 'free' waste day. This appeared to have limited the uptake of residents to approximately 3% of the total residences.

In 2013, the rate of participation in the 'free' waste day increased to 5% of total residences.

Following trends, in 2014 this would expect a rise to at least 7% of total residences, and an increase of 10% in landfill costs. This would make the projections for expenses to council a much greater level than 2012 and 2013 costs.

Over recent years Council has been committed to achieving the Towards Zero Waste 2020 targets. Part of this strategy is to:

- Minimise waste generation
- Maximise reuse
- Increase volume of recycling
- Encourage the public to become responsible for their actions in regards to waste generation and disposal.

The idea of a free waste day encourages waste disposal only which is the lowest and least desirable level in the waste hierarchy, *reference Waste Hierarchy*.

This report details four separate options for the 2014 Clean Up Australia day:

Most Preferred: Council does not hold a 'waste day' on Clean Up Australia day and continues to provide its usual community initiatives such as providing approximately 250 free waste passes across non-profit community groups and charities within Moira Shire per annum. Under this preference, Council will retain its resilience to accept waste under disaster events such as floods and tornadoes, or;

Preference 2: Council provides a 'free green waste' day to residences of Moira Shire. This would complement the free mulch return to residents at a reasonable cost to council. Each participating resident could be given a flyer advertising the upcoming free mulch days provided by Council, or;

Preference 3: Council provides a coupon that is distributed with rates notices, for 1M³ of free waste disposal per residence within Moira Shire. This coupon could be used once on any day during opening hours of waste stations within the Shire during the year of 2014. A coupon system could potentially result in a cost to Council of \$436,000 at 100% redemption, or last;

FILE NO: 170.12.0001
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.2.3
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WASTE DAY 2014 (IN CONJUNCTION WITH CLEAN UP AUSTRALIA DAY) (cont'd)

Least Preferred: Council provide a 'free' waste day of no more than 1M³ per household (additional volumes will be charged at standard waste rates). Tyres will be charged at standard rates. No wastes outside our standard acceptance criteria to be presented or accepted on the day. Proof of residence will be required to receive the free waste disposal on the day i.e. drivers licence or rate notice. This service would result in large financial implications, would not comply with State Government policy and go against the foundations of Council's waste management objectives.

3. Financial Implications

Expected liabilities are between \$ 10,000 and \$ 20,000 per % point of participation. This range depends on acceptance criteria / restrictions.

Initial participation in the 'free' waste day was 3% in 2012. In 2013 participation increased to 5%. On trending this would indicate an expected participation of 7% in 2014.

Year	Participation	Cost
2012	3%	\$30,000*
2013	5%	\$55,000*
	Expected Participation	Expected Cost
2014	7%	\$84,700*

Table 2. Previous participation and costs and a projected estimation for 2014

*Includes labour, levy, lost income only, and excludes cost of landfill airspace

Explanatory notes for Table 2:

- The 7% estimation of participation is based on the trending from the last 2 years data.
- Costing also has CPI increase as applied across waste management of 10%
- The landfill levy to the Environment Protection Authority which is \$29.30 per tonne Municipal and \$51.30 per tonne Industrial waste

Estimations and considerations of holding a 'free' waste day in 2014

Moirā Shire currently staggers the opening of the several smaller transfer stations throughout the Shire and has insufficient staff to open all facilities simultaneously. To open all of the transfer stations at once requires additional staff to fulfil this requirement. This would be a minimum of 3 extra personnel if an event were to be held on any single day.

Waste management has many costs just to be operational, and a major part in being able to run a viable landfill is the gate fee.

No allowance has been made for the following costs;

1. Airspace costs in excess of \$150 M³ (2011 Figure) landfilled. Landfill airspace is the most precious commodity and overriding issue in a landfill. The amount of space is directly related to the capacity and usable life of the landfill. Increasing (or preserving) the air space extends the usable life of the landfill. Numerous activities regularly carried out by Council are with the aim to preserve landfill airspace as it is a valuable asset that would be extremely expensive to replace.

FILE NO: 170.12.0001
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.2.3
(ENVIRONMENTAL SERVICES TECHNICAL
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CONNOLLY)

WASTE DAY 2014 (IN CONJUNCTION WITH CLEAN UP AUSTRALIA DAY) (cont'd)

2. \$15 and \$25 each for mattresses to be processed, depending on processing method
3. Tyres, depending on size, between \$5 and \$180 to process
4. Bulk transport between Transfer stations and Cobram Landfill
5. Transport which will be in excess of \$4,000 for the movement of 31M³ bins between the transfer stations and landfill

There are also issues with the capacity of transfer stations 31M³ bins and the logistics of bin movements on high traffic days. Currently bins are serviced whilst the sites are closed. High participation rates will fill the bins without being able to service the bins, this may require waste to have to be stockpiled whilst bins are serviced or at capacity.

In 2013, 252 transactions were processed at Yarrawonga transfer station. This equates to 1.5 minutes to process each customer. These statistics are not conducive to recycling, and exceed the capacity of the transfer station. Also, the excessive traffic congestion exposes Council to an increase in the risk of an OH&S incident occurring.

4. Community Consultation

At this time there has been no community consultation in relation to this report. Following a decision of Council the community will be informed via the media and public information channels.

Council already provides free waste services to Moira Shire residents who are participating in registered Clean Up Australia Day events. Along with this, Council will also continue to provide its usual community initiatives, such as providing approximately 250 free waste passes across non-profit community groups and charities within Moira Shire per annum.

5. Internal Consultation

Waste Management staff and the Environment Sustainability Unit have contributed to this report.

6. Legislative / Policy Implications

The proposed free waste days are not aligned with the following:

- Council Plan 2013/14 - "Moira will responsibly manage its environment and the communities affected by and living in that environment through innovation, leadership, quality services, partnerships and program delivery and accountability".
- Environmental Sustainability strategy 2012 – "Important role to educate, advocate, respond to statutory requirements and engage the community in the adoption of sustainable practises"
- Getting Full Value (SWIRRP) - "facilitate a Victorian waste and resource recovery system that maximises the economic value of waste."
- EPA Act 1970 – refer to 'Waste Hierarchy' above

FILE NO: 170.12.0001
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.2.3
(ENVIRONMENTAL SERVICES TECHNICAL
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CONNOLLY)

WASTE DAY 2014 (IN CONJUNCTION WITH CLEAN UP AUSTRALIA DAY) (cont'd)

7. Environmental Sustainability

Providing a free waste day may lead to a reduced volume of illegal dumping but could also have the negative effect of ratepayers storing waste at their residence in anticipation of free disposal.

As it is considered '*free waste disposal*', it does not encourage recycling and increases volumes sent to landfill, which has a negative environmental impact.

Moirra Shire does not have the capacity to facilitate the development of a new landfill. This means that once our current landfill has been decommissioned, that all waste produced within Moirra Shire will be sent external to the Shire, leading to a range of environmental issues, such as increased greenhouse gas emissions and associated transport issues.

Sustainable practises are held in high importance in the community's values, Council policy, and state and federal government legislations. Decision making processes need to consider the impact that the current generations actions have on future generations.

8. Conflict of Interest Considerations

There are no council Officer conflict of interest issues to consider within this report.

9. Conclusion

There is no such thing as a free waste day. Council is required to pay full EPA levy and associated airspace costs from finite budgets. Therefore any 'free' waste day will be run at the expense of Council and therefore other projects.

Modern Waste Management practises have changed considerably from time when recycling and sustainability was not prevalent. The offering of a free waste day clearly departs from established practises in line with the Reduce, Re-use, Recycle mantra.

Council currently provides community initiatives such as free waste services to Moirra Shire residents who are participating in registered Clean Up Australia Day events and providing approximately 250 free waste passes across non-profit community groups and charities within Moirra Shire per annum. Through this level of support Council retains its capacity to accept waste under extreme events such as floods and tornadoes,

Another option would be a Green Waste day, this would be in line with our free mulch days for the public and would encourage education about the potential for green waste as a valuable resource. This does not conflict with waste policies, and would be in line with the values of our Council plan, waste management strategies and state initiatives.

Attachments

- 1 Letter Nick Nagle CEO Resource GV

FILE NO: 170.12.0001
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.2.3
(ENVIRONMENTAL SERVICES TECHNICAL
OFFICER, JAMES WALTERS)
(ACTING DIRECTOR, COMMUNITY , BRUCE
CONNOLLY)

WASTE DAY 2014 (IN CONJUNCTION WITH CLEAN UP AUSTRALIA DAY) (cont'd)

RECOMMENDATION

That: in order of preference:

1. Council continues to provide its usual community initiatives, such as providing 250 free waste passes across non-profit community groups and charities within Moira Shire.

MOTION

CRS ED COX / BRIAN KEENAN

That: in order of preference:

1. Council continues to provide its usual community initiatives, such as providing 250 free waste passes across non-profit community groups and charities within Moira Shire.

(CARRIED)

FILE NO: 170.12.0001
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.2.3
(ENVIRONMENTAL SERVICES
TECHNICAL OFFICER, JAMES
WALTERS)
(ACTING DIRECTOR, COMMUNITY ,
BRUCE CONNOLLY)

WASTE DAY 2014 (IN CONJUNCTION WITH CLEAN UP AUSTRALIA DAY)
(cont'd)

ATTACHMENT No [1] - Letter Nick Nagle CEO Resource GV

Moira Shire Council	
File No.	
Corres No.	
- 7 MAR 2013	
Referred to.	
Copies to:	

4 March 2013

Mr Gary Arnold
Chief Executive Officer
Moira Shire Council
PO Box 578
COBRAM VIC 3643

Dear Gary

OBJECTION TO RECENT 'FREE WASTE DAY'

It was with surprise and disappointment that I became aware of a 'free waste day' in the Moira Shire being offered in conjunction with this year's clean-up Australia day.

On the face of it, the staging of such a day is highly inconsistent with many of the principles and programs that underpin the waste management industry and this undermines efforts both on a regional level but also within the Moira Shire itself.


A departure from the principle of user pays and full cost recovery means that scarce financial resources will no doubt be diverted away from already stretched waste management budgets, potentially leading to the discontinuation of worthwhile and forward-thinking initiatives.

This comes at a time when rural municipalities across the state are bracing for the impact of recent changes to landfill Post Closure Pollution Abatement Notices issued by the Environment Protection Authority, along with greatly inflated landfill cell development costs resulting from revised Best Practice Environmental Guidelines for the *siting, design, operations and rehabilitation of landfills*.

Perhaps most damaging is the impact is that residents will now no doubt be awaiting repeat opportunities to transfer the responsibility for their own waste generation on to the whole community.

I would ask that serious consideration be given to holding such days in the future and that council instead supports new and existing mechanisms to achieve best practice resource recovery.

Sincerely yours



Nick Nagle
Executive Officer

TRIM: C12/2879

resourcegv
reducing the valley's ecological footprint

General Office: Greater Shepparton City Council, Locked Bag 1000, Shepparton, Victoria 3632. Central Office: Welsford Street, Shepparton. Fax: (03) 5831 1987
Member Councils: Campaspe Shire Council, Greater Shepparton City Council, Mitchell Shire Council, Moira Shire Council, Murrindindi Shire Council, Strathbogie Shire Council

FILE NO: 52013488
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.3.1
(STATUTORY PLANNING COORDINATOR,
PETER STENHOUSE)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY , MARK FOORD)

PLANNING PERMIT APPLICATION 52013488 - 22 LOT SUBDIVISION - 15 PYKE STREET AND 26 FRANCIS ELLIOTT COURT BUNDALONG

1. Executive Summary

Planning application 5/2013/488 seeks approval to subdivide land at 26 Francis Elliott Court and part of 15 Pyke Street Bundalong comprising twenty two (22) lots in 2 stages.

Notice of the application has been given to adjoining landowners and relevant referral authorities. Eight objections from surrounding landowners have been received. Mediation between the applicant and the objectors failed to resolve all the matters of concern, however one objection has been withdrawn leaving seven objections, therefore a Council decision is required.

The proposal generally meets the requirements of the Planning Scheme in relation to the State and Local Planning Policy. While the concerns of the objectors have some degree of validity in terms of neighbourhood character, they do not warrant refusal of the application. Many of the concerns could be accommodated by imposing planning permit conditions.

The application is therefore recommended for approval.

ITEM NO: 9.3.1
(STATUTORY PLANNING COORDINATOR,
PETER STENHOUSE)
(ACTING DIRECTOR, DEVELOPMENT AND
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Locality Plan



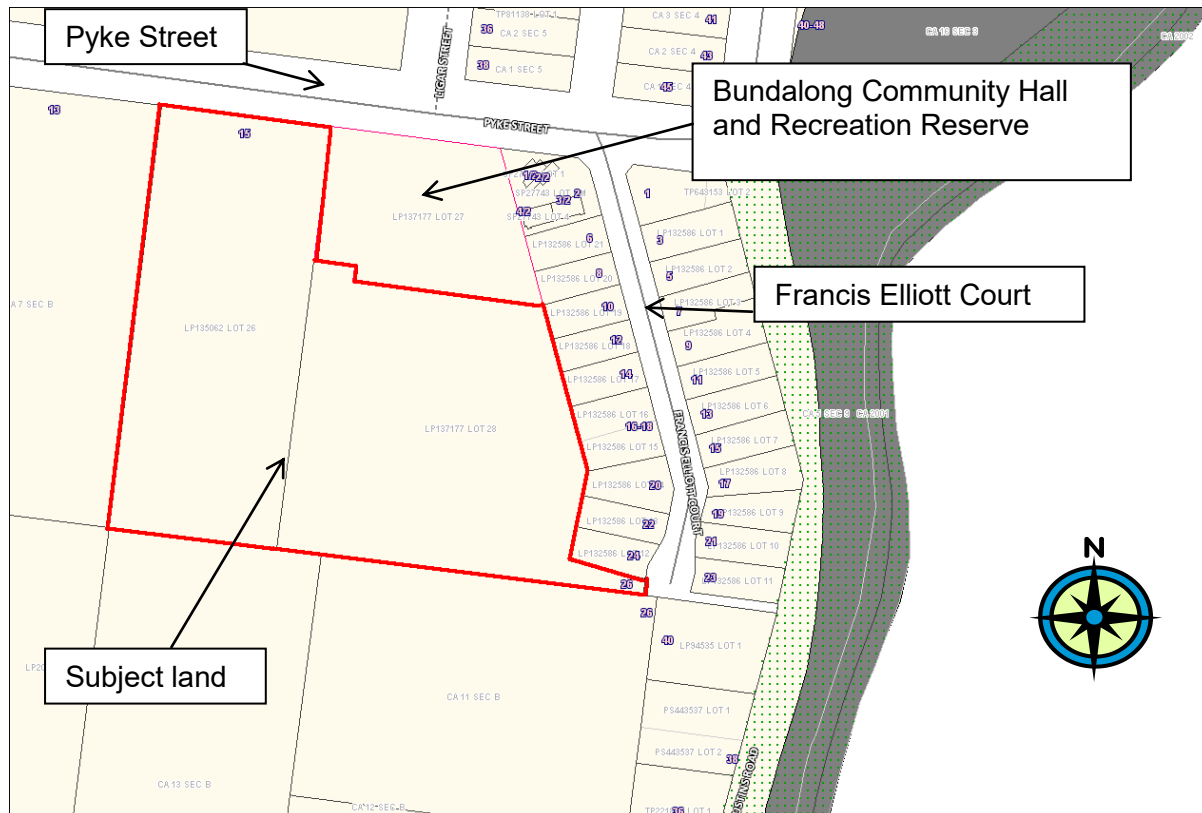
Application Details

Applicant: Abdul Syed
 Owner: Peter Elliott
 Land Address: 15 Pyke Street and 26 Francis Elliott Court, Bundalong
 Title Details: Lot 28 PS137177 and lot 26 PS 135062
 Site Area: 3.3799 ha
 File No: 52013488
 Zone: Part Township Zone and part Farming Zone
 Overlays: Nil

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2. OUR ENVIRONMENT AND LIFESTYLE

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PLANNING PERMIT APPLICATION 52013488 - 22 LOT SUBDIVISION - 15 PYKE STREET AND 26 FRANCIS ELLIOTT COURT BUNDALONG (cont'd)



Key Issues

- State and Local Planning Policy
- Zone provisions
- Comments from referral authorities
- Objections

Proposal

The proposal is to subdivide land into 22 lots ranging in size from 502m² to 796m² (within the Township Zone), creation of a road from Pyke Street (within the Farming Zone) and create two public reserves, one of which will provide pedestrian access to Francis Elliott Court. The subdivision is proposed to be conducted in 2 stages with stage 1 being the creation of the road from Pyke Street and Stage 2 the creation of the 22 lots.

Background

Planning Permit TP06/073 was issued on 10 January 2007 for an 18 lot subdivision.

Planning Permit TP0900294 was issued on 21 July 2010 to use and develop land for a Residential Village which comprised 51 dwellings and a community facility.

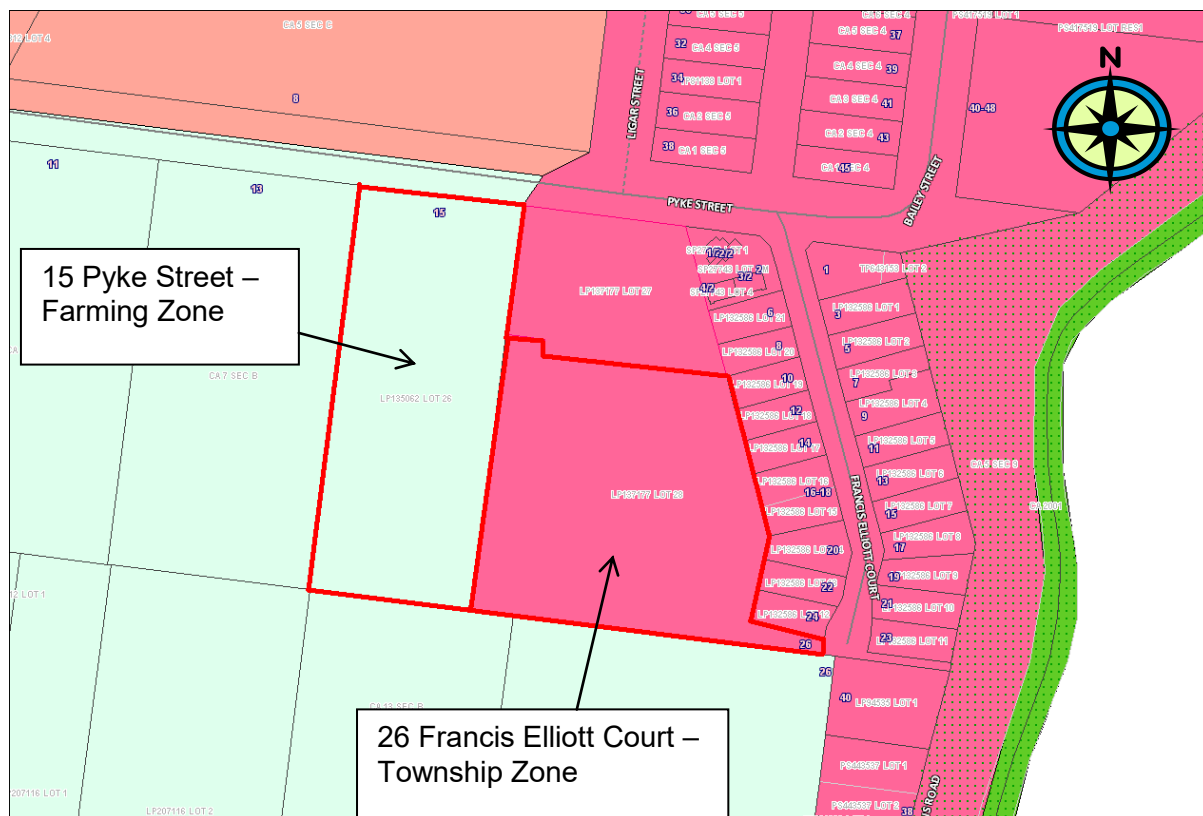
FILE NO: 52013488
2. OUR ENVIRONMENT AND LIFESTYLE

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3. Planning Scheme

The proposed development encompasses two sites. Land at 26 Francis Elliott Court is included in the Township Zone, whilst land at 15 Pyke Street is within the Farming Zone. No Overlays apply to the land.



Township Zone

The purpose of the Township Zone includes:

- To provide for residential development and a range of commercial, industrial and other uses in small towns.
- To encourage residential development that respects the neighbourhood character.

Clause 32.05-4 requires a planning permit to subdivide land and specifies that the requirements of Clause 56 of the Planning Scheme apply. The applicant has submitted an assessment against the relevant Clause 56 provisions, which indicates that the development meets the relevant standards.

Farming Zone

The only part of the development which is included within the Farming Zone is the proposed Road of which no permit is required to use that part of the land for road purposes (Clause 62.01). A road reserve will be created leaving the balance of the land at 15 Pyke Street with 1.2715ha that contains an existing dwelling.

State Planning Policy Framework (SPPF)

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Clause 15.01-3 Neighbourhood and Subdivision Design

Objective

To ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.

Strategy

In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- *Contributing to an urban structure where networks of neighbourhoods are clustered to support larger activity centres on the regional public transport network.*
- *Creating compact neighbourhoods that have walkable distances between activities and where neighbourhood centres provide access to services and facilities to meet day to day needs.*
- *Creating a range of open spaces to meet a variety of needs with links to open space networks and regional parks where possible.*
- *Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.*
- *Contributing to reducing car dependence by allowing for:*
 - *Convenient and safe public transport.*
 - *Safe and attractive spaces and networks for walking and cycling.*
 - *Subdivision layouts that allow easy movement within and between neighbourhoods.*
 - *A convenient and safe road network.*
- *Creating a strong sense of place because neighbourhood development emphasises existing cultural heritage values, well designed and attractive built form, and landscape character.*
- *Protecting and enhancing native habitat.*
- *Environmentally friendly development that includes improved energy efficiency, water conservation, local management of stormwater and waste water treatment, less waste and reduced air pollution.*
- *Being accessible to people with disabilities.*
- *Developing activity centres that integrate housing, employment, shopping, recreation and community services, to provide a mix and level of activity that attracts people, creates a safe environment, stimulates interaction and provides a lively community focus.*

Clause 15.01-5 Cultural identity and neighbourhood character

Objective

To recognise and protect cultural identity, neighbourhood character and sense of place.

Strategies

- *Ensure development responds and contributes to existing sense of place and cultural identity.*
- *Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.*
- *Ensure development responds to its context and reinforces special characteristics of local environment and place by emphasising:*

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PLANNING PERMIT APPLICATION 52013488 - 22 LOT SUBDIVISION - 15 PYKE STREET AND 26 FRANCIS ELLIOTT COURT BUNDALONG (cont'd)

- *The underlying natural landscape character.*
- *The heritage values and built form that reflect community identity.*
- *The values, needs and aspirations of the community.*

Local Planning Policy Framework (LPPF)

The key issues and challenges for settlement addressed in clause 21.04 recognise that the population of Moira Shire is ageing and that increased options for housing this population will particularly be required in the four large urban centres of Cobram, Yarrawonga, Numurkah and Nathalia. The smaller towns like Bundalong provide diversity and rural living opportunities.

Clause 21.04-4 includes a strategy which seeks to promote a wide range of housing opportunities in urban areas that respond to the housing needs of the population.

The proposed development is consistent with this strategy as it is facilitating opportunity for additional housing in an urban environment.

Neighbourhood Character

Neighbourhood character is one of a number of residential policy objectives in the SPPF and the LPPF. The encouragement of urban consolidation, higher land-use densities near major public transport interchanges and routes, the need to improve housing choice, the better use of existing infrastructure and the provision of ecologically sustainable development are also planning policy objectives that need to be achieved when considering neighbourhood character and residential development.

Respecting neighbourhood character does not mean mimicry or pattern book design, or limiting the scope of design interpretation and innovation. Instead, it means designing the development in response to the features and characteristics identified in the neighbourhood.

The existing lots sizes of adjoining lots in Francis Elliott Court range from 650m² to 1300m², whilst the lot sizes proposed are in the range 502m² to 796m².

It is considered that the proposal respects the existing neighbourhood character as there is only a minor difference in terms of the density.

Clause 52.01 Public Open Space

The proposal includes two open space reserves, one being a small pocket park and the other a link reserve that will provide for a pedestrian walkway to Francis Elliott Court.

The schedule to Clause 52.01 requires 5% of the residential land to be subdivided must be set aside for public open space, unless provision has previously been made.

In 1981 when the subject land (Lot 28 PS137177) was created, the land to the north (Lot 27) was transferred to the Shire of Yarrawonga to be used for municipal purposes with the local community desiring a community hall and tennis court to be constructed in the future. It is considered that the public open space contribution has previously been met, therefore no additional public open space is required. However it is considered beneficial that at the very least the link reserve to Francis Elliott Court be retained.

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PLANNING PERMIT APPLICATION 52013488 - 22 LOT SUBDIVISION - 15 PYKE STREET AND 26 FRANCIS ELLIOTT COURT BUNDALONG (cont'd)

4. Financial Implications

In the event that Council's decision is appealed at VCAT, any cost associated with attending and responding to an appeal is not budgeted for.

5. Community Consultation

Public Notice of the application was given under Section 52 of the *Planning and Environment Act 1987*, by notifying adjoining and nearby property owners and occupiers and placing a notice on the land.

Eight objections were originally received with one subsequently withdrawing their objection. The basis of the remaining seven objections relate to:

- Road Names
- Fencing
- Reserve landscaping
- Lot sizes & density
- Public transport
- Drainage
- Access
- Neighbourhood character
- Electricity supply

The applicant was given an opportunity to view and make comment on the objections, however, the applicant could not address the issues raised and overcome all the objections. Only one objector withdrew their objection.

The objectors were given the option to withdraw, discuss further or Council make a decision on the application. Of those who wished to discuss the application further, they were contacted by Council officers. The objectors essentially reinforced their objections and were not keen to withdraw however conditions on any permit that may be issued could overcome their issues, particularly with respect to fencing and landscaping of the reserve linking with Francis Elliott Court.

Issues relating to lot size, density and neighbourhood character have merit given the location of Bundalong being close to rivers and Lake Mulwala. With many people owning large vehicles and with boats and caravans, larger rather than smaller lot sizes would be preferable. However the applicant has provided some diversity of lot size but is focused on a slightly smaller lot size than currently exists in the township.

Road names were included on the proposed plans submitted with the application which is not required at the planning permit stage. Plans of Subdivision submitted for certification is the appropriate stage for submitting names. Any names put forwarded are assessed against the Geographic Naming Guidelines. As the applicant chose to submit the names at the planning stage it has resulted in objections to the application. Whilst not a planning consideration, the applicant responded by replacing the names which has resulted in less objection and with one objector withdrawing.

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Fencing around the perimeter of the site is normally an issue between individual land owners, however it can also be a planning issue to at least set the parameters of how fencing should be delivered and the extent of fencing.

Two objectors raised concerns that there should be consistency of fencing between the properties fronting Francis Elliott Court and the subject land and the privacy of the land owner adjoining the proposed pedestrian walkway to Francis Elliott Court (24 Francis Elliott Court). Further, the owner of 24 Francis Elliott Court continues to demand a right of access over the adjoining land to the garage at the rear of his property, therefore an appropriate condition could be imposed on any permit that is issued to ensure the security of access and separation between pedestrian and vehicular access.

6. Internal Consultation

The application was referred to Council's Infrastructure, Assets and Revenue Departments, none of which objected to the application, however conditions have been recommended to be imposed on any permit that may be issued.

7. External Consultation

The application was referred to the following authorities:

North East Water	No objection, conditions
Powercor	No objection, conditions
APA	No objection
CFA	No objection, conditions

8. Legislative / Policy Implications

The *Planning and Environment Act 1987* and the Moira Planning Scheme set out the requirements for use and development of land, including the requirements for public notice and referrals.

The relevant legislative requirements have been satisfied.

The Small Towns and Settlement Strategy was adopted by Council on 15 April 2013 that recommended that the adjoining land to the west and south be rezoned to Low Density Residential. The proposal shows possible road connection to the south via both courts. This is considered to be strategically beneficial and was required as part of the approved permit for the 18 lot subdivision in January 2007 (TP06/073).

9. Environmental Sustainability

It is anticipated that the application will not result in adverse environmental impacts.

10. Conflict of Interest Considerations

There are no Council officer conflict of interest issues to consider within this report.

11. Conclusion

The proposed 19 lot subdivision is consistent with the planning scheme in terms of State and Local Planning Policy, zone and subdivision provisions under Clause 56.

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Whilst there are objections to the application, some of which can be specifically addressed as conditions in any permit that is approved, however, the remaining objections do not warrant a refusal of the application.

It is therefore recommended that the application be approved subject to reasonable and relevant conditions.

Attachments

- 1 Plans of Subdivision

RECOMMENDATION

That Council issue a Notice of Decision to Grant a Permit for Planning Application No. 52013488 to subdivide 15 Pyke Street and 26 Francis Elliott Court, Bundalong into 19 lots subject to the following conditions:

1. The subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. A satisfactory landscaping plan for the whole of the subject land must be submitted to and approved by the Responsible Authority, prior to the issue of a Statement of Compliance. An endorsed copy of the plan must form part of this permit. The submitted plan must include:
 - a) a survey of all existing vegetation and natural features showing plants (over 2.0 metres in height) to be removed;
 - b) the landscaping of the reserves and nature strips within the streets;
 - c) a schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified,
 - d) the method of preparing, draining, watering and maintaining the landscaped area,
 - e) the weed management program,
 - f) fencing details
 - g) the reserve to Francis Elliott Court providing for

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PLANNING PERMIT APPLICATION 52013488 - 22 LOT SUBDIVISION - 15 PYKE STREET AND 26 FRANCIS ELLIOTT COURT BUNDALONG (cont'd)

- pedestrian footpath
 - vehicular access to 24 Francis Elliott Court
 - an open style fence and landscaping to separate pedestrian and vehicular traffic.
3. Before issue of the Statement of Compliance or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
4. Boundary fencing must consist of a 1.8 m high Colorbond fence (or similar) and be constructed to enhance the character of the development and to ensure the privacy of adjoining properties including the existing public recreation reserve. All parties sharing boundaries to be occupied by the fencing shall be consulted with regard to the proposed height, material, type and extent of fencing. In the event of disagreement the fencing is to be to the satisfaction of the Responsible Authority and must be erected prior to the issue of a Statement of Compliance. The cost of such fencing shall be borne by the developer unless otherwise agreed by the relevant parties.
5. Prior to the issue of the Statement of Compliance the subdivider must fence, at its own cost, the boundary of the allotments abutting the proposed public open space reserves and any areas set aside for retention basins. Such fencing is to be constructed to the standard required by the Responsible Authority, and must be constructed so that the fence posts and rails are not exposed on the side of the land to be reserved, and must be compatible with other residential fences within the subdivision.
6. The proposed road names shown on the modified plan submitted with the application (ie Anne Grove, Ray Court) must be used on the plan of subdivision, unless the names do not conform to the provisions of the "Guidelines for Geographic Names 2010 – DSE, July 2010". The applicant must apply to Council for any renaming of the roads within the subdivision, prior to the certification of the plan of subdivision. The proposed renamed roads must have regard to the provisions of the "Guidelines for Geographic Names 2010 – DSE, July 2010".

Infrastructure

7. Prior to the certification of a plan of subdivision and before any of the works allowed by this permit can be started, a properly prepared drainage plan with certified computations must be submitted to and approved by the Responsible Authority. The stormwater drainage system must incorporate measures to treat the stormwater discharge from the site to meet "Urban Stormwater Best Practice Environmental Management Guidelines" 2006. The plan must give details of how the works on the land are to be drained to the legal point of discharge and retarded to the discharge rate for the undeveloped site for a 1 in 5 year ARI storm. A flow path for the 1 in 100 year ARI must be shown on the plan. An endorsed copy of the plan and certified computations will form part of this permit.

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PLANNING PERMIT APPLICATION 52013488 - 22 LOT SUBDIVISION - 15 PYKE STREET AND 26 FRANCIS ELLIOTT COURT BUNDALONG (cont'd)

8. Vehicular crossings to each lot and reserve must be constructed to the satisfaction of the Responsible Authority. Construction must be for the full area between the property boundary line and the road pavement.
9. All roads and footpaths must be constructed and sealed to the satisfaction of the Responsible Authority. Prior to the Responsible Authority issuing a Statement of Compliance for the Subdivision, the Subdivider must undertake or cause to be provided:
 - a) full construction of all new roads and footpaths, drainage and reserves in accordance with the Council's Development Manual, as revised from time to time, or variation as agreed to by the Responsible Authority. All works must conform to plans and specifications prepared by a qualified Engineer at the Subdivider's expense, and approved by the Responsible Authority;
 - b) payment to the Responsible Authority of an amount up to 2.5% of the actual cost of work, being for costs of the Responsible Authority supervision of the works, as determined by the Responsible Authority;
 - c) payment to the Responsible Authority of an engineering design checking fee of an amount up to 0.75% of the value of documented works;
 - d) the maintenance of the roads and footpaths for a period of 12 months from practical completion;
 - e) a defect liability period of 12 months will commence from the date of Statement of Compliance;
 - f) Prior to the Statement of Compliance a Guarantee of Work is to be provided to the Council having a minimum value of 5% of the total cost of roads, drainage and landscaping based upon the bill of quantities. The guarantee shall be released at the termination of the Defect liability period subject to satisfactory completion of any works identified at that time;
 - g) the road and walkways must be designed to act as overland flood paths to the water reserve/retardation basin.
10. Before any works associated with the subdivision start, detailed construction plans must be prepared to the satisfaction of the Responsible Authority. All works constructed or carried out must be in accordance with those plans.
11. Prior to the issue of the Statement of Compliance, a complete copy of the as-constructed plans must be provided to the Responsible Authority both in hard copy and electronic format.
12. Prior to the issue of the Statement of Compliance three (3) copies of the schedule of construction costs must be provided to the Responsible Authority.
13. Landscaping of the nature strip is to include the planting of one (1) MATURE (2 – 3

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metres high) street tree per lot (of an approved species and location).

14. All lots must be graded to provide a fall to the frontage from the rear, to the satisfaction of the Responsible Authority.
15. All new urban allotments must be filled to the 1% flood level.
16. Where the depth of fill is greater than 500mm, compaction tests must be conducted as directed by and to the satisfaction of the Responsible Authority.

Powercor

17. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act. The applicant shall:-
 - a) Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided, the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
 - b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
 - c) Any buildings must comply with the clearances required by the Electricity Safety (Network Assets) Regulations.
 - d) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
 - e) Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.
18. Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.
19. Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines

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PLANNING PERMIT APPLICATION 52013488 - 22 LOT SUBDIVISION - 15 PYKE STREET AND 26 FRANCIS ELLIOTT COURT BUNDALONG (cont'd)

located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.

20. Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
21. Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
22. Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
23. Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

CFA

24. The subdivision as shown on the endorsed plans must not be altered without the consent of CFA.
25. Operable hydrants, above or below ground must be provided to the satisfaction of CFA.
26. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.
27. Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au)
28. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
29. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.

North East Water

30. The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into a formal agreement with North East Water for the complete construction works necessary for the provision of reticulated water supply to each of the lots within the subdivision, at the owners cost, to the satisfaction of North East Water and in accordance with its current policy and requirements.

FILE NO: 52013488
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.3.1
(STATUTORY PLANNING COORDINATOR,
PETER STENHOUSE)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, MARK FOORD)

PLANNING PERMIT APPLICATION 52013488 - 22 LOT SUBDIVISION - 15 PYKE STREET AND 26 FRANCIS ELLIOTT COURT BUNDALONG (cont'd)

31. The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into an agreement with North East Water for the complete construction works necessary for the provision of reticulated sewerage services to each of the lots within the subdivision, at the owners cost, to the satisfaction of North East Water and in accordance with its current policy and requirements.
32. Prior to the issue of a Statement of Compliance the applicant must pay a new customer contribution determined in accordance with North East Water's policy for development charges applicable to the water supply system currently servicing the area in which the subject land is located.
33. Prior to the issue of a Statement of Compliance the applicant must pay a new customer contribution determined in accordance with North East Water's policy for development charges applicable to sewers and disposal systems currently servicing the area in which the subject land is located.
34. The applicant must create easements to the satisfaction of and in favour of North East Water, over all existing and proposed sewerage facilities within the proposed subdivision.
35. The applicant must ensure that private water services do not traverse property boundaries and are independently supplied from a point of supply approved by North East Water.
36. The applicant must provide easements through other land, to the satisfaction of North East Water, if such easements are considered necessary for the efficient and economic servicing of the subject land.
37. That the applicant pays a new customer contribution determined in accordance with North East Water's policy for development charges, applicable from time to time towards North East Water's sewers and disposal systems servicing the area to which the permit applies.
38. North East Water's consent must be sought by the Responsible Authority prior to issuing a Statement of Compliance under the Subdivision Act 1988.
39. Where the subject land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.
40. Where an easement created in favour of North East Water is located within a proposed road reserve in a future stage, prior to the certification of the plan of subdivision for that stage, the applicant must formally remove the easement from the title to the land.

FILE NO: 52013488
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.3.1
(STATUTORY PLANNING COORDINATOR,
PETER STENHOUSE)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY , MARK FOORD)

PLANNING PERMIT APPLICATION 52013488 - 22 LOT SUBDIVISION - 15 PYKE STREET AND 26 FRANCIS ELLIOTT COURT BUNDALONG (cont'd)

Telecommunications

41. The owner of the land must enter into an agreement with:

- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

42. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

MOTION

CRS BRIAN KEENAN / ED COX

That Council issue a Notice of Decision to Grant a Permit for Planning Application No. 52013488 to subdivide 15 Pyke Street and 26 Francis Elliott Court, Bundalong into 22 lots subject to the following conditions:

1. The subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. A satisfactory landscaping plan for the whole of the subject land must be submitted to and approved by the Responsible Authority, prior to the issue of a Statement of Compliance. An endorsed copy of the plan must form part of this permit. The submitted plan must include:

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2. OUR ENVIRONMENT AND LIFESTYLE

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PETER STENHOUSE)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, MARK FOORD)

PLANNING PERMIT APPLICATION 52013488 - 22 LOT SUBDIVISION - 15 PYKE STREET AND 26 FRANCIS ELLIOTT COURT BUNDALONG (cont'd)

- a) a survey of all existing vegetation and natural features showing plants (over 2.0 metres in height) to be removed;
 - b) the landscaping of the reserves and nature strips within the streets;
 - c) a schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified,
 - d) the method of preparing, draining, watering and maintaining the landscaped area,
 - e) the weed management program,
 - f) fencing details
 - g) the reserve to Francis Elliott Court providing for
 - pedestrian footpath
 - vehicular access to 24 Francis Elliott Court
 - an open style fence and landscaping to separate pedestrian and vehicular traffic.
3. Before issue of the Statement of Compliance or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 4. Boundary fencing must consist of a 1.8 m high Colorbond fence (or similar) and be constructed to enhance the character of the development and to ensure the privacy of adjoining properties including the existing public recreation reserve. All parties sharing boundaries to be occupied by the fencing shall be consulted with regard to the proposed height, material, type and extent of fencing. In the event of disagreement the fencing is to be to the satisfaction of the Responsible Authority and must be erected prior to the issue of a Statement of Compliance. The cost of such fencing shall be borne by the developer unless otherwise agreed by the relevant parties.
 5. Prior to the issue of the Statement of Compliance the subdivider must fence, at its own cost, the boundary of the allotments abutting the proposed public open space reserves and any areas set aside for retention basins. Such fencing is to be constructed to the standard required by the Responsible Authority, and must be constructed so that the fence posts and rails are not exposed on the side of the land to be reserved, and must be compatible with other residential fences within the subdivision.
 6. The proposed road names shown on the modified plan submitted with the application (ie Anne Grove, Ray Court) must be used on the plan of subdivision, unless the names do not conform to the provisions of the "Guidelines for Geographic Names 2010 – DSE,

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2. OUR ENVIRONMENT AND LIFESTYLE

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LIVEABILITY , MARK FOORD)

PLANNING PERMIT APPLICATION 52013488 - 22 LOT SUBDIVISION - 15 PYKE STREET AND 26 FRANCIS ELLIOTT COURT BUNDALONG (cont'd)

July 2010". The applicant must apply to Council for any renaming of the roads within the subdivision, prior to the certification of the plan of subdivision. The proposed renamed roads must have regard to the provisions of the "Guidelines for Geographic Names 2010 – DSE, July 2010".

Infrastructure

7. Prior to the certification of a plan of subdivision and before any of the works allowed by this permit can be started, a properly prepared drainage plan with certified computations must be submitted to and approved by the Responsible Authority. The stormwater drainage system must incorporate measures to treat the stormwater discharge from the site to meet "Urban Stormwater Best Practice Environmental Management Guidelines" 2006. The plan must give details of how the works on the land are to be drained to the legal point of discharge and retarded to the discharge rate for the undeveloped site for a 1 in 5 year ARI storm. A flow path for the 1 in 100 year ARI must be shown on the plan. An endorsed copy of the plan and certified computations will form part of this permit.
8. Vehicular crossings to each lot and reserve must be constructed to the satisfaction of the Responsible Authority. Construction must be for the full area between the property boundary line and the road pavement.
9. All roads and footpaths must be constructed and sealed to the satisfaction of the Responsible Authority. Prior to the Responsible Authority issuing a Statement of Compliance for the Subdivision, the Subdivider must undertake or cause to be provided:
 - a) full construction of all new roads and footpaths, drainage and reserves in accordance with the Council's Development Manual, as revised from time to time, or variation as agreed to by the Responsible Authority. All works must conform to plans and specifications prepared by a qualified Engineer at the Subdivider's expense, and approved by the Responsible Authority;
 - b) payment to the Responsible Authority of an amount up to 2.5% of the actual cost of work, being for costs of the Responsible Authority supervision of the works, as determined by the Responsible Authority;
 - c) payment to the Responsible Authority of a engineering design checking fee of an amount up to 0.75% of the value of documented works;
 - d) the maintenance of the roads and footpaths for a period of 12 months from practical completion;
 - e) a defect liability period of 12 months will commence from the date of Statement of Compliance;
 - f) Prior to the Statement of Compliance a Guarantee of Work is to be provided to the Council having a minimum value of 5% of the total cost of roads, drainage and landscaping based upon the bill of quantities. The guarantee shall be released at the termination of the Defect liability period subject to satisfactory

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PLANNING PERMIT APPLICATION 52013488 - 22 LOT SUBDIVISION - 15 PYKE STREET AND 26 FRANCIS ELLIOTT COURT BUNDALONG (cont'd)

completion of any works identified at that time;

- g) the road and walkways must be designed to act as overland flood paths to the water reserve/retardation basin.
- 10. Before any works associated with the subdivision start, detailed construction plans must be prepared to the satisfaction of the Responsible Authority. All works constructed or carried out must be in accordance with those plans.
- 11. Prior to the issue of the Statement of Compliance, a complete copy of the as-constructed plans must be provided to the Responsible Authority both in hard copy and electronic format.
- 12. Prior to the issue of the Statement of Compliance three (3) copies of the schedule of construction costs must be provided to the Responsible Authority.
- 13. Landscaping of the nature strip is to include the planting of one (1) MATURE (2 – 3 metres high) street tree per lot (of an approved species and location).
- 14. All lots must be graded to provide a fall to the frontage from the rear, to the satisfaction of the Responsible Authority.
- 15. All new urban allotments must be filled to the 1% flood level.
- 16. Where the depth of fill is greater than 500mm, compaction tests must be conducted as directed by and to the satisfaction of the Responsible Authority.

Powercor

- 17. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act. The applicant shall:-
 - a) Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided, the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
 - b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
 - c) Any buildings must comply with the clearances required by the Electricity Safety (Network Assets) Regulations.

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LIVEABILITY, MARK FOORD)

PLANNING PERMIT APPLICATION 52013488 - 22 LOT SUBDIVISION - 15 PYKE STREET AND 26 FRANCIS ELLIOTT COURT BUNDALONG (cont'd)

- d) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
 - e) Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.
18. Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.
19. Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.
20. Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
21. Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
22. Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
23. Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

CFA

24. The subdivision as shown on the endorsed plans must not be altered without the consent of CFA.
25. Operable hydrants, above or below ground must be provided to the satisfaction of CFA.
26. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.
27. Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au)
28. Roads must be constructed to a standard so that they are accessible in all weather

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ITEM NO: 9.3.1
(STATUTORY PLANNING COORDINATOR,
PETER STENHOUSE)
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LIVEABILITY, MARK FOORD)

PLANNING PERMIT APPLICATION 52013488 - 22 LOT SUBDIVISION - 15 PYKE STREET AND 26 FRANCIS ELLIOTT COURT BUNDALONG (cont'd)

conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

29. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.

North East Water

30. The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into a formal agreement with North East Water for the complete construction works necessary for the provision of reticulated water supply to each of the lots within the subdivision, at the owners cost, to the satisfaction of North East Water and in accordance with its current policy and requirements.
31. The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into an agreement with North East Water for the complete construction works necessary for the provision of reticulated sewerage services to each of the lots within the subdivision, at the owners cost, to the satisfaction of North East Water and in accordance with its current policy and requirements.
32. Prior to the issue of a Statement of Compliance the applicant must pay a new customer contribution determined in accordance with North East Water's policy for development charges applicable to the water supply system currently servicing the area in which the subject land is located.
33. Prior to the issue of a Statement of Compliance the applicant must pay a new customer contribution determined in accordance with North East Water's policy for development charges applicable to sewers and disposal systems currently servicing the area in which the subject land is located.
34. The applicant must create easements to the satisfaction of and in favour of North East Water, over all existing and proposed sewerage facilities within the proposed subdivision.
35. The applicant must ensure that private water services do not traverse property boundaries and are independently supplied from a point of supply approved by North East Water.
36. The applicant must provide easements through other land, to the satisfaction of North East Water, if such easements are considered necessary for the efficient and economic servicing of the subject land.
37. That the applicant pays a new customer contribution determined in accordance with North East Water's policy for development charges, applicable from time to time towards North East Water's sewers and disposal systems servicing the area to which the permit applies.
38. North East Water's consent must be sought by the Responsible Authority prior to issuing

FILE NO: 52013488
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.3.1
(STATUTORY PLANNING COORDINATOR,
PETER STENHOUSE)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY , MARK FOORD)

PLANNING PERMIT APPLICATION 52013488 - 22 LOT SUBDIVISION - 15 PYKE STREET AND 26 FRANCIS ELLIOTT COURT BUNDALONG (cont'd)

a Statement of Compliance under the Subdivision Act 1988.

39. Where the subject land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.
40. Where an easement created in favour of North East Water is located within a proposed road reserve in a future stage, prior to the certification of the plan of subdivision for that stage, the applicant must formally remove the easement from the title to the land.

Telecommunications

41. The owner of the land must enter into an agreement with:
- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
42. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

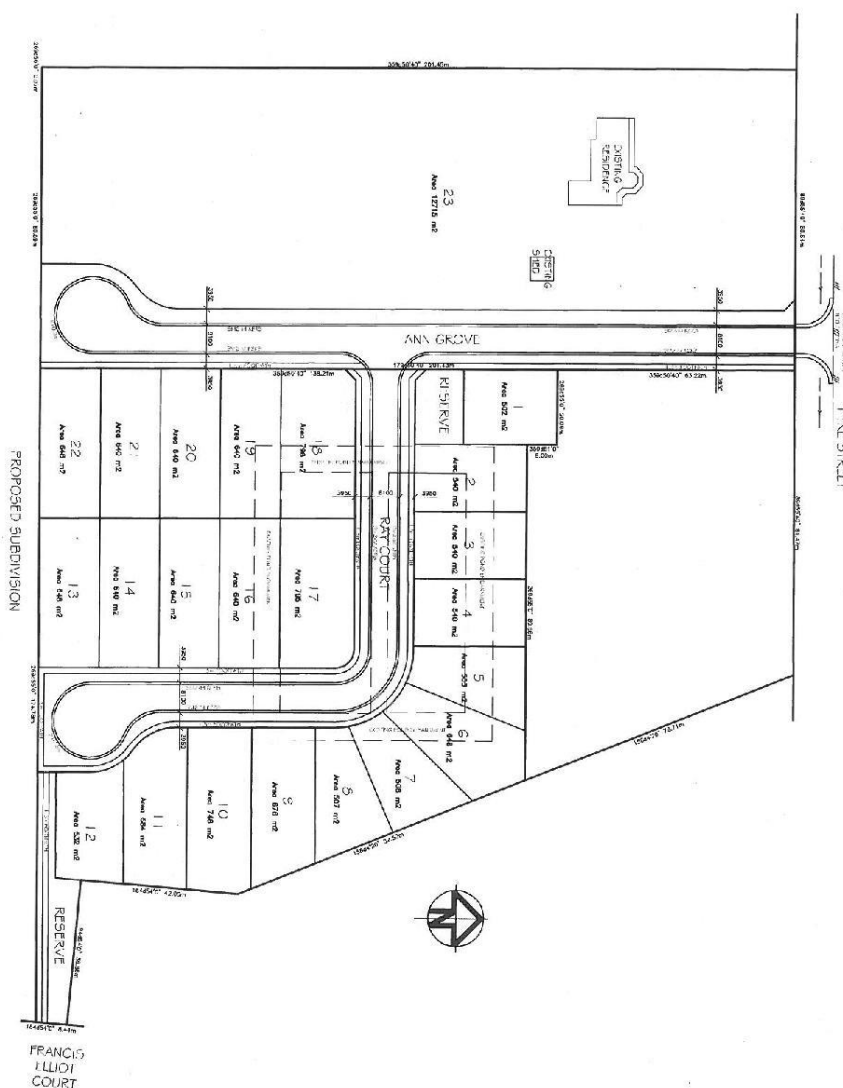
(CARRIED)

FILE NO: 52013488
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.3.1
(STATUTORY PLANNING
COORDINATOR, PETER STENHOUSE)
(ACTING DIRECTOR, DEVELOPMENT
AND LIVEABILITY, MARK FOORD)

**PLANNING PERMIT APPLICATION 52013488 - 22 LOT SUBDIVISION - 15
PYKE STREET AND 26 FRANCIS ELLIOTT COURT BUNDALONG (cont'd)**

ATTACHMENT No [1] - Plans of Subdivision



PROPOSED SITE PLAN

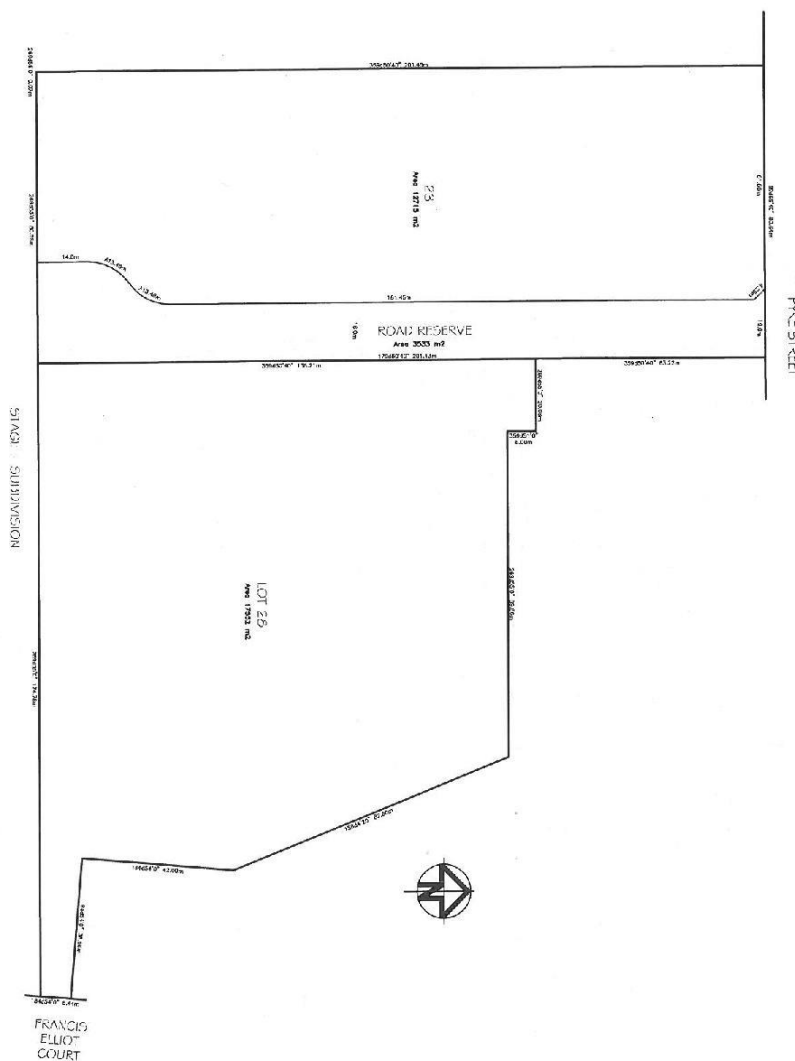
PROPOSED NEW SUBDIVISION				DRAWN	AIC	DATE	30/7/13	allied design CONSULTANTS	485 HARGREAVES ST, BENDIGO, 3550 PHONE (03) 5441 4000 R (03) 5441 3095 FAX (03) 5441 1459 EMAIL: design@aliedesign.com.au WEB: www.aliedesign.com.au 13-22 PINGREE CYP - 132 x 55 x 100 x 100 x 100
FOR:	MEDINA HOMES			NO	REVISION DESCRIPTION	BY	DATE		
AT:	ARBAB ESTATE, PYKE STREET BUNDALONG			A	ROAD NAMES	AIC	21/10/13		
ACB No	2231C	DATE	2 OF 3	SCALE	1:1000 @ A3	DESIGNED	DATE	1/11/13	

FILE NO: 52013488
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.3.1
(STATUTORY PLANNING
COORDINATOR, PETER STENHOUSE)
(ACTING DIRECTOR, DEVELOPMENT
AND LIVEABILITY, MARK FOORD)

**PLANNING PERMIT APPLICATION 52013488 - 22 LOT SUBDIVISION - 15
PYKE STREET AND 26 FRANCIS ELLIOTT COURT BUNDALONG (cont'd)**

ATTACHMENT No [1] - Plans of Subdivision



STAGE 1 SUBDIVISION

PROPOSED NEW SUBDIVISION				DATE: 15/2/13	allied design CONSULTANTS	433 HARGREAVE ST, BENDIGO, 3550 PHONE (03) 5442 4000 FAX (03) 5443 0085 EMAIL: info@allieddesign.com.au WEB: www.allieddesign.com.au	DPAC272
FOR: MEDINA HOMES AT: ARBAY ESTATE, PYKE STREET BUNDALONG				BY: DATE:			
JOB NO: 22310	SHEET: 3 OF 9	SCALE: 1:1000	CODING: 1:1000	DATE: 15/2/13			

FILE NO: F13/2656
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.3.2
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY , MARK FOORD)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY , MARK FOORD)

DISUSED CHANNEL LAND, COBRAM

1. Executive Summary

An opportunity has been provided to Council to purchase the “old channel land” adjacent to Punt Road in Cobram and next door to the Civic Centre.

The land is offered by Goulburn Murray Water on the basis that it will be used for Municipal Purposes, and as such, is offered at a discounted rate below the “market value” price.

Whatever the future for the Civic Centre and adjacent sites, the availability of the “old channel land” will ensure that Council will be able to enhance the provision of services in the area and ensure maximum flexibility into the future.

2. Discussion

a. Offer

With the closing of the Murray Valley Number 1 Channel that traversed the Cobram township a number of sections of former channel land are now not utilised. The various sections are under the control of various bodies and State Government Departments, and ownership varies from Crown Land to land owned by the Goulburn Murray Water Corporation, as is the section of land which is the subject of this report.

Following discussions between Officers of Goulburn Murray Water and Council a formal offer has been received from Goulburn Murray Water for Council to purchase the land on the proviso that the land is utilised for Municipal purposes. The price on this basis is \$45,000.

Should Council not take up the offer GMW would wish to have the land rezoned and subdivided as residential blocks.

A plan of the area is shown below.

FILE NO: F13/2656
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.3.2
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, MARK FOORD)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, MARK FOORD)

DISUSED CHANNEL LAND, COBRAM (cont'd)



b. Potential Uses for the Land

Some work has been done on the future location of the Shire Administrative Offices. The two realistic alternatives are; in Station Street, augmenting the existing Council presence, or adjacent to the Civic Centre. Should the Civic Centre site be chosen, the land offered by Goulburn Murray Water, would be required to provide additional parking space as the car park area would largely be taken up by any new buildings.

Council has at its meeting of 9 December 2013 resolved to build the new Cobram library at the Civic Centre site. While a final design has not been prepared, the library will take up additional ground space upon the site and may reduce the existing number of car parking spaces available. In future, Council may wish to utilise the channel site as a car park to augment parking at the site.

Council has established a number of services surrounding the civic centre site, such as;

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2. OUR ENVIRONMENT AND LIFESTYLE

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(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY , MARK FOORD)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY , MARK FOORD)

DISUSED CHANNEL LAND, COBRAM (cont'd)

- The Eileen Taylor Kindergarten
- Cobram Community House
- Pre School
- Car Park
- Mens Shed
- Cobram Pool

The purchase of the “old channel land” will allow Council to augment these services and provide additional parking for service users into the future.

There are therefore several potential uses for the site over both the short term and long term.

3. Financial Implications

Council has not allowed budget for the purchase of the “old channel Land” in the 2013/14 budget.

In an effort to improve the financial indicators suggested by VAGO as applicable to Regional Rural Council's, Council has reduced the Capital budget by a substantial amount. This has effectively delayed many projects till next financial year. Some of the savings realised in this financial year can be utilised to purchase this land.

The purchase of the land can therefore be added to the budget for the library project. The total project budget will therefore be \$1,255,000. \$65,000 will be within the current (2013/14) financial year, and the remainder in the 2014/15 financial year.

Funding for the project will therefore be as follows;

Living Libraries Infrastructure Program	\$ 500,000
Putting Locals First Program	\$ 250,000
Local Government Infrastructure Programme	\$ 150,000
Council	<u>\$ 355,000</u>
	<u>\$1,255,000</u>

4. Community Consultation

No community consultation is required in respect of Council purchasing land.

5. Internal Consultation

The Finance, Infrastructure and Town Planning Departments have been consulted in relation to this report.

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2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.3.2
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY , MARK FOORD)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY , MARK FOORD)

DISUSED CHANNEL LAND, COBRAM (cont'd)

6. Legislative / Policy Implications

While Council cannot sell land without going through a formal procedure, no such restrictions exist in respect of the purchase of land.

An independent valuation has been obtained in respect of the subject site which has been used to determine the purchase/sale price. The cost of the valuation has been shared equally between Council and Goulburn Murray Water.

7. Environmental Sustainability

There are no environmental considerations with respect to this report.

8. Conflict of Interest Considerations

There are no Officer conflict of interest considerations with respect to this report.

9. Conclusion

The allotment of land being offered by Goulburn Murray Water is adjacent to the Cobram Civic Centre, near other Council properties and the price represents excellent value for money.

Purchase of the land will enable Council to continue to provide facilities and services from this centrally located area, and maximize flexibility into the future.

It is therefore recommended that the allotment be purchased.

Attachments

Nil

RECOMMENDATION

That:

1. Council authorise the Chief Executive Officer to purchase the disused channel land in Cobram, adjacent to Punt Road, as offered by Goulburn Murray Water for the sum of \$45,000. The land being known as Lot 1 on TP880739 Volume 8269 Folio 631.
2. An additional \$45,000 be added to the Cobram Library project to meet the cost of the land purchase.
3. Council authorise the Chief Executive Officer to affix the Council Seal to the Contract of Sale, transfer documents and any other documents necessary to realise the purchase of the land.

FILE NO: F13/2656
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.3.2
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY , MARK FOORD)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY , MARK FOORD)

DISUSED CHANNEL LAND, COBRAM (cont'd)

MOTION

CRS GARY CLEVELAND / ED COX

That:

1. Council authorise the Chief Executive Officer to purchase the disused channel land in Cobram, adjacent to Punt Road, as offered by Goulburn Murray Water for the sum of \$45,000. The land being known as Lot 1 on TP880739 Volume 8269 Folio 631.
2. An additional \$45,000 be added to the Cobram Library project to meet the cost of the land purchase.
3. Council authorise the Chief Executive Officer to affix the Council Seal to the Contract of Sale, transfer documents and any other documents necessary to realise the purchase of the land.

(CARRIED)

FILE NO: 52013758
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.3.3
(DEVELOPMENT COMPLIANCE OFFICER,
PATRICK DUBUC)
(MANAGER TOWN PLANNING AND
BUILDING, SCOTT TAYLOR)

**PLANNING PERMIT APPLICATION 5/2013/758 FOR A GENERAL LIQUOR
LICENCE AT 7419A MURRAY VALLEY HIGHWAY BUNDALONG.**

1. Executive Summary

This application seeks approval to operate a General Liquor Licence at the Bundalong Holiday Resort sited at 7419A Murray Valley Highway in Bundalong. The resort already holds a limited liquor licence to supply take-away to the clients (residents) and guests of the resort. The licence was not subject to the regulation of the planning scheme.

The applicant has shown interest in operating a small café-restaurant to the benefit of the clients and guests of the resort. While the use of the land as a 'camping and caravan park' does not provide for the operation of a 'food and drink premises' (*i.e. restaurant, hotel, food premises*) or other restricted premises such as a bottle shop; it allows for a small ancillary service point which solely serves clients residing at the resort. As such, the applicant wishes to modify their current licence to a general liquor licence which will allow flexibility for the service of alcohol as well as take away within the premises (to the cabins).

Notice of the application has been referred and advertised to adjoining landowners and occupants. One objection has been received with no prospect of resolving the matter via mediation; therefore a Council decision is required.

The proposal generally meets the requirements of the Scheme as the potential issues regarding the use of the land are secondary to the current application. The current application does not seek the use of the land for a restaurant, hotel, bottle shop or similar uses (which require a separate planning permit), but relates only to the operation of a liquor licence on the premises.

The application is recommended for approval subject to strict conditions regarding the use of the land.



Subject land with red line and red line for serviced area.

FILE NO: 52013758
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.3.3
(DEVELOPMENT COMPLIANCE OFFICER,
PATRICK DUBUC)
(MANAGER TOWN PLANNING AND
BUILDING, SCOTT TAYLOR)

**PLANNING PERMIT APPLICATION 5/2013/758 FOR A GENERAL LIQUOR
LICENCE AT 7419A MURRAY VALLEY HIGHWAY BUNDALONG. (cont'd)**

2. Discussion

Application Details

Applicant: Michael Bourke (Bundalong Holiday Resort)
Owner: Maree Therese Bourke
Land Address: 7419A Murray Valley Highway, Bundalong
Title Details: Lot 1 PS508761
Site Area: 1.5 ha
File No: 5/2013/758
Zone: Farming Zone
Overlays: Nil

The subject land is located at the edge of the Bundalong Township abutting the south side of the Murray Valley Highway. It adjoins the Bundalong Tavern and is in close proximity of the Bundalong General Store. Its location is in what could be defined as the 'commercial hub' of Bundalong.

The area to the west is used for productive agriculture (cropping) but separated by a laneway and rows of native vegetation creates an effective buffer between the uses.

Key Issues

- State and Local Planning Policy
- Zone provisions
- Clause 52.27 for Licenced Premises
- Use of land as a camping & caravan park
- Objection

Proposal

The proposal is to operate a general liquor licence for the service of liquor to the residents, temporary residents and their guests at the Bundalong Holiday Resort. The application includes a 'red line area' designated for the service of alcohol (being the reception area and a kiosk by the swimming pool) and a 'red line area' for the consumption of alcohol consisting of the whole of the property.

Background

Planning Permit TP01/009 was issued for a caravan park and cabins.

Planning Permit TP06/153 for the lopping of native vegetation was withdrawn as compliance proceedings followed.

Planning Permit TP07/00228 was issued for the display of business advertising sign.

3. Planning Scheme

The proposed Liquor Licence encompasses the site of the Bundalong Holiday Resort. The land is included in the Farming Zone (FZ1) and no Overlays apply to the land.

Clause 35.07 - Farming Zone

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**PLANNING PERMIT APPLICATION 5/2013/758 FOR A GENERAL LIQUOR
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The proposal affects land currently used for camping, cabins and caravan park, as such, the land is already removed from productive agriculture and it will not further affect the capacity of agricultural production in vicinity of the site. While the property to the west is productive agricultural land (cropping), a 40m row of mature native vegetation between the properties provides an effective buffer to reduce any impact the proposal may have on agriculture.

The proposal is limited to a liquor licence; this proposal does not allow for the use of a bottle shop, restaurant or hotel on the land as any services issued from the licence are to be restricted to customers residing at the resort and their guests. The proposed licence would allow the residents to consume alcohol on the premises (around the site and in their caravan or cabin).

The proposal should not have adverse environmental impacts and any potential for littering (broken glass, waste disposal, etc) can be addressed through appropriate conditions on the permit.

In summary, the proposal provides for a satisfactory outcome in terms of the purposes and decision guidelines of the Farming Zone.

State & Local Planning Policy Framework

Clause 19.03-5 Waste and resource recovery

This policy aims at the avoidance and minimisation of waste and to reduce damage to the environment. The intent of this clause can be addressed via permit conditions.

Clause 21.05-1 Economic Development

The proposal is unlikely to have any negative impact on agricultural production despite being located within the Farming Zone FZ1). As stated, the use of the land is already removed from productive agriculture and does not impact on the capacity of surrounding land for farming.

The operation of a varied liquor licence assists in the diversification of activities at the resort. While the site adjoins a tavern which serves food and liquor, this should not impact on the application as it solely provides a diversity of choice to the customers of the caravan park. Also, it can be argued the proposal supports the existing business which ultimately benefits the local community, particularly those residing at the resort.

In all, the proposal accords with relevant aspects of the Municipal Strategic Statement (MSS).

Clause 52.27 – Licenced premises

The purpose of this general clause is to ensure that licenced premises are located in an appropriate location and that impact on the surrounding amenity is considered.

The proposal is located in a small “cluster” of 3 licenced premises for Bundalong with a licenced Tavern adjoining the subject land and a convenience/general store selling packaged liquor opposite the site. The proposal provides a variation on the types of licence operating at the other premises. Due to the nature of the use of the land, the proposed licence will operate until 11pm only and will only be available to residents of the resort. It is considered that negative impacts are likely to be minimal.

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2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.3.3
(DEVELOPMENT COMPLIANCE OFFICER,
PATRICK DUBUC)
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BUILDING, SCOTT TAYLOR)

**PLANNING PERMIT APPLICATION 5/2013/758 FOR A GENERAL LIQUOR
LICENCE AT 7419A MURRAY VALLEY HIGHWAY BUNDALONG. (cont'd)**

Whilst issues such as nuisance behaviour and violence need to be considered, they do not necessarily relate to the issue of a Liquor Licence and can occur at any time. These are operational matters under the control of the Victorian Commission for Gambling and Liquor Regulation and do not relate directly to the planning issues at hand in this application to Council.

The proposal provides for increased consumer choice for the residents of the resort. There is also no sensitive use that can be affected in the vicinity of this application. All patrons will be required to be residents or related to the subject land.

It is considered that the proposal satisfies the purpose of clause 52.27.

4. Financial Implications

In the event that Council's decision is appealed at VCAT, any cost associated with attending and responding to an appeal is budgeted for.

5. Community Consultation

Public Notice of the application was given under Section 52 of the *Planning and Environment Act 1987*, by notification of adjoining and nearby property owners and occupiers.

One objection has been received. The objection concerned the following points:

- A better drafted red line plan;
- Requesting information about the maximum numbers of patrons;
- Requesting information about type of food served;
- Requesting information about the sort of entertainment that may be undertaken;
- Impact regarding parking of vehicles;
- Inappropriate behaviour resulting from the consumption of alcohol and disposition of sanitary facilities;

The applicant was given an opportunity to view and make comment on the objection and responded accordingly. This response was conveyed to the objector, however the objection has not been withdrawn and consequently remains effective.

6. Internal Consultation

The application was referred to Council's Local Laws and Health Departments, neither of which objected nor had issues with the application, however, conditions have been recommended to be imposed on any permit that may be issued.

External Consultation

The application was not required to be referred to external Authorities.

7. Legislative / Policy Implications

The *Planning and Environment Act 1987* and the Moira Planning Scheme set out the requirements for use and development of land, including the requirements for public notice and referrals.

The relevant legislative requirements have been satisfied.

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2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.3.3
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**PLANNING PERMIT APPLICATION 5/2013/758 FOR A GENERAL LIQUOR
LICENCE AT 7419A MURRAY VALLEY HIGHWAY BUNDALONG. (cont'd)**

The Small Towns and Settlement Strategy was adopted by Council on 15 April 2013 recommending that the subject and adjoining land be rezoned to Township. This proposed planning application for a liquor licence does not conflict with this strategy.

8. Environmental Sustainability

It is anticipated that the application will not result in adverse environmental impacts. Any impact that may result from a waste management issue can be conditioned appropriately. The same can be done via a general condition for ensuring that adequate toilet facilities are available.

9. Conflict of Interest Considerations

There are no Council officer conflict of interest issues to consider within this report.

10. Conclusion

The subject land is located within the Farming Zone (FZ1) but is already removed from agricultural production and instead hosts a camping and caravan park resort. A planning permit is required for the use and operation of the proposed liquor licence. The application does not provide for the service of food, drinks or liquor to patrons that are not residents, temporary residents or guests of residents of the resort.

The purpose of the Farming 1 Zone (FZ1) is not particularly relevant in this instance, especially having regard to Council's adopted "Small Towns and Settlements Strategy" which recommends that the land be included in a Township Zone.

It is considered that the operation of a general liquor licence will not have unacceptable consequences from a planning viewpoint. Any other issues such as those directly related to the conduct of the operator in the day to day management of the liquor activities on the land are the responsibility of the Victorian Commission for Gambling and Liquor Regulation and would be dealt with by that body.

It is considered appropriate that a Notice of Decision to Grant a Planning Permit be issued subject to conditions.

Attachments

- 1 Red Line Plans of the subject land

RECOMMENDATION

That Council issue a Notice of Decision to Grant a Permit for Planning Application No. 5/2013/758 to operate a Liquor Licence at 7419A Murray Valley Highway, Bundalong subject to the following conditions:

1. The use and operation of the liquor licence as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority
2. The use must be managed so that the amenity of the area is not detrimentally affected,

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2. OUR ENVIRONMENT AND LIFESTYLE

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(DEVELOPMENT COMPLIANCE OFFICER,
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BUILDING, SCOTT TAYLOR)

**PLANNING PERMIT APPLICATION 5/2013/758 FOR A GENERAL LIQUOR
LICENCE AT 7419A MURRAY VALLEY HIGHWAY BUNDALONG. (cont'd)**

through the:

- (a) Transport of materials, goods or commodities to or from the land and within the land;
 - (b) Emission of noise, artificial light, vibration, smell, odour, fumes, smoke, soot, ash, dust, waste water, litter, waste products or broken glass.
 - (c) Disorderly behaviour of patrons.
3. The service of liquor on the site must be managed to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected.
 4. Any discarded containers, broken glass or similar items resulting from the use must be collected and appropriately disposed in appropriate waste and recycling collection bins provided to the satisfaction of the Responsible Authority.
 5. The licensed premises trading hours are permitted as follows –

Monday to Saturday	7.00am to 11.00pm (ex. ANZAC day and Good Friday)
Sunday	10.00am to 11.00pm
Good Friday & Anzac day	12.00 noon to 11.00pm
 6. The service of liquor must be restricted to residents, temporary residents and their guests of the Camping and Caravan Park.
 7. The service of liquor is solely authorised for consumption within the curtilage of the property of the resort at *Lot 1 PS508761*.
 8. This permit will expire if one of the following circumstances applies:
 - The use is not started within two years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started.

Planning note:

The service of food and drinks (*including liquors*) to customers other than residents, temporary residents and their guests of the Camping and Caravan Park at Bundalong Holiday Resort is not allowed under this permit and considered a separate use (e.g. restaurant, hotel or bottle shop) under the Moira Planning Scheme and will be subject to further planning approval.

MOTION

CRS BRIAN KEENAN / KEVIN BOURKE

That Council issue a Notice of Decision to Grant a Permit for Planning Application No. 5/2013/758 to operate a Liquor Licence at 7419A Murray Valley Highway, Bundalong subject to the following conditions:

FILE NO: 52013758
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.3.3
(DEVELOPMENT COMPLIANCE OFFICER,
PATRICK DUBUC)
(MANAGER TOWN PLANNING AND
BUILDING, SCOTT TAYLOR)

**PLANNING PERMIT APPLICATION 5/2013/758 FOR A GENERAL LIQUOR
LICENCE AT 7419A MURRAY VALLEY HIGHWAY BUNDALONG. (cont'd)**

1. The use and operation of the liquor licence as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority
2. The use must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) Transport of materials, goods or commodities to or from the land and within the land;
 - (b) Emission of noise, artificial light, vibration, smell, odour, fumes, smoke, soot, ash, dust, waste water, litter, waste products or broken glass.
 - (c) Disorderly behaviour of patrons.
3. The service of liquor on the site must be managed to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected.
4. Any discarded containers, broken glass or similar items resulting from the use must be collected and appropriately disposed in appropriate waste and recycling collection bins provided to the satisfaction of the Responsible Authority.
5. The licensed premises trading hours are permitted as follows –

Monday to Saturday	7.00am to 11.00pm (ex. ANZAC day and Good Friday)
Sunday	10.00am to 11.00pm
Good Friday & Anzac day	12.00 noon to 11.00pm
6. The service of liquor must be restricted to residents, temporary residents and their guests of the Camping and Caravan Park.
7. The service of liquor is solely authorised for consumption within the curtilage of the property of the resort at *Lot 1 PS508761*.
8. This permit will expire if one of the following circumstances applies:
 - The use is not started within two years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started.

Planning note:

The service of food and drinks (*including liquors*) to customers other than residents, temporary residents and their guests of the Camping and Caravan Park at Bundalong Holiday Resort is not allowed under this permit and considered a separate use (e.g. restaurant, hotel or bottle shop) under the Moira Planning Scheme and will be subject to further planning approval.

(CARRIED)

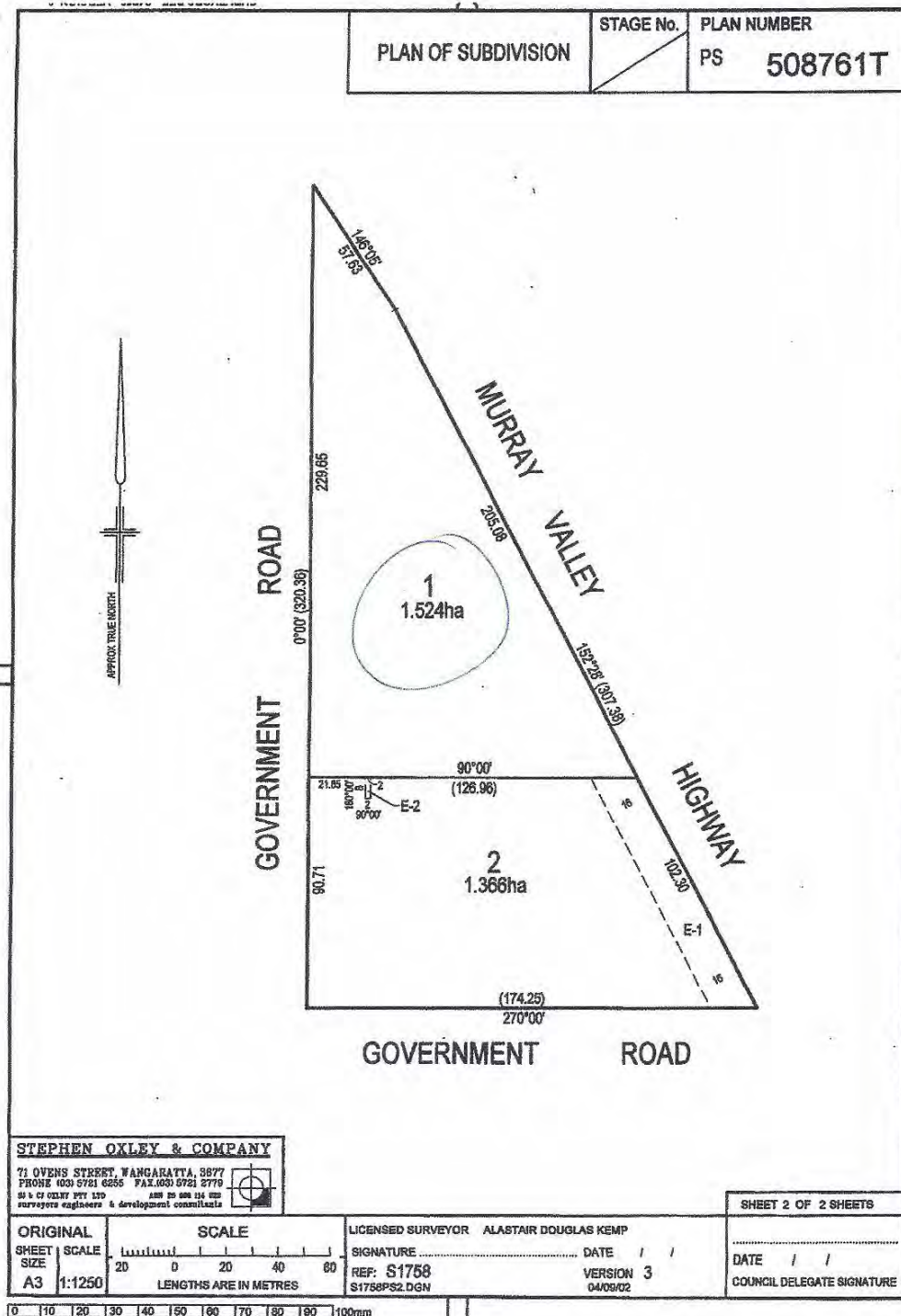
FILE NO: 52013758
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.3.3
(DEVELOPMENT COMPLIANCE OFFICER,
PATRICK DUBUC)
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**PLANNING PERMIT APPLICATION 5/2013/758 FOR A GENERAL LIQUOR
LICENCE AT 7419A MURRAY VALLEY HIGHWAY BUNDALONG. (cont'd)**

ATTACHMENT No [1] - Red Line Plans of the subject land

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FILE NO: 52013758
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.3.3
(DEVELOPMENT COMPLIANCE OFFICER,
PATRICK DUBUC)
(MANAGER TOWN PLANNING AND
BUILDING, SCOTT TAYLOR)

**PLANNING PERMIT APPLICATION 5/2013/758 FOR A GENERAL LIQUOR
LICENCE AT 7419A MURRAY VALLEY HIGHWAY BUNDALONG. (cont'd)**

ATTACHMENT No [1] - Red Line Plans of the subject land

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 508761T.
PARENT TITLES : Volume 08188 Folio 206
Volume 08065 Folio 618 Created by instrument PS508761T 29/10/2002

REGISTERED PROPRIETOR

Estate Fee Simple
TENANTS IN COMMON
As to 1 of a total of 4 equal undivided shares
Sole Proprietor
MAREE THERESE BOURKE of 22 WARKIL STREET COBRAM VIC 3644
As to 1 of a total of 4 equal undivided shares
Sole Proprietor
J & J STAPLETON PTY LTD of 92 WOODLAWN AVENUE MANGERTON NSW 2500
As to 1 of a total of 4 equal undivided shares
Sole Proprietor
DIPPA'S DINGO DIGGER AND TRENCHING PTY LTD of 63 PUNT ROAD COBRAM VIC 3644
As to 1 of a total of 4 equal undivided shares
Sole Proprietor
ECSA PTY LTD of HIGH STREET COBRAM VIC 3644
AD884073Q 19/09/2005

7419A Murray Valley Hwy Bundalong

ITEM NO: 9.3.3
(DEVELOPMENT COMPLIANCE OFFICER,
PATRICK DUBUC)
(MANAGER TOWN PLANNING AND
BUILDING, SCOTT TAYLOR)

ATTACHMENT No [1] - Red Line Plans of the subject land



FILE NO: 52013758

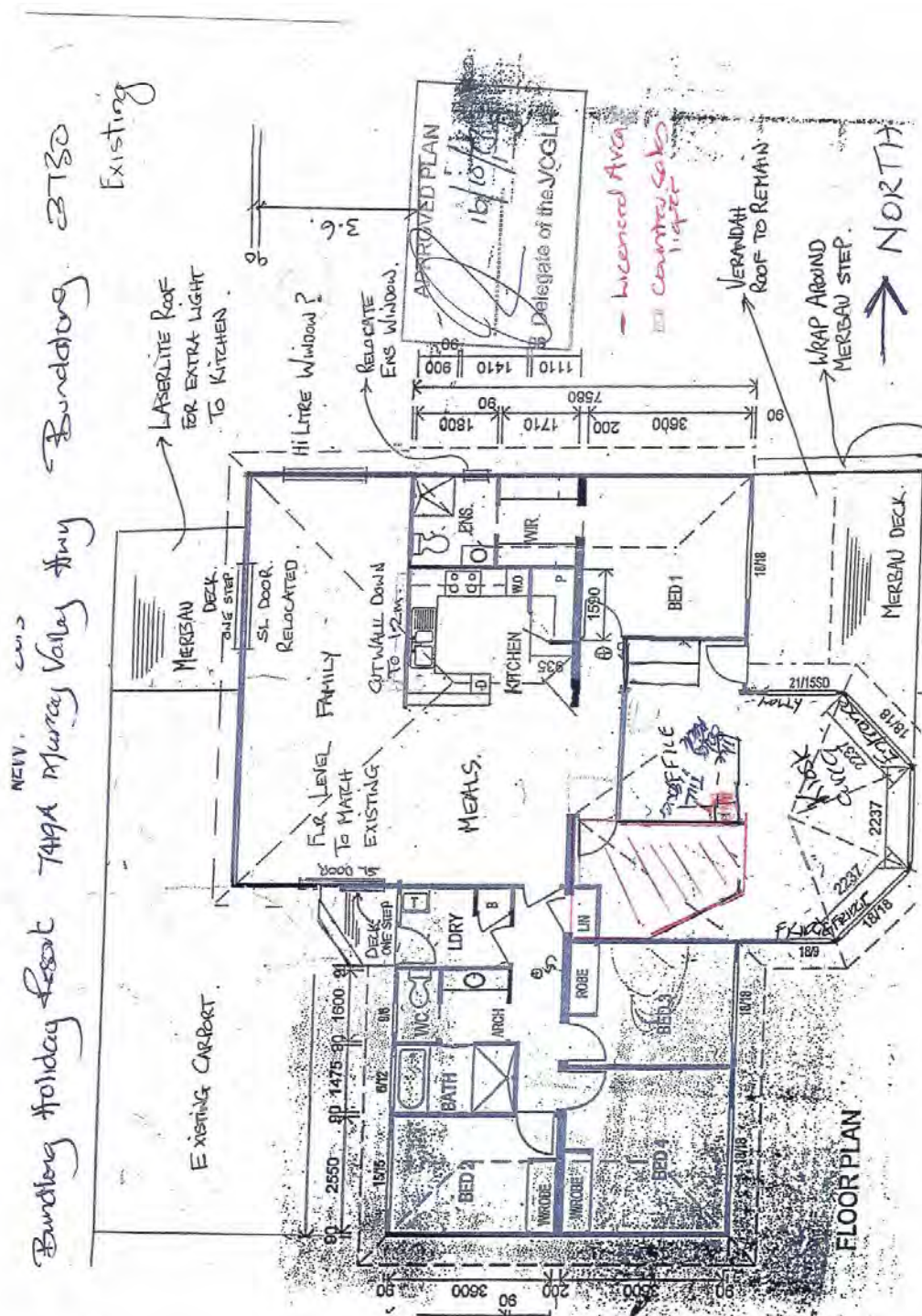
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.3.3

(DEVELOPMENT COMPLIANCE OFFICER,
PATRICK DUBUC)
(MANAGER TOWN PLANNING AND
BUILDING, SCOTT TAYLOR)

**PLANNING PERMIT APPLICATION 5/2013/758 FOR A GENERAL LIQUOR
LICENCE AT 7419A MURRAY VALLEY HIGHWAY BUNDALONG. (cont'd)**

ATTACHMENT No [1] - Red Line Plans of the subject land



FILE NO: F13/2405
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.3.4
(TOWN PLANNER, ERIN STUBBERFIELD)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, MARK FOORD)

APPLICATION FOR TEMPORARY LIMITED LIQUOR LICENCE - BUNDALONG TAVERN, 7419 MURRAY VALLEY HIGHWAY, BUNDALONG

1. Executive Summary

Notice of Application for Limited Liquor Licence from the Victorian Commission for Gambling and Liquor Regulation (VGLR) was received on the 3 January 2014, for an event to be held at the Bundalong Tavern over the Easter weekend (19 April – 20 April 2014). This is the first event of this type being held over the Easter period at the subject site.

The trading hours proposed for the event are from 7am on Saturday 19 April to 2am the following day with a maximum of 1500 patrons. Live music will be provided as part of the event.

The applicant has stated in the application to the VGLR that the Easter event is proposed to be conducted in the same manner as the New Year's Eve event which is held annually.

2. Discussion

The Bundalong Tavern currently holds a General Liquor Licence with the following trading hours:

FOR CONSUMPTION OFF THE LICENSED PREMISES -
Sunday (not being Anzac Day) Between 10 a.m. and 11 p.m.
Good Friday & Anzac Day Between 12 noon and 11 p.m.
On any other day Between 7 a.m. and 11 p.m.

FOR CONSUMPTION ON THE LICENSED PREMISES -
Sunday (not being Anzac Day) Between 10 a.m. and 11 p.m.
Good Friday & Anzac Day Between 12 noon and 11 p.m.
On any other day Between 7 a.m. and 1 a.m. the following morning except for the mornings of Good Friday and Anzac Day.

The licence is also limited to 150 patrons.

The limited liquor licence is in addition to the existing licence currently in place at the Bundalong Tavern.

It should be noted that pursuant to Clause 52.27 of the Moira Planning Scheme, a limited liquor licence does not require planning approval, therefore, no assessment is made under the planning provisions to the possible impact this event may have on the amenity of the area.

In the absence of such an assessment, the VGLR provides Council with the opportunity to lodge an objection, if it so chooses, to such an application under the *Liquor Control Reform Act 1998*.

The only grounds for objection by Council is that the grant of the limited licence would detract from, or be detrimental to, the amenity of the area in which the premises is situated.

As stated above, the applicant has advised that the Easter event will be conducted in the same manner as the New Year's Eve event. Records show the Bundalong Tavern has been holding the New Year's Eve event on the land since 2007/08. In this time the Planning Department has received a number of verbal and written complaints from the adjoining landowners (Bundalong Caravan Park) in regards to this event.

FILE NO: F13/2405
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.3.4
(TOWN PLANNER, ERIN STUBBERFIELD)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, MARK FOORD)

**APPLICATION FOR TEMPORARY LIMITED LIQUOR LICENCE - BUNDALONG
TAVERN, 7419 MURRAY VALLEY HIGHWAY, BUNDALONG (cont'd)**

It is noted that the owners/operators of the Tavern and Caravan Park have been involved in neighbourhood disputes during this time. As such, it is difficult to determine whether the complaints received are genuine in terms of the effect such an event has on the amenity of this area.

Record of a conversation carried out between the adjoining landowner and Council's Statutory Planning Coordinator dated 3 September 2012, details several issues which were raised after the 2011/12 New Year's Eve event including excessive noise, extent of hours of operation, offensive language used by the patrons of the Tavern, public urination and violence.

A letter from the adjoining landowner was received by Council in October 2012, which further detailed the above issues and outlined the negative financial impact the event was having on the caravan park due to guests refusing to stay at the establishment during the event period. A copy of this letter was provided to the VGLR in response to the Application for Temporary Limited Licence for the 2012/13 New Year's Eve event.

Contact was made with the District Licencing Inspector, David Ryan of the Victorian Police regarding the most recent event at the site after reports of an assault against the adjoining land owner were received. Inspector Ryan advised that given the nature of the event, there appeared to be a relatively low level of incidents recorded which required Police intervention, however, the Victoria Police were investigating one report of assault which is ongoing. Council has received no correspondence from the Victorian Police regarding any events held at this site; therefore it is difficult to gauge the impact on the amenity from this perspective.

Further, although not directly related to the application for liquor licence, it should also be noted that the owner/operator of the Bundalong Tavern has failed in the past to obtain the appropriate Occupancy Permits for Place of Public Entertainment (POPE) as required under Part 49 & 50 of the *Building Act 1993*. This requirement should be highlighted in any future correspondence to ensure compliance is achieved. The POPE covers matters such as traffic management, emergency management, security and crowd control, first aid and public health, food handling, service of alcohol, provision of toilets, water, etc., public safety and a post event evaluation.

Although written complaints have only been received in the more recent years, from one party, it is felt that applications for events at this site should be brought to the Council's attention and determine whether the community will be unduly affected.

It is acknowledged that events of this type are beneficial to the Shire for economic reasons; however a balance needs to be sought between public events of this nature and the ongoing amenity of adjoining and nearby residents.

3. Financial Implications

Financial implications are those related to staffing costs and time taken with mediation.

4. Conflict of Interest Considerations

There are no Council officer conflict of interest issues to consider within this report.

5. Conclusion

An Application for Temporary Limited Licence has been made by the Bundalong Tavern for an event over the Easter weekend (Saturday 19 April – Sunday 20 April 2014). The application is

FILE NO: F13/2405
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 9.3.4
(TOWN PLANNER, ERIN STUBBERFIELD)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, MARK FOORD)

**APPLICATION FOR TEMPORARY LIMITED LIQUOR LICENCE - BUNDALONG
TAVERN, 7419 MURRAY VALLEY HIGHWAY, BUNDALONG (cont'd)**

to extend the trading hours from 1am to 2am and increase the patrons from 150 to 1500. Live music will also be provided as part of the event.

Due to ongoing complaints regarding similar events on the premises, Council is requested to consider the above information regarding the proposed Easter event at the Bundalong Tavern and the possible impact such an event may have on the amenity of the area.

It is recommended however that the Council have no objection to the proposed event given the relatively low impact the event is having on the community at large and that similar events in the future are considered in the same manner.

Attachments

Nil

RECOMMENDATION

That Council have no objection to an application for Temporary Limited Liquor Licence at the Bundalong Tavern, 7419 Murray Valley Highway, Bundalong for an Easter event.

MOTION

That Council have no objection to an application for Temporary Limited Liquor Licence at the Bundalong Tavern, 7419 Murray Valley Highway, Bundalong for an Easter event.

AMENDMENT

CRS ED COX / KEVIN BOURKE

That Council has no objection to an application for Temporary Limited Liquor Licence at the Bundalong Tavern, 7419 Murray Valley Highway, Bundalong for an Easter event on the following basis:

- Limited licence hours be limited to 12:00 midnight as the licence is reliant on a music event and the Licenced Premises is immediately adjacent to a sensitive use (tourist establishment and dwelling/caretaker residence);
- Noise levels after 10pm must be in accordance with the EPA's State Environment Protection Policy (Control of Music Noise from a Public Premises) No. N-2;
- That appropriate security is provided for the increase in patronage on the Licenced Premises from 150 to 1500 persons to control patron behaviour both on and of the Premises and both during and after the music event ceases;
- That the dismantling of the stage for the music event be undertaken the following day, no earlier than 9.00 am.

(CARRIED)

FILE NO: 120.16.0001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 10.1.1
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

ASSEMBLIES OF COUNCILLORS

1. Executive Summary

The records of the Assembly of Councillors reported during the month of December 2013 and January 2014 are attached to this report.

Inclusion of the attached records of Assembly of Councillors in the Council agenda, and incorporation into the Minutes ensures Council meets its statutory obligations under section 80A of the Local Government Act 1989 (the Act).

2. Discussion

An Assembly of Councillors is defined under Division 1A – Conduct and interests in section 76AA of the Act:

assembly of Councillors (however titled) means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -

- (a) the subject of a decision of the Council; or
- (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee—

but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation.

Section 80A of the Act requires the Chief Executive Officer to ensure that a written record of an assembly of Councillors is reported to an ordinary meeting of the Council as soon as practicable. The written record must include whether a Councillor who has disclosed a conflict of interest leaves the assembly.

Section 80A(1) requires that a record is kept of:

- (a) the names of all Councillors and members of Council staff attending;
- (b) the matters considered;
- (c) any conflict of interest disclosures made by a Councillor attending under subsection (3); and
- (d) whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly.

3. Financial Implications

There are no financial implications with this report.

4. Community Consultation

The community are able to access written records of assemblies of Councillors.

5. Internal Consultation

There are no internal consultations associated with this report.

6. Legislative / Policy Implications

This report complies with the requirements under the *Local Government Act 1989*.

FILE NO: 120.16.0001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 10.1.1
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

ASSEMBLIES OF COUNCILLORS (cont'd)

7. Environmental Implications

There are no environmental implications with this report.

8. Conflict of Interest Considerations

There are no council officer conflict of interest issues to consider within this report.

9. Conclusion

The Assembly of Councillors records attached to this report are a true and accurate record of all assemblies of Councillors reported during December 2013 and January 2014. Their recording into the Council Minutes ensures Council meets its statutory obligations under section 80A of the Act.

Attachments

- 1 Attachment 2 December
- 2 Attachment 3 December
- 3 Attachment 3 December
- 4 Attachment 3 December
- 5 Attachment 3 December
- 6 Attachment 12 December
- 7 Attachment 13 January
- 8 Attachment 15 January

RECOMMENDATION

That Council receive and note the attached Records of Assembly of Councillors.

MOTION

CRS ALEX MONK / ED COX

That Council receive and note the attached Records of Assembly of Councillors.

(CARRIED)

FILE NO: 120.16.0001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 10.1.1
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [1] - Attachment 2 December



RECORD OF ASSEMBLY OF COUNCILLORS

Date held	2 December 2013	
Name of meeting	Council Briefing	
Councillors attending	Councillors Brian Keenan, Kevin Bourke, Wendy Buck, Gary Cleveland, Ed Cox, Peter Mansfield, Marie Martin, Don McPhee, Alex Monk	
Council staff attending	Acting Chief Executive Officer, Peter Bertolus Acting Director Community, Bruce Connolly Acting Director Shire Development and Liveability, Mark Foord Manager Governance, David Booth	
Matters discussed		
<ol style="list-style-type: none">1. Councillor Only Session - Discuss 2014 meetings and briefings times2. Goulburn Valley Regional Collaboration Alliance - Presentation to Councillors & Executive3. IT Update4. Library Briefing5. Numurkah and Katunga Tyres6. Dust Suppression Program7. Agenda Review:<ul style="list-style-type: none">➤ Financial Position Report as at 30 November 2013➤ Draft Budget 2014/15 Timetable➤ Council Meeting Schedule 2014➤ Appointment and Authorisation of Council Officers under the Planning and Environment Act 1987➤ Section 86, Audit and other committee representatives➤ Council Plan 2013/14 Monthly Review➤ Strathmerton Recreation Reserve Site Plan➤ Section 86 Committee of Management Representative Appointments - Amendments➤ Cobram Library➤ 52013698 Use and Development of Land for a Dwelling at 468 McPhails Road, Bundalong➤ Naming of section of Kinnairds Road Numurkah - South of Broken Creek➤ Naming of roads in Wunghnu➤ Rowe Street Retention Basin, Numurkah➤ Assemblies of Councillors➤ Council Expenses➤ Building and Planning Permit Activity Reports8. New Zealand Tour		
Conflict of Interest Disclosures (indicate below if Nil or complete details)		
Matter No.	Councillor	Did Councillor leave meeting
Nil		

FILE NO: 120.16.0001
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 10.1.1
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [2] - Attachment 3 December



RECORD OF ASSEMBLY OF COUNCILLORS

Date held	3 December 2013
Name of meeting	Disability Advisory Committee
Councillors attending	Councillor Don McPhee
Council staff attending	Community Services Team Leader (Acting), Kim Fitzgerald Community Development Officer, Frank Malcolm Community Services Officer Fiona Mackay
Matters discussed	1. Accessibility challenge in Numurkah 2. Communication Accessibility in Moira Shire Council
Conflict of Interest Disclosures (indicate below if Nil or complete details)	
Nil	

FILE NO: 120.16.0001
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 10.1.1
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [3] - Attachment 3 December



RECORD OF ASSEMBLY OF COUNCILLORS

Date held	3 December 2013
Name of meeting	Kinnairds Wetland Advisory Committee
Councillors attending	Councillor Wendy Buck
Council staff attending	Natural Resources Officer, Gary Deayton
Matters discussed	
<ol style="list-style-type: none">1. Environmental Management Plan implementation<ul style="list-style-type: none">• Environmental Management Plan review• Advisory Committee review2. Recent works<ul style="list-style-type: none">• Weed control and revegetation areas maintenance3. Other business<ul style="list-style-type: none">• Biodiversity Spring events• GBCMA funding for conservation works• Interpretive information	
Conflict of Interest Disclosures (indicate below if Nil or complete details)	
Nil	

FILE NO: 120.16.0001
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 10.1.1
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [4] - Attachment 3 December



RECORD OF ASSEMBLY OF COUNCILLORS

Date held	03 December 2013
Name of meeting	Moirashire Local Safety Committee
Councillors attending	Councillor Kevin Bourke
Council staff attending	Recreation and Safety Officer, Dylan Robinson Youth Trainee Officer, Erin Walmsley Youth Development Officer, Maryanne Ryan
Matters discussed	
<ol style="list-style-type: none">1. Youth Update2. Safety Month3. Committee Member Request4. Actions from Previous Meeting5. Timetable for next year6. General Business <ul style="list-style-type: none">• Advertising being absent from your house on facebook• Can deliver Older Road Users program anywhere on request• Grant for charging points for gofers• High grass being a fire hazard• Crossing at Ottery Lodge• Lack of funding has meant neglect to some of our roads to the point where they are unsafe• Crossing on the main bridge in Nathalia is a hazard• Road signs being covered by foliage	
Conflict of Interest Disclosures (indicate below if Nil or complete details)	
Nil	

FILE NO: 120.16.0001
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 10.1.1
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [5] - Attachment 3 December



RECORD OF ASSEMBLY OF COUNCILLORS

Date held	3 December 2013
Name of meeting	Environment Sustainability Advisory Committee
Councillors attending	Councillor Wendy Buck
Council staff attending	Manager Safety Amenity & Environment , Sally Rice Environment Sustainability Officer, Tom Brown Coordinator Waste Management Services, John Mangan Environmental Services Technical Officer, James Walters Natural Resources Officer, Gary Deayton Business Support Officer, Jeanette Morrison
Matters discussed	
1. Terms of Reference adopted at 21 October meeting and membership make up. 2. Items of Interest for future meetings and possible tours. 3. Review and Update Strategic Plan 4. Round Table Updates 5. Future Funding applications	
Conflict of Interest Disclosures (indicate below if Nil or complete details)	
Nil	

FILE NO: 120.16.0001
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 10.1.1
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [6] - Attachment 12 December



RECORD OF ASSEMBLY OF COUNCILLORS

Date held	Thursday 12 December 2013
Name of meeting	Multicultural Advisory Committee
Councillors attending	Councillor Marie Martin
Council staff attending	Team Leader Community Building, Dulce Alexandrino
Matters discussed	<ol style="list-style-type: none">1. Guest speaker – Petra Alwer (Moirashire Healthcare Alliance)2. Multicultural Action Plan3. Term of Chairperson's role4. Identification of targets / actions for accomplishment in 20145. Planning for Cultural Diversity Week and Harmony Day in 20146. Venues for next year's Committee meetings
Conflict of Interest Disclosures (indicate below if Nil or complete details)	
Nil	

FILE NO: 120.16.0001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 10.1.1
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [7] - Attachment 13 January



RECORD OF ASSEMBLY OF COUNCILLORS

Date held	13 January 2014	
Name of meeting	Council Strategic Planning Day	
Councillors attending	Councillors Brian Keenan, Kevin Bourke, Wendy Buck, Gary Cleveland, Peter Mansfield, Marie Martin, and Alex Monk	
Council staff attending	Acting Chief Executive Officer, Peter Bertolus Director Corporate Governance, Alison Coe Acting Director Community, Bruce Connolly Acting Director Shire Development and Liveability, Mark Foord Manager Finance, Warren Brown Manager IT, James Hargreaves Manager Human Resources, Brant Doyle Communications Engagement & Community Relations Manager, Linda Nieuwenhuizen	
Matters discussed		
<ul style="list-style-type: none">• Finance• Information Technology• Infrastructure• Community• Technology• Our obligations• Our opportunities• Opportunities and challenges		
A presentation was provided to Councillors.		
Conflict of Interest Disclosures (indicate below if Nil or complete details)		
Matter No.	Councillor	Did Councillor leave meeting
Nil		

FILE NO: 120.16.0001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 10.1.1
(GOVERNANCE RECORDS OFFICER,
MARGARET HINCK)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

ASSEMBLIES OF COUNCILLORS (cont'd)

ATTACHMENT No [8] - Attachment 15 January



RECORD OF ASSEMBLY OF COUNCILLORS

Date held	15 January 2014	
Name of meeting	Council Strategic Planning Day	
Councillors attending	Councillors Brian Keenan, Kevin Bourke, Wendy Buck, Gary Cleveland, Peter Mansfield, Marie Martin, Don McPhee, Alex Monk	
Council staff attending	Acting Chief Executive Officer, Peter Bertolus (left at 3PM) Director Corporate Governance, Alison Coe (left at 3PM) Acting Director Community, Bruce Connolly Acting Director Shire Development and Liveability, Mark Foord (left at 3PM) Communications Engagement & Community Relations Manager, Linda Nieuwenhuizen	
Matters discussed		
<ul style="list-style-type: none">• Review and discussion of SWOT / presentations• Roadmap presentation and discussion:<ol style="list-style-type: none">1. Our finances2. Our staff3. Our infrastructure4. Our community5. Our obligations6. Our opportunities• Vision		
Conflict of Interest Disclosures (indicate below if Nil or complete details)		
Matter No.	Councillor	Did Councillor leave meeting
Nil		

FILE NO: F13/248
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 10.2.1
(MANAGER FLOOD RECOVERY, DAVID
BOOTH)
(DIRECTOR, COMMUNITY, PETER
BERTOLUS)

MUNICIPAL FLOOD EMERGENCY PLAN

1. Executive Summary

Emergency management planning has been a strong focus for discussion in recent years, not just across Moira Shire but the region and indeed the state.

This focus has been noticeably sharpened in Moira Shire in the aftermath of the March 2012 flood event which impacted 80% of the municipality.

The Moira Shire Municipal Flood Emergency Plan (MFEP), sub plan of the Municipal Emergency Management Plan (MEMPC) is the key planning document used to plan and prepare for flood emergency.

Developed and maintained by the Municipal Emergency Management Plan Committee (MEMPC), this document is primarily used by VicSES (as the response agency) in the event of a flood emergency.

Under the direction of the MEMPC, the Municipal Flood Emergency Plan has been reviewed over the past 12 months and populated into a new template used across the state for these plans.

It is important to note that the plan always reflects the most up to date intelligence of the day and as such, outcomes from significant studies such as the Numurkah Flood Study, currently underway will be incorporated into the MFEP on its adoption by Council, expected some time in 2014.

Also of note is the absence of data from some tables. This is because there is no formal study or indeed no relevant and reliable data which can be used to populate these tables.

As a draft document and in acknowledging the strong interest taken by the community in Council's approach to future emergencies, it is timely that Council undertaken appropriate consultation on the content of the MFEP before its endorsement by both Council and the MEMPC.

This report outlines the context, process of review and proposes formal consultation for the Moira Shire Municipal Flood Emergency Plan.

2. Discussion

Moira Shire's Municipal Flood Emergency Plan (MFEP) is a sub plan to the Moira Shire Municipal Emergency Management Plan (MEMPC). The MFEP is maintained by the Moira Shire Municipal Emergency Management Planning Committee (MEMPC) – (refer to Section 1.6 endorsement of plan) pursuant to Section 20 of the Emergency Management Act 1986 (as amended) which, amongst its representatives include the VicSES and Goulburn Broken Catchment Management Authority who are key contributors to the plan.

Moira Shire's MFEP is consistent with the Emergency Management Manual Victoria (EMMV), the Victoria Flood Management Strategy (DNRE, 1998a) as well as the VICSES North East Region Flood Emergency Plan and the State Flood Emergency Plan.

FILE NO: F13/248
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 10.2.1
(MANAGER FLOOD RECOVERY, DAVID
BOOTH)
(DIRECTOR, COMMUNITY, PETER
BERTOLUS)

MUNICIPAL FLOOD EMERGENCY PLAN (cont'd)

The draft MFEP included with this report is a result of a planned review in partnership with VicSES and other member agencies of the Moira Shire Municipal Flood Planning Committee (MFPC). A standardised template, developed by VicSES in recent years has been used to document relevant information. This is consistent with other municipalities as they update their respective MFEP's.

As a draft, it is timely that Council seek community feedback on this document, make any necessary changes and present to a formal meeting of the MEMPC for their recommendation for Council to adopt.

It is recommended that the consultation be undertaken via a formal Section 223 process. This will ensure that all agencies, community groups and indeed members of the community have an opportunity to have input and indeed be heard by the Council before the plan is adopted.

Key features of the consultation process include;

- Publish a notice in respect of the Section 223 process of the Local Government Act in the Yarrawonga Chronicle, Cobram Courier, Strathmerton Standard, Numurkah Leader, Redgum Courier and Shepparton News, these newspapers being those that circulate most widely across Moira Shire.
- Providing the opportunity for members of the community to make a written submission regarding the proposed Municipal Flood Emergency Plan in February / March 2014 under Section 223 of the Local Government Act 1989.
- Conduct a public information session in Yarrawonga, Cobram, Numurkah and Nathalia during the section 223 process period with representatives from either or both VicSES and GBCMA. These sessions would provide opportunity for residents to drop in, view the Draft MFEP and other related literature and ask questions of key agency representatives.
- Consider any submissions received.
- Appoint a Committee of the Council (whole of Council) to consider submissions and hear any person who wishes to be heard in support of their submission.
- Hear submissions on 14 April 2014 at the Cobram Civic Centre.
- Conduct a Council workshop on Monday 28 April 2013 with representatives from VicSES, GBCMA and VicPol to review submissions and discuss the implications.
- Following consideration of submissions received, make any necessary changes to the MFEP and recommend to the MEMPC that the plan be implemented.

Central to this process being successful will be to make clear the following points through press releases and in advertising;

- The purpose of the Municipal Flood Emergency Plan in context of other emergency management documents namely, Municipal Emergency Management Plan, Local Flood Guides.
- The purpose and use of the Municipal Flood Emergency Plan, when and by who.
- The key factors considered though the review of the Municipal Flood Emergency Plan.
- Highlight any potentially contentious issues addressed (or otherwise) in the plan including how the outcomes from ongoing flood studies will be incorporated, gaps in intelligence managed and the role of the plan in flood emergencies.

FILE NO: F13/248
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 10.2.1
(MANAGER FLOOD RECOVERY, DAVID
BOOTH)
(DIRECTOR, COMMUNITY, PETER
BERTOLUS)

MUNICIPAL FLOOD EMERGENCY PLAN (cont'd)

3. Community Consultation

The draft MFEP, included as part of this report has been developed under the direction of the Municipal Flood Emergency Plan Committee, a subcommittee of the Municipal Emergency Management Plan Committee.

To this time, representatives from VicSES and Council's Recovery Office have compiled the draft using a number of sources. These include;

- The previous Flood Plan which was developed in 1998 and has been reviewed by the MEMPC over this time.
- Technical information from VicSES and Goulburn Broken Catchment Management Authority along with flood plain reports from consultant hydrologists completed in recent years.
- Information gathered from the March 2012 flood event from a variety of sources including local SES units, community groups and residents.

In proposing a formal Section 223 consultation process for the revised Municipal Flood Emergency Plan, Council seeks to ensure that the community understands and is reassured that the best available knowledge, including that gained from the March 2012 flood event has been considered in the development of this plan. Specifically, the Section 223 process provides;

- a. A variety of ways for people to make their viewpoints known:
 - i. Provide for people to provide written submissions to Council.
 - ii. Provide opportunity for people to address the Council in relation to their opinions.
- b. Provide for groups as well as individuals to make submissions.
- c. Provide for submissions to be considered in detail.
- d. Provide an assurance that a thorough process has been followed before the final plan is adopted.
- e. Provide a list of steps or a clear outline of the process from start to finish, so that it is, as easy as possible, for anyone who wishes to participate to know what to do and when the process is complete.
- f. A well known process or at least a process that the community is familiar with.

It is well acknowledged that the Section 223 process will allow people with differing viewpoints, or suggestions for improvements, or even those that agree with the plan, to make a submission and be heard equally.

Section 223 of the Local Government Act is reproduced below;

(1) The following provisions apply if a person is given a right to make a submission to the Council under this section (whether under this or any other Act)—

(a) the Council must publish a public notice—

- (i) specifying the matter in respect of which the right to make a submission applies*
- (ii) containing the prescribed details in respect of that matter*

FILE NO: F13/248
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 10.2.1
(MANAGER FLOOD RECOVERY, DAVID
BOOTH)
(DIRECTOR, COMMUNITY, PETER
BERTOLUS)

MUNICIPAL FLOOD EMERGENCY PLAN (cont'd)

(iii) specifying the date by which submissions are to be submitted, being a date which is not less than 28 days after the date on which the public notice is published

(iv) stating that a person making a submission is entitled to request in the submission that the person wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of the submission

(b) if a request has been made under paragraph (a)(iv), the Council must—

(i) provide the person with the opportunity to be heard in support of the submission in accordance with the request at a meeting of the Council or of a committee determined by the Council

(ii) fix the day, time and place of the meeting

(iii) give reasonable notice of the day, time and place of the meeting to each person who made a request

(c) if the committee determined under paragraph (b)(i) is not responsible for making the decision in respect of which the submissions have been made, the committee must provide a report on its proceedings, including a summary of hearings, to the Council or the special committee which is responsible for making the decision

(d) the Council or special committee responsible for making the decision must—

(i) consider all the submissions made under this section and any report made under paragraph (c)

(ii) notify in writing, each person who has made a separate submission, and in the case of a submission made on behalf of a number of persons, one of those persons, of the decision and the reasons for that decision.

The steps would therefore be;

i. Council place an advertisement in local newspapers advising that the Moira Shire Municipal Flood Emergency Plan is available for public comment. The notice should state that submissions will be considered in accordance with Section 223 of the Local Government Act.

ii. Provide at least 28 Days for people to make submissions.

iii. Submissions be heard by a Committee of Council as well as any person that wished to be heard in support of their submission.

iv. The Committee of Council report back to Council for Council to make a final decision regarding the proposal after having taken all submissions, into account.

It is suggested that during the consultation process an information session would be held at Yarrawonga, Cobram, Numurkah and Nathalia which would involve Council Officers and representatives of VicSES being available to answer questions from community members.

4. Internal Consultation

The review and population of information into the new Municipal Flood Emergency Plan template has been undertaken from Councils recovery office in Numurkah.

VicSES and GBCMA representatives have worked closely with Councils Recovery Manager and Flood Recovery Officers in developing this draft in readiness for community feedback.

FILE NO: F13/248
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 10.2.1
(MANAGER FLOOD RECOVERY, DAVID
BOOTH)
(DIRECTOR, COMMUNITY, PETER
BERTOLUS)

MUNICIPAL FLOOD EMERGENCY PLAN (cont'd)

Input from Council's Operations Team Leaders has also been included in the draft plan.

5. Legislative / Policy Implications

Moira Shire is required to maintain its Municipal Emergency Management Plan (MEMP) under the *Emergency Management Act Victoria 1986, (the Act)*

Flood is defined as an emergency under the Emergency Management Act 1986 (s. 4(a)) and Emergency Management Manual Victoria (EMMV) and as such, Moira Shire maintains a Municipal Flood Emergency Plan as a sub plan to its MEMP to meet our obligations under the Act.

6. Environmental Sustainability

Natural disasters such as flood have the potential to impact on the environment. Whilst debatable as to whether a flood has a positive or negative impact on the natural environment, responses identified in the Municipal Flood Emergency Plan are focused on the protection of persons and assets without any intent to impact the environment.

7. Conflict of Interest Considerations

There are no identified Officer conflicts of interest with respect to this report.

8. Conclusion

The review of Councils Municipal Flood Emergency Plan, whilst previously scheduled, has taken on greater significance following the March 2012 flood event.

The previous flood plan has been reviewed and updated with not only the most current flood intelligence but also experiences from last years flood emergency.

In proposing a formal process of community consultation, Council, along with the community will be aware not only of the details of the plan but also be reassured that those members of the community that would like to provide comment into the plan have been provided an opportunity to do so.

Central to the review and subsequent consultation will be the involvement of the GBCMA and VicSES who are stewards of the plan during flood emergencies.

It is recommended that Council therefore utilise the formal Section 223 process set out within the Local Government Act, to undertake consultation with community groups and residents that wish to participate in the process of final review of the Municipal Flood Emergency Plan prior to adoption.

Attachments

- 1 Draft Moira Municipal Flood Emergency Plan - for community consultaion - *printed in separate document*

FILE NO: F13/248
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 10.2.1
(MANAGER FLOOD RECOVERY, DAVID
BOOTH)
(DIRECTOR, COMMUNITY, PETER
BERTOLUS)

MUNICIPAL FLOOD EMERGENCY PLAN (cont'd)

RECOMMENDATION

That Council:

1. Accept the Municipal Flood Emergency Plan as a draft document
2. Provide the opportunity for members of the community to make a submission regarding the proposed Municipal Flood Emergency Plan in February / March 2014 under Section 223 of the Local Government Act 1989
3. Publish a notice in respect of the Section 223 process of the Local Government Act in the Yarrowonga Chronicle, Cobram Courier, Strathmerton Standard, Numurkah Leader, Redgum Courier and Shepparton News, these newspapers being those that circulate most widely across Moira Shire.
4. Conduct public information sessions in partnership with VicSES and GBCMA in Yarrowonga, Cobram, Numurkah and Nathalia during the section 223 process period.
5. Consider any submissions received up until 5:00pm on 28 March 2014
6. Appoint a Committee of the Council (whole of Council) to consider submissions and hear any person who wishes to be heard in support of their submission
7. Hear submissions on 14 April 2014 at the Cobram Civic Centre

Authorise the Chief Executive Officer, or his delegate, to administer the Section 223 process, arrange times, places and dates for meetings, arrange for notices to be placed in newspapers and to carry out other administrative functions to enable the Council to carry out the Section 223 process

FILE NO: F13/248
2. OUR ENVIRONMENT AND LIFESTYLE

ITEM NO: 10.2.1
(MANAGER FLOOD RECOVERY, DAVID
BOOTH)
(DIRECTOR, COMMUNITY, PETER
BERTOLUS)

MUNICIPAL FLOOD EMERGENCY PLAN (cont'd)

MOTION

CRS ED COX / KEVIN BOURKE

That Council:

1. Accept the Municipal Flood Emergency Plan as a draft document
2. Provide the opportunity for members of the community to make a submission regarding the proposed Municipal Flood Emergency Plan in February / March 2014 under Section 223 of the Local Government Act 1989
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(CARRIED)

FILE NO: 250.08.0004
3. OUR COMMUNICATIONS AND PROCESSES

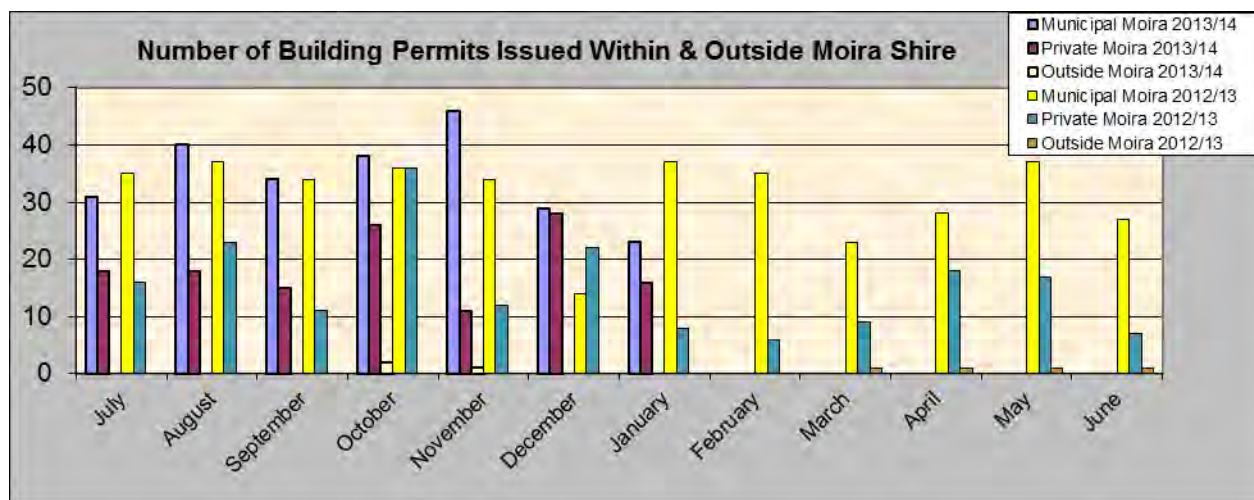
ITEM NO: 10.3.1
(ADMINISTRATION SUPPORT OFFICER,
AMANDA MATHERS)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY , MARK FOORD)

BUILDING AND PLANNING PERMIT ACTIVITY REPORTS

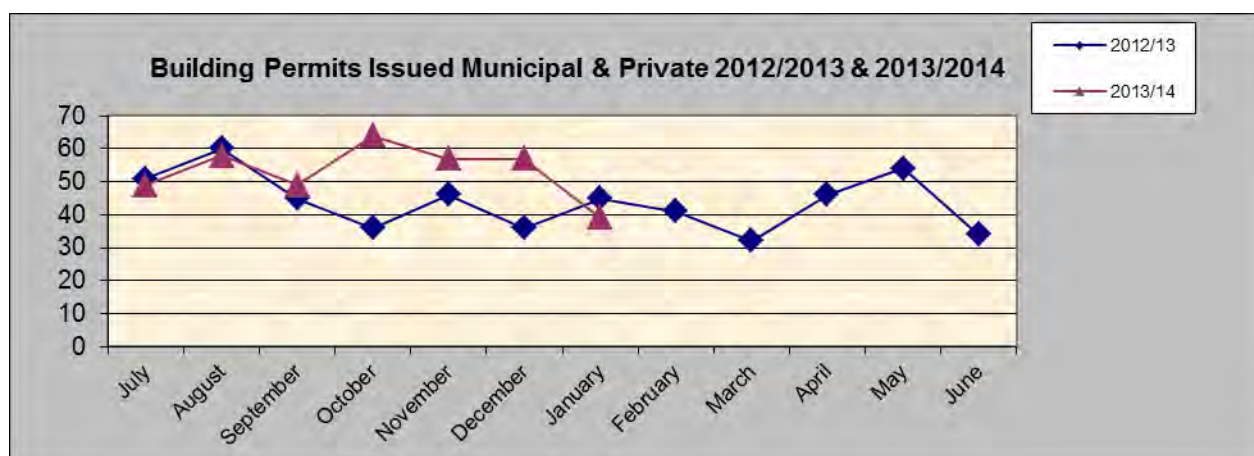
Building Permits

For the period of 1 to 31 December 2013, Fifty Three (53) building permits were issued to the value of \$5,645,939.00.

For the period of 1 to 31 January 2014, Thirty Nine (39) building permits were issued to the value of \$21,991,419.00.



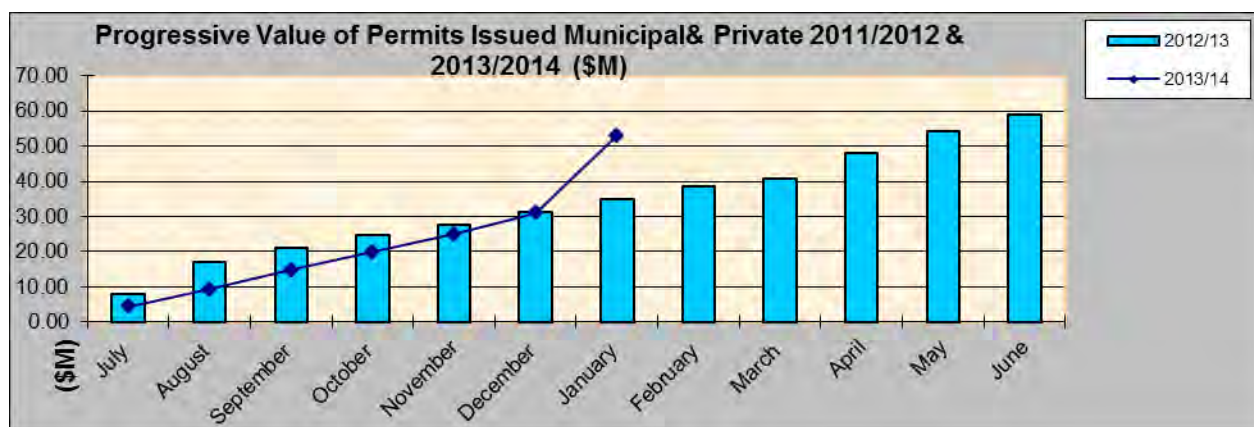
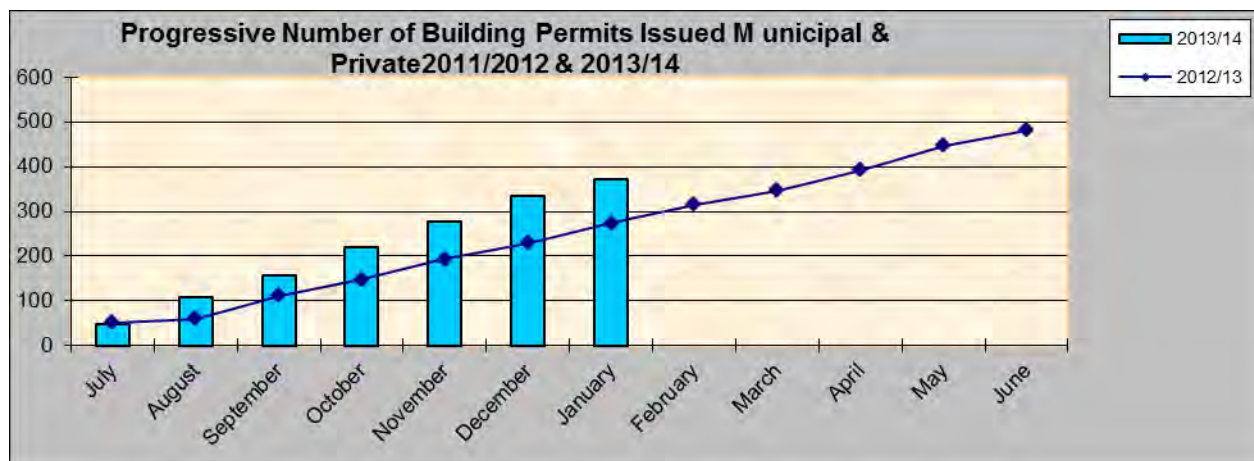
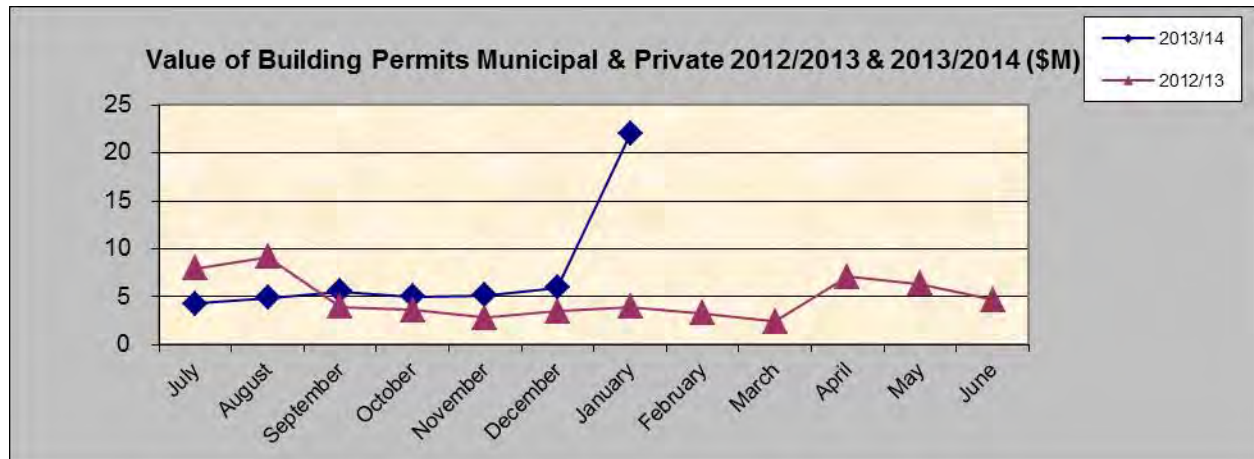
No building permits were issued outside Moira Shire during these months. Applications for building permits outside Shire boundaries vary.



FILE NO: 250.08.0004
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 10.3.1
(ADMINISTRATION SUPPORT OFFICER,
AMANDA MATHERS)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, MARK FOORD)

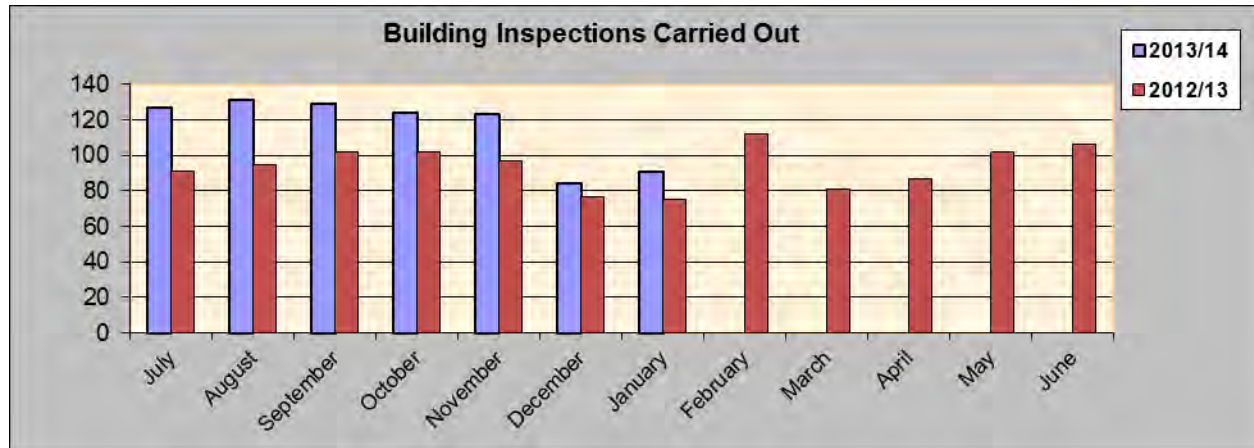
BUILDING AND PLANNING PERMIT ACTIVITY REPORTS (cont'd)



FILE NO: 250.08.0004
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 10.3.1
(ADMINISTRATION SUPPORT OFFICER,
AMANDA MATHERS)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY , MARK FOORD)

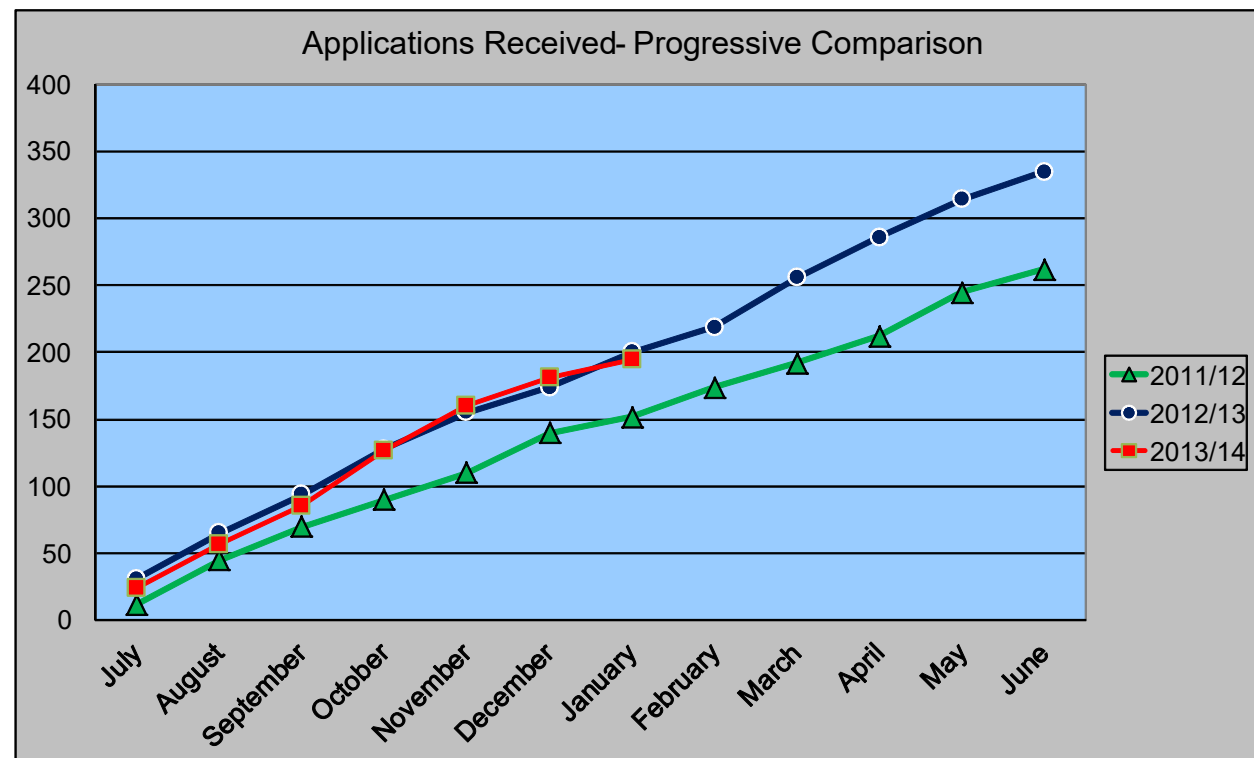
BUILDING AND PLANNING PERMIT ACTIVITY REPORTS (cont'd)



Planning Permits

In December 2013, twenty-three (23) planning permits were issued to the value of \$2,010,834.00 and applications received for the month totalled twenty-one (21).

In January 2014, seventeen (17) planning permits were issued to the value of \$11,199,496.00 and applications received for the month totalled fourteen (14).



FILE NO: 250.08.0004

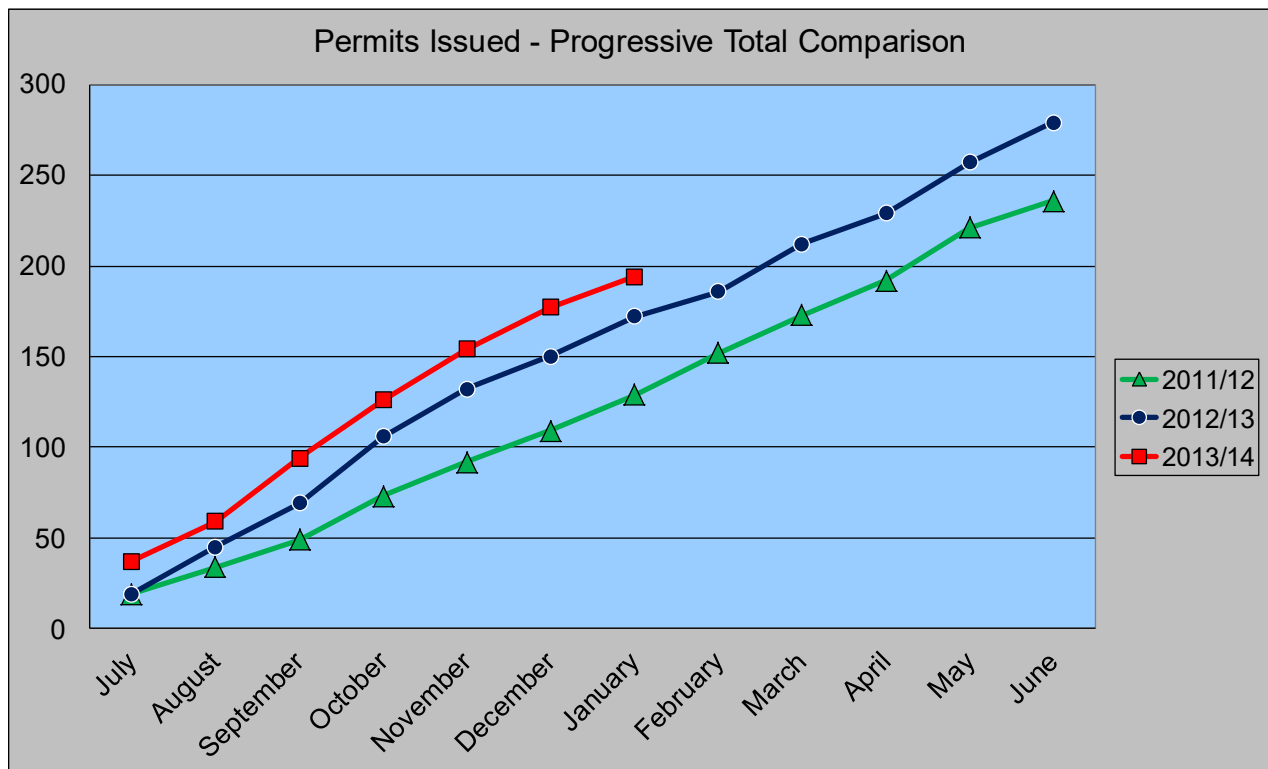
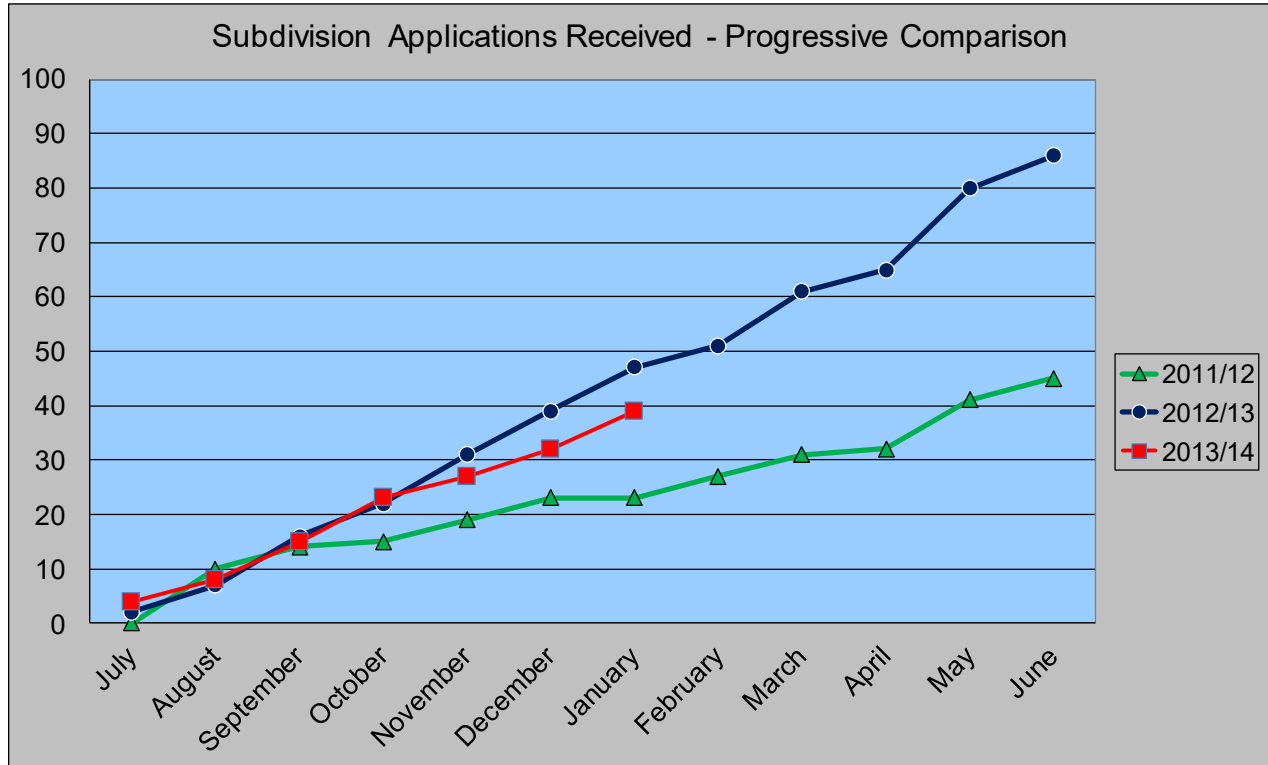
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 10.3.1

(ADMINISTRATION SUPPORT OFFICER,
AMANDA MATHERS)

(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY, MARK FOORD)

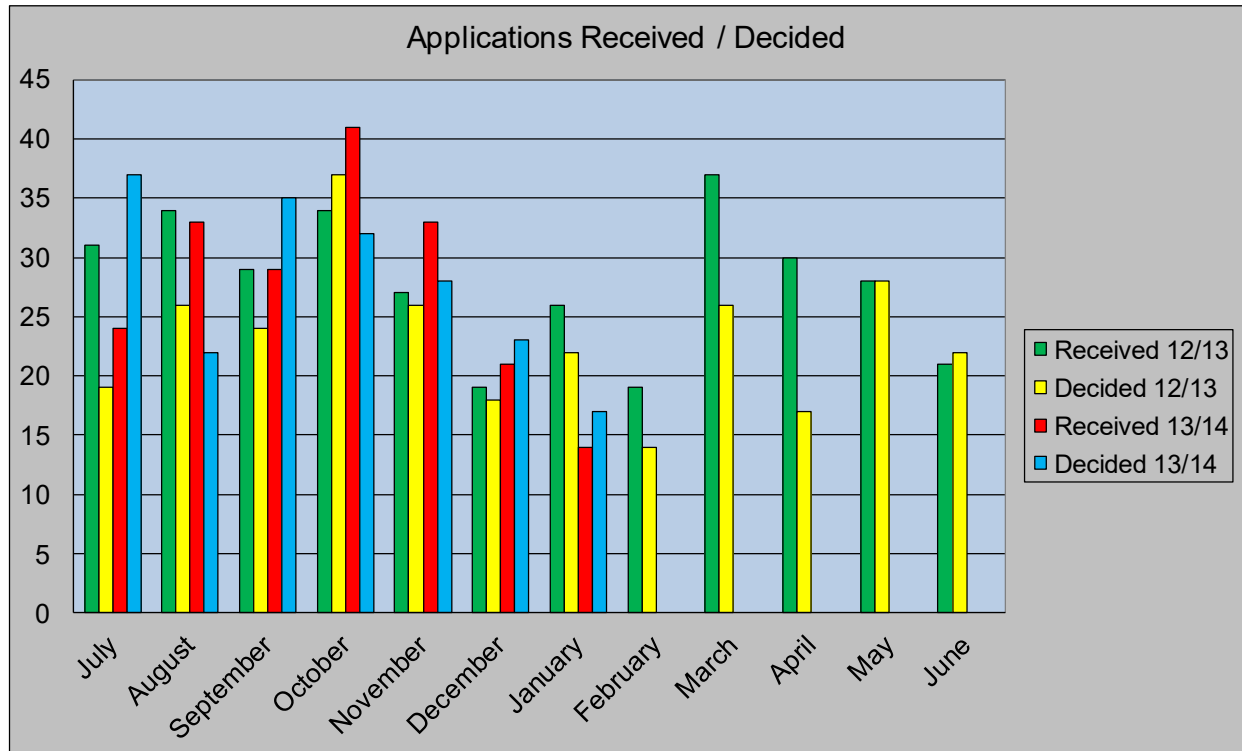
BUILDING AND PLANNING PERMIT ACTIVITY REPORTS (cont'd)



FILE NO: 250.08.0004
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 10.3.1
(ADMINISTRATION SUPPORT OFFICER,
AMANDA MATHERS)
(ACTING DIRECTOR, DEVELOPMENT AND
LIVEABILITY , MARK FOORD)

BUILDING AND PLANNING PERMIT ACTIVITY REPORTS (cont'd)



Attachments

- 1 Planning Permits Issued

RECOMMENDATION

That Council receive and note the combined Building and Planning Permit Activity Reports for the month of December 2013 and January 2014.

MOTION

CRS ALEX MONK / ED COX

That Council receive and note the combined Building and Planning Permit Activity Reports for the month of December 2013 and January 2014.

(CARRIED)

FILE NO: 250.08.0004
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 10.3.1
(ADMINISTRATION SUPPORT OFFICER,
AMANDA MATHERS)
(ACTING DIRECTOR, DEVELOPMENT
AND LIVEABILITY, MARK FOORD)

BUILDING AND PLANNING PERMIT ACTIVITY REPORTS (cont'd)

ATTACHMENT No [1] - Planning Permits Issued



Planning Permits issued - December 2013

<u>Appl. No.</u>	<u>Date Received</u>	<u>Property Address</u>	<u>Use or Development</u>	<u>Date of Decision</u>	<u>Estimated Cost of Proposed Works</u>
005.2013.00000618.001	13/09/2013	11 Telford ST YARRAWONGA	Works within a Road Zone Category 1 - Creation of access	19/12/2013	\$ 680
005.2013.00000619.001	13/09/2013	4134 Murray Valley HWY COBRAM	Buildings & Works - Construction of Sheds	10/12/2013	\$ 167,749
005.2013.00000667.001	1/10/2013	2254 Powerline RD KATAMATITE	Works - Feed Pad and Native Vegetation Removal	9/12/2013	\$ 100,000
005.2013.00000680.001	4/10/2013	1882 Murray Valley HWY BOOSEY	Use and Development of the land for a dwelling and ancillar outbuildin	19/12/2013	\$ 40,000
005.2013.00000709.001	15/10/2013	10 Telford ST YARRAWONGA	Three (3) Lot Subdivision and Alteration of access to a Road Zone Cate	11/12/2013	\$ 0
005.2013.00000730.001	17/10/2013	959 Barnes RD KATAMATITE	Earthworks - Whole Farm Plan	10/12/2013	\$ 231,510
005.2013.00000736.001	21/10/2013	306 Loofs RD KATAMATITE	Whole Farm Plan - Earthworks	17/12/2013	\$ 315,500
005.2013.00000737.001	21/10/2013	48 Muntz RD YIELIMA	Earthworks - Whole Farm Plan	11/12/2013	\$ 330,000
005.2013.00000759.001	25/10/2013	519 Fuzzards RD NUMURKAH	Earthworks - Whole Farm Plan	9/12/2013	\$ 103,000
005.2013.00000765.001	24/10/2013	70 Lyles RD YIELIMA	Three (3) Lot Re-subdivision	19/12/2013	\$ 0
005.2013.00000766.001	28/10/2013	48 Muntz RD YIELIMA	Removal of Native Vegetation (20 Trees)	19/12/2013	\$ 0

FILE NO: 250.08.0004
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 10.3.1
(ADMINISTRATION SUPPORT OFFICER,
AMANDA MATHERS)
(ACTING DIRECTOR, DEVELOPMENT
AND LIVEABILITY, MARK FOORD)

BUILDING AND PLANNING PERMIT ACTIVITY REPORTS (cont'd)

ATTACHMENT No [1] - Planning Permits Issued

<u>Appl. No.</u>	<u>Date Received</u>	<u>Property Address</u>	<u>Use or Development</u>	<u>Date of Decision</u>	<u>Estimated Cost of Proposed Works</u>
005.2013.00000777.001	30/10/2013	25 Charles CT YARRAWONGA	Use & Development - Dwelling	19/12/2013	\$ 350,000
005.2013.00000782.001	31/10/2013	Burley RD YARRAWONGA	Works - Posts & Netting	10/12/2013	\$ 17,000
005.2013.00000805.001	12/11/2013	923 Centre RD WAAIA	Replacement Dwelling	17/12/2013	\$ 240,000
005.2013.00000809.001	13/11/2013	2022 Labuan RD NUMURKAH	Earthworks - Whole Farm Plan	23/12/2013	\$ 6,500
005.2013.00000811.001	13/11/2013	601 Bearil East RD STRATHMERTON	Buildings & Works - Water Storage Tank	11/12/2013	\$ 13,740
005.2013.00000818.001	19/11/2013	54 Brears RD YARRAWONGA	Buildings & Works - Alfresco area	17/12/2013	\$ 25,000
005.2013.00000837.001	25/11/2013	2243 Powerline RD KATAMATITE	Use and development of land for a dwelling and boundary realignment	23/12/2013	\$ 0
005.2013.00000838.001	25/11/2013	Murray Valley HWY YARROWEYAH	Buildings & Works - Swimming Pool	4/12/2013	\$ 30,465
005.2013.00000849.001	27/11/2013	6 Irrigation RD NUMURKAH	Business Identification Sign	2/12/2013	\$ 5,500
005.2013.00000852.001	28/11/2013	11-13 Dockery ST WUNGHNU	Buildings & Works - Fence	19/12/2013	\$ 5,000
005.2013.00000862.001	4/12/2013	52 Brears RD YARRAWONGA	Buildings & Works - Swimming Pool	16/12/2013	\$ 29,190
005.2013.00000872.001	4/12/2013	1349 Larissa RD YARROWEYAH	To remove the condition in the nature of an easement in Crown Grant Vb	11/12/2013	\$ 0

Applications Decided: 23
Permits Approved under Delegation (APPD): 23
Notice of Decision to Approve (AAPC): 0
Notice of Decision to Refuse (APPR): 0

Total Estimated Value of Works: \$ 2,010,834.00

FILE NO: 250.08.0004
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 10.3.1
(ADMINISTRATION SUPPORT OFFICER,
AMANDA MATHERS)
(ACTING DIRECTOR, DEVELOPMENT
AND LIVEABILITY, MARK FOORD)

BUILDING AND PLANNING PERMIT ACTIVITY REPORTS (cont'd)

ATTACHMENT No [1] - Planning Permits Issued



Planning Permits issued - January 2014

<u>Appl. No.</u>	<u>Date Received</u>	<u>Property Address</u>	<u>Use or Development</u>	<u>Date of Decision</u>	<u>Estimated Cost of Proposed Works</u>
005.2013.00000522.001	12/08/2013	39 McCaskill ST NUMURKAH	To develop land consisting of an upgrade to the existing water treatme	6/01/2014	\$ 9,000,000
005.2013.00000704.001	11/10/2013	996 Sandmount RD KATUNGA	Change of Use of existng dwelling to caretaker's house and use and de	14/01/2014	\$ 250,000
005.2013.00000742.001	22/10/2013	3057 Wangaratta-Yarrowo nga RD BUNDALONG	Realignment of Boundary	14/01/2014	\$ 0
005.2013.00000760.001	25/10/2013	SOUTH 6782 Benalla-Tocumwal RD COBRAM	Two (2) Lot Subdivision and Building and Works associated with a Utili	9/01/2014	\$ 0
005.2013.00000780.001	31/10/2013	6 Weir ST NATHALIA	Development of the land for an Emergency Services Facility (Fire Stati	16/01/2014	\$ 200,000
005.2013.00000793.001	8/11/2013	450 Gilberts RD PICOLA	Removal of Native Vegetation	30/01/2014	\$ 250,000
005.2013.00000817.001	15/11/2013	3 Acacia ST YARRAWONGA	Buildings & Works - Extension to warehouse	9/01/2014	\$ 54,000
005.2013.00000821.001	20/11/2013	2993 Goulburn Valley HWY NUMURKAH	Buildings & Works - Garage & Carport	29/01/2014	\$ 4,647
005.2013.00000834.001	21/11/2013	6 Irrigation RD NUMURKAH	Temporary Use - Material Recycling	14/01/2014	\$ 0
005.2013.00000844.001	26/11/2013	1057 Invergordon RD INVERGORDON	Earthworks - Whole Farm Plan	14/01/2014	\$ 41,650
005.2013.00000846.001	26/11/2013	56 Anchorage WY YARRAWONGA	Buildings & Works - Dwelling	13/01/2014	\$ 396,000

FILE NO: 250.08.0004
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 10.3.1
(ADMINISTRATION SUPPORT OFFICER,
AMANDA MATHERS)
(ACTING DIRECTOR, DEVELOPMENT
AND LIVEABILITY, MARK FOORD)

BUILDING AND PLANNING PERMIT ACTIVITY REPORTS (cont'd)

ATTACHMENT No [1] - Planning Permits Issued

<u>Appl. No.</u>	<u>Date Received</u>	<u>Property Address</u>	<u>Use or Development</u>	<u>Date of Decision</u>	<u>Estimated Cost of Proposed Works</u>
005.2013.00000850.001	27/11/2013	30 Pasley ST BUNDALONG	Storage Shed	16/01/2014	\$ 15,468
005.2013.00000858.001	3/12/2013	226 Melville RD NUMURKAH	Earthworks - Whole Farm Plan	16/01/2014	\$ 350,000
005.2013.00000873.001	4/12/2013	214 Tobruk RD NARING	To remove the condition in the nature of an easement in Crown Grant Vo	16/01/2014	\$ 0
005.2013.00000876.001	6/12/2013	11 South RD YARRAWONGA	Buildings & Works - Industrial Building	16/01/2014	\$ 40,000
005.2013.00000915.001	23/12/2013	10 Shell CL YARRAWONGA	Buildings & Works - Dwelling	9/01/2014	\$ 274,058
005.2013.00000916.001	23/12/2013	4 Shell CL YARRAWONGA	Buildings & Works - Dwelling	9/01/2014	\$ 323,673
Applications Decided:					17
Permits Approved under Delegation (APPD):					17
Notice of Decision to Approve (AAPC):					0
Notice of Decision to Refuse (APPR):					0
Total Estimated Value of Works:					\$ 11,199,496.00

FILE NO: 100.01.0001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 11.1
(PERSONAL ASSISTANT TO CEO, ROBYN
BONADDIO)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

ACTION OFFICERS LIST

Attachments

1 Action Officers List

RECOMMENDATION

That Council receive and note the Action Officers List.

MOTION

CRS GARY CLEVELAND / BRIAN KEENAN

That Council receive and note the Action Officers List.

(CARRIED)

FILE NO: 100.01.0001
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 11.1
(PERSONAL ASSISTANT TO CEO,
ROBYN BONADDIO)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

ACTION OFFICERS LIST (cont'd)

ATTACHMENT No [1] - Action Officers List

ACTION OFFICERS LIST – FEBRUARY 2013

Meeting	Section	Subject
Ordinary Council Meeting 09 December 2013	(DET) Shire Development and Livability	Cobram Library
MOTION		
CRS GARY CLEVELAND / MARIE MARTIN		
That:		
1. Council approve the Cobram Civic Centre as the location for the new Cobram Library/Community Hub. 2. Authorise Council Officers to seek the services of a suitably qualified Architect to undertake the detailed design of a multiple staged 'Civic Centre Precinct' in order to meet with the projected future needs of the community, with Stage 1 of the project being a new Library facility and associated works.		
(CARRIED)		
ACTIVITY		
Specification being developed, quotes to be received.		

FILE NO: 100.01.0001
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 11.1
(PERSONAL ASSISTANT TO CEO,
ROBYN BONADDIO)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

ACTION OFFICERS LIST (cont'd)

ATTACHMENT No [1] - Action Officers List

ACTION OFFICERS LIST – FEBRUARY 2013

Meeting	Section	Subject
Ordinary Council Meeting 09 December 2013	(DET) Shire Development and Livability	Naming of roads in Wunghnu
MOTION		
CRS ALEX MONK / KEVIN BOURKE That Council:		
<ol style="list-style-type: none"> adopt the interim name of "Donovan Road" for the first section of the street previously known as Orchard Street (between Ralph Street and the sharp turn) and continuing through to the unnamed road, in Wunghnu; adopt the interim name of "Goodwin Street" for the unnamed road between Hall Street and Welch Street, Wunghnu; place advertisements in local papers seeking comments within 30 days regarding the adoption of these names under Section 223 of the Local Government Act 1989; write to owners of properties adjoining these roads seeking comments within 30 days; appoint a Committee of the Council, (whole of Council) to consider submissions and hear any person who wishes to be heard in support of their submission on the proposed naming of these roads; authorise the Chief Executive Officer to administer the Section 223 process; will hear submissions on a date, time and place as set by the Chief Executive Officer; if no objections are received following the Section 223 process, adopt the names "Goodwin Street" and "Donovan Road" for submission to the Office of Geographic Names. 		
ACTIVITY		
Letter to residents sent and naming advertised 18/12/13. Submissions closed 17/1/14. No submissions received. To be added to NES. Goodwin Street and Donovan Road to be submitted to the Office of Geographic Names through NES.		

(CARRIED)

FILE NO: 100.01.0001
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 11.1
(PERSONAL ASSISTANT TO CEO,
ROBYN BONADDIO)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

ACTION OFFICERS LIST (cont'd)

ATTACHMENT No [1] - Action Officers List

ACTION OFFICERS LIST – FEBRUARY 2013

Meeting	Section	Subject
Ordinary Council Meeting 09 December 2013	(DET) Shire Development and Livability	Naming of section of Kinnairds Road Numurkah - South of Broken Creek
MOTION		
CRS KEVIN BOURKE / ED COX That Council:		
<ol style="list-style-type: none"> adopt the interim name of "Powell Road" for the section of road currently known as Kinnairds Road south of Broken Creek in Numurkah; place advertisements in local papers seeking comments within 30 days regarding the adoption of this name under Section 223 of the Local Government Act 1989; write to owners of properties adjoining these roads seeking comments within 30 days; appoint a Committee of the Council, (whole of Council) to consider submissions and hear any person who wishes to be heard in support of their submission on the proposed naming of these roads; authorise the Chief Executive Officer to administer the Section 223 process; will hear submissions on a date, time and place as set by the Chief Executive Officer; if no objections are received following the Section 223 process, adopt the name "Powell Road" for submission to the Office of Geographic Names. 		
(CARRIED)		
COMPLETED		
Letter to residents sent 13/12/13 advertised 18/12/13. Submissions close 17/1/14. No submissions received. Powell Road to be submitted to the Office of Geographic Names through NES.		

FILE NO: 100.01.0001
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 11.1
(PERSONAL ASSISTANT TO CEO,
ROBYN BONADDIO)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

ACTION OFFICERS LIST (cont'd)

ATTACHMENT No [1] - Action Officers List

ACTION OFFICERS LIST – FEBRUARY 2013

Meeting	Officer/Director	Section	Subject
Ordinary Council Meeting 09 December 2013		Questions from the Gallery	
Question			
The Nathalia Men's Shed committee had a meeting with Council Officers regarding pruning of trees and lopping branches in the proposed site of the shed. This work has not been done and Mr Dohnt questioned when the works would occur?			
Answer			
The Acting Director of Development and Liveability advised that he would take the question on notice.			
ACTIVITY			
Council Officers spoke to Mr Dohnt after the meeting. Officers have spoken to the menshed committee about relocation of the shed and the requirement to remove trees.			
Meeting		Subject	
Ordinary Council Meeting 18 November 2013		Naming of unnamed roads, Green Palms Village, Cobram	
MOTION			
CRS ALEX MONK / GARY CLEVELAND That Council:			
1. Consider the adoption of the following interim names listed below for the streets within Green Palms Village, Cobram:			
<ul style="list-style-type: none"> • Savanna Street; • Green Palms Drive; • Andre Street; • Laila Street; • Areca Court; • Atherton Street; • Caranday Court; and • Jasper Street. 			
2. place advertisements in local papers seeking comments within 30 days regarding the adoption of the interim names under Section 223 of the Local Government Act 1989;			
3. write to all residents of Green Palms Village advising them of the proposed road names seeking comments within 30 days;			
4. appoint a Committee of the Council, (whole of Council) to consider submissions and hear any person who wishes to be heard in support			

FILE NO: 100.01.0001
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 11.1
(PERSONAL ASSISTANT TO CEO,
ROBYN BONADDIO)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

ACTION OFFICERS LIST (cont'd)

ATTACHMENT No [1] - Action Officers List

ACTION OFFICERS LIST – FEBRUARY 2013

<p>of their submission on the proposed naming of these roads; 5. give approval to the Chief Executive officer to administer the Section 223 process; 6. will hear submissions on a date, time and place as set by the Chief Executive Officer; 7. if no objections are received following the Section 223 process, adopt the names listed above for submission to the Office of Geographic Names.</p>	
(CARRIED)	
<p>Letter to residents has been drafted and will be sent w/e 29/11/13. Road naming will be advertised 4/12/13.</p>	
Meeting	Subject
Ordinary Council Meeting 16 September 2013	Nathalia Men's Shed
MOTION	
CRS KEVIN BOURKE / MARIE MARTIN	
That:	
<p>1. Council support the establishment of a Nathalia Men's Shed to be situated at the Nathalia Showgrounds, Park St, Nathalia. 2. Council provide in-kind project management support when suitable funds have been obtained from the community and external funding.</p>	
(CARRIED)	
COMPLETED	
Awaiting grant approval from Victorian State Government. Some project preparation works has commenced and if successful Officer will assist with project management.	

FILE NO: 100.01.0001
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 11.1
(PERSONAL ASSISTANT TO CEO,
ROBYN BONADDIO)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

ACTION OFFICERS LIST (cont'd)**ATTACHMENT No [1] - Action Officers List**

ACTION OFFICERS LIST – FEBRUARY 2013

Meeting	Subject
Ordinary Council Meeting 16 September 2013	Naming of unnamed road off Montroses Road, Bundalong
MOTION	
CRS DON MCPHEE / PETER MANSFIELD	
That Council:	
1. adopt the interim name of "Sullivan Road" for the section of road between Montroses Road and the Murray Valley Highway adjacent to the Bundalong Tavern;	
2. place advertisements in local papers seeking comments within 30 days regarding the adoption of this name under Section 223 of the Local Government Act 1989;	
3. write to owners of properties adjoining the road seeking comments within 30 days;	
4. appoint a Committee of the Council, (whole of Council) to consider submissions and hear any person who wishes to be heard in support of their submission on the proposed naming of this road;	
5. will hear submissions on a date, time and place as set by the Chief Executive Officer;	
6. if no objections are received following the Section 223 process, adopt the name "Sullivan Road" for submission to the Office of Geographic Names.	(CARRIED)
COMPLETED	
One submission received with another name to consider. Obtained further information from submitter 21/11/2013, to be reviewed by internal Road Naming Committee prior to new report for CMT/Council.	

FILE NO: 100.01.0001
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 11.1
(PERSONAL ASSISTANT TO CEO,
ROBYN BONADDIO)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

ACTION OFFICERS LIST (cont'd)**ATTACHMENT No [1] - Action Officers List**

ACTION OFFICERS LIST – FEBRUARY 2013

Meeting	Subject
Ordinary Council Meeting 24 June 2013	Lease to National Broadband Network - Strathmerton
MOTION	
That Council:	
1. Resolve to enter into a lease with the National Broadband Network Company to occupy part of the telecommunications tower and land located at 44 Station St Cobram.	
2. Authorise the Chief Executive Officer to sign and seal the lease documents.	(CARRIED)
ACTIVITY	
NBN Co, DSE and Strathmerton Golf Club advised of council resolution. Awaiting draft lease to be prepared.	
Meeting	Subject
Ordinary Council Meeting 24 June 2013	Strathmerton Recreation Reserve Site Plan
MOTION	
That Council commence public consultation on the draft Strathmerton Recreation Reserve Site Plan.	(CARRIED)
COMPLETED	
Report adopted at the 9 December 2013 Ordinary Council Meeting.	
Meeting	Subject
Ordinary Council Meeting 20 May 2013	Lease to National Broadband Network Cobram
MOTION	
That Council:	
1. Resolve to enter into a lease with the National Broadband Network Company to occupy part of the telecommunications tower and land located at 44 Station St Cobram.	
2. Authorise the Chief Executive Officer to sign and seal the lease documents.	(CARRIED)
ACTIVITY	
NBN Co advised of Council approval. Awaiting lease document.	

FILE NO: 100.01.0001
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 11.1
(PERSONAL ASSISTANT TO CEO,
ROBYN BONADDIO)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

ACTION OFFICERS LIST (cont'd)**ATTACHMENT No [1] - Action Officers List**

ACTION OFFICERS LIST – FEBRUARY 2013

Meeting	Subject
Ordinary Council Meeting 17 September 2012	Bus Terminus - old Railway Station precinct
MOTION	
That Council:	
1. Explore feasibility of establishing a bus terminus and lighted car parking area near the old railway station precinct; and	
2. Seek funding from the appropriate authority for a sided bus shelter at corner of Orr and Belmore Streets to protect people from the weather.	(CARRIED)
ACTIVITY	
The area available at the old Railway Station will be dependent upon the option and alignment that VicRoads adopt for the new bridge at Yarrowonga. Current indications are that there will be no space available to develop the site.	
Meeting	Subject
Ordinary Council Meeting 12 December 2011	Local Law 2007 Meeting Procedure
MOTION	
That Council review the Local Law 2007 Meeting Procedure.	(CARRIED)
ACTIVITY	
Currently awaiting legal advice following which a report will be submitted to Council.	
Meeting	Subject
Ordinary Council Meeting 20 June 2011	RV Friendly Shire
MOTION	
That Council endorse the establishment of a Community Stakeholder Steering Committee to explore the adoption of a RV friendly position and set a timeframe of 12 months for the Committee to develop a RV Friendly implementation Framework and Plan	(CARRIED)
ACTIVITY	
Report for Terms of Reference Working Group went to Council Briefing 4 February 2013. In the process of establishing the working group, using the agreed Terms of Reference.	

FILE NO: 100.01.0001
3. OUR COMMUNICATIONS AND
PROCESSES

ITEM NO: 11.1
(PERSONAL ASSISTANT TO CEO,
ROBYN BONADDIO)
(DIRECTOR CORPORATE GOVERNANCE,
ALISON COE)

ACTION OFFICERS LIST (cont'd)

ATTACHMENT No [1] - Action Officers List

ACTION OFFICERS LIST – FEBRUARY 2013

Meeting	Subject
Ordinary Council Meeting 10 December 2012	Transfer Station operating hours
MOTION That a review of Transfer Station operating hours be undertaken and presented to Council.	(CARRIED)
ACTIVITY A report to Council will be presented after the 2012/2013 Financial year yearly review.	

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FILE NO: 100.01.001
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 12.2
(PERSONAL ASSISTANT TO CEO, ROBYN
BONADDIO)
(ACTING, CHIEF EXECUTIVE OFFICER,
PETER BERTOLUS)

INDEPENDENT PROBITY AUDITOR

THIS ITEM WAS WITHDRAWN

TAKE NOTICE that at the Council Meeting to be held on 17 February 2014, it is our intention to move the following motion:

CR KEVIN BOURKE

CR MARIE MARTIN

Date: 17 February 2014

That:

1. That the Council approves of the process undertaken to appoint the Independent Probity Auditor to conduct an extensive review of both fiscal and operations aspects of Moira Shire Council.

THIS ITEM WAS WITHDRAWN

FILE NO: F14/88
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO:
(MANAGER CORPORATE GOVERNANCE,
DAVID BOOTH)
(ACTING, CHIEF EXECUTIVE OFFICER,
PETER BERTOLUS)

WUNGHNU FIRE COMPLEX - DECLARATION OF EMERGENCY

Procedural Motion (Clause 22 (2) Meeting Procedure Local Law)

RECOMMENDATION

That Council receive the late item.

MOTION

CRS ED COX / ALEX MONK

That Council receive the late item.

(CARRIED)

1. Executive Summary

The Wunghnu complex bush fire impacted over 10Ha in the South of Moira Shire affecting areas such as Bunbartha, Mundoona, Wunghnu, Drummanure, Marungi, Numurkah, Invergordon and Naring. The emergency which commenced on Sunday afternoon 9 February 2014 was declared over on Thursday 13 February 2014 was saw CFA act as lead agency.

Moira Shire Council was required, as the responsible recovery authority, to mobilise significant resources to attend to the needs of these areas during the initial response phase including the provision of relief support for those directly impacted by the emergency.

Transition from emergency response to recovery occurred through the week of the fire and was handed over to Council on Friday 14 February 2014.

Given the nature of such an emergency and despite the best efforts of emergency management officers and those involved in the response, some procurement of goods and services during this time may not have been carried out in accordance with Council policy and so this report requests that Council formally declare an emergency both for the purpose of acknowledgement and record as well as to maintain compliance with the Local Government Act 1989 (the "Act").

This report seeks approval of the engagement of contractors for works already carried out and required over the remainder of February to assist Council's operations staff with recovery works on the basis of protecting public safety.

The report also seeks a declaration of emergency which is appropriate in these circumstances. This action will provide Council with protection under section 186 (5) a of the Local Government Act 1989.

2. Discussion

Moira Shire participated, as part of the emergency management response, to the Wunghnu Fire complex emergency which commenced Sunday 9 February 2014.

Immediately following and to this time, Council are undertaking emergency works to maintain public safety; achieving this through the engagement of suitably qualified contractors from the Council's trades list.

FILE NO: F14/88
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO:
(MANAGER CORPORATE GOVERNANCE,
DAVID BOOTH)
(ACTING, CHIEF EXECUTIVE OFFICER,
PETER BERTOLUS)

WUNGHNU FIRE COMPLEX - DECLARATION OF EMERGENCY (cont'd)

Council normally engages services in accordance with its procurement policy which in turn is guided by the Local Government Act (1989), the nature of emergencies is such that this is not always possible.

Section 186 of the Local Government refers to the process of procuring goods and services and in part states;

“186 Restriction on power to enter into contracts

(1) Before a Council enters into a contract for the purchase of goods or services, or for the carrying out of works, to the value of \$100 000 (or such higher amount as may be fixed by Order in Council) or more, it must—

(a) give public notice of the purpose of the contract and invite tenders from any person wishing to undertake the contract; or

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

As an extension to the Act, Council maintains a procurement policy which sets limits at which quotations need to be sought in an effort to achieve best value for the procurement of goods and services.

The Act makes provision for exemption from 186 (1) in cases of emergency as stated below;

“(5) This section does not apply if—

(a) the Council resolves that the contract must be entered into because of an emergency;”

With this provision in mind, Council is requested to formally declare the 9 February Wunghnu fire complex an emergency and nominate a period of 20 day period (9 February 2014 to 28 February inclusive) as a period of emergency for the purposes of enabling efficient response to managing dangerous and or hazardous elements of the clean up.

Examples of these hazards include burnt out and smouldering trees along local roads.

Where possible, compliance with Council's procurement policy is sought however given the immediacy and scale of the event, this has not been possible in many instances.

3. Financial Implications

The 9 February Wunghnu fire complex has been declared a natural disaster by the Australian Government and as such emergency response and relief costs and costs associated with “making safe” are eligible for reimbursement under Natural Disaster Relief and Recovery Arrangements (NDRRA).

FILE NO: F14/88
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO:
(MANAGER CORPORATE GOVERNANCE,
DAVID BOOTH)
(ACTING, CHIEF EXECUTIVE OFFICER,
PETER BERTOLUS)

WUNGHNU FIRE COMPLEX - DECLARATION OF EMERGENCY (cont'd)

4. Community Consultation

No community consultation was required for this report.

5. Internal Consultation

Consultation with the contracts and governance department was undertaken in the development of this report.

6. Legislative / Policy Implications

Compliance with the Local Government Act (1989) is central to the operations of Moira Shire Council, its Councillors and staff.

Whilst an emergency places enormous strain on systems, the Act makes provision for procurement to be undertaken in emergency situations.

Section 186 (5) (a) makes provision for Council to, declare an emergency and allow the procurement of services to be undertaken as required.

For the purpose of this emergency event, a 20 day period is nominated as the time required to respond to the emergency as well as making the environment safe.

7. Environmental Sustainability

Whilst there are no direct environmental considerations associated with this report, the enormous impact of the emergency and indeed clean up involved post event has and will change the natural landscape for some time.

8. Conflict of Interest Considerations

There are no officer conflicts of interest considerations associated with this report.

9. Conclusion

Moira Shire was impacted by the 9 February Wunghnu fire complex which impacted the Southern Boundary of the municipality.

Given the scale and speed of the event, in the immediate aftermath of the emergency and the days since, procurement of services may have not been in full accordance with section 186 of the Local Government nor Council's procurement policy.

Section 186 (1) (a) makes provision for a declaration of emergency to be made and allow local government to procure services as necessary without fully complying with normal requirements.

A period of 20 days has been nominated for this period to accommodate the ongoing make safe efforts post disaster. This period is nominated as ending as at 28 February 2014.

Attachments

Nil

FILE NO: F14/88
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO:
(MANAGER CORPORATE GOVERNANCE,
DAVID BOOTH)
(ACTING, CHIEF EXECUTIVE OFFICER,
PETER BERTOLUS)

WUNGHNU FIRE COMPLEX - DECLARATION OF EMERGENCY (cont'd)

RECOMMENDATION

That:

1. Council declare an emergency following the 9 February 2014 Wunghnu complex bush fire event in Wunghnu, Numurkah and surrounding districts;
2. Resolve that procurement of material and services for the purposes of emergency response to the 2014 Wunghnu Complex bush fire was and is required to restore and maintain public safety, utilising the provisions in section 186 (5) (a) of the Local Government Act 1989 and;
3. That this provision be in place for a period commencing from the day of the emergency event until 28 February 2014.

MOTION

CRS ED COX / MARIE MARTIN

That:

1. Council declare an emergency following the 9 February 2014 Wunghnu complex bush fire event in Wunghnu, Numurkah and surrounding districts;
2. Resolve that procurement of material and services for the purposes of emergency response to the 2014 Wunghnu Complex bush fire was and is required to restore and maintain public safety, utilising the provisions in section 186 (5) (a) of the Local Government Act 1989 and;
3. That this provision be in place for a period commencing from the day of the emergency event until 28 February 2014.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 15

GENERAL BUSINESS**Clause 62 of Council's "Meeting Procedures Local Law 2007 (No 1 of 2007) states:****62. Urgent or general business**

1. Business which has not been listed on a meeting agenda may only be raised as urgent or general business if the majority of Councillors are present and it is agreed to by a resolution of the Council.
2. Notwithstanding sub-clause (1), if all Councillors are not present, the Chairperson may rule the matter is of urgency and accept an urgency motion to deal with the business which has not been listed on the meeting agenda.
3. An urgency motion can be moved without notice.
4. Only the mover of an urgency motion may speak to the motion before it is put

MOTION

CRS KEVIN BOURKE / BRIAN KEENAN

That items of General Business be received.

(CARRIED)

15.1 Process undertaken to appoint the Independent Probity Auditor

Question: Cr Ed Cox asked the Mayor if the Acting Chief Executive Officer could be instructed to confirm if during the process to appoint an Independent Probity Auditor that Council's procurement policy was adhered to?

Answer: The Mayor responded by saying that some Councillors have contacted the Local Government Department who have confirmed via the Chief Executive Officer that the process has been flawed. Cr Bourke has foreshadowed a motion to address the flaws in the processes.

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That the Acting Chief Executive Officer be granted authority to call for tenders from those who expressed interest in the Independent Probity Audit on both the Fiscal and Operations aspects of Moira Shire Council. *Cr Kevin Bourke called for a division.*

FOR**AGAINST**

Cr Bourke
Cr Buck
Cr Cleveland
Cr Cox
Keenan
Cr Mansfield
Cr Martin
Cr Monk

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 16

QUESTIONS FROM THE PUBLIC GALLERY

Clause 63 of Council's "Meeting Procedures Local Law 2007 (No. 1 of 2007) states: 63. Question Time

1. At every ordinary meeting of the Council a maximum of 30 minutes may be allocated to enable members of the public to submit questions to Council.
2. The time allocated may be extended by unanimous resolution of Council.
3. Sub-clause (1) does not apply during any period when the Council has resolved to close a meeting in respect of a matter under section 89 (2) of the Act.
4. To assist the accurate recording of minutes and addressing any questions that may require written response or follow up, the Chief Executive Officer may require questions to be submitted in writing on a form approved or permitted by Council.
No person may submit more than two (2) questions at any one (1) meeting.
The Chairperson or member of Council staff nominated by the Chairperson may read a question to those present.

No question must be so read unless:

- (a) the person asking the same is in the gallery at the time it is due to be read;
and
- (b) the person asking the question reads the same when called upon by the Chairperson to do so.

A question may be disallowed by the Chairperson if it:

- (a) relates to a matter outside the duties, functions and powers of Council;
- (b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- (c) deals with a subject matter already answered;
- (d) is aimed at embarrassing a Councillor or a member of Council staff;
- (e) relates to personnel matters;
- (f) relates to the personal hardship of any resident or ratepayer;
- (g) relates to industrial matters;
- (h) relates to contractual matters;
- (i) relates to proposed developments;
- (j) relates to legal advice;
- (k) relates to matters affecting the security of Council property; or
- (l) relates to any other matter which Council considers would prejudice Council or any person.

All questions and answers must be as brief as possible, and no discussion may be allowed other than for the purposes of clarification.

The Chairperson may request a Councillor or member of Council staff to respond, if possible, to the question.

A Councillor or member of Council staff may require a question to be put on notice until the next Ordinary meeting, at which time the question must be answered, or elect to submit a written answer to the person asking the question.

A Councillor or member of Council staff may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or member of Council staff must state briefly the reason why to reply should be so given and, unless Council resolves to the contrary the reply to such question must be so given.

FILE NO: VARIOUS

ITEM NO: 16

QUESTIONS FROM THE PUBLIC GALLERY

16.1 John Haye - Koonoomoo

Question: Mr Haye asked would Council consider looking into sealing high use gravel roads, in particular, to roads leading to the river.

Answer: The Acting Chief Executive Officer responded by saying; as a result of the tourism restructure that Council is looking at infrastructure upgrades for tourism. Council has also recently held a strategic planning day where capital upgrades were discussed. Council is currently working on a roads hierarchy to ascertain which roads are heavily utilised, with Councils intent to improve these roads.

Question: As follow up, Mr Hay asked as to whether there was a specific department that could be contacted regarding funding for these projects. Mr Hay commented further referring to Parks Victoria and there was no further response required.

16.2 Len Davis - Numurkah

Question: Mr Davis asked; why is Council advertising for tenders for four new vehicles when page 28 of the Council Agenda recommends increasing revenue and decreasing expenditure.

Answer: The Acting Chief Executive Officer responded by saying; Council has completed an extensive review of its fleet and as a result there will be less vehicles and more economically vehicles purchased moving forward.

16.3 Len Davis

Question: Mr Davis asked what thought if any was given to the neighbouring streets impact from the installation of the speed humps in Quinn Street, Numurkah

Answer: The Acting Director of Liveability advised that consideration is given to adjoining streets and processes are in place to measure the usage of the streets and if needed traffic concerns will be address.

16.4 Chris Milner - Numurkah

Question: Mr Milner asked he if could receive an apology from the Council for unacceptable treatment by a Councillor and Council officer towards Mr Milner.

Answer: The Mayor responded by saying that he would talk to Mr Milner during the suspension or orders to ascertain what has transpired.

FILE NO: VARIOUS

ITEM NO: 17

STANDING ORDERS**RECOMMENDATION**

That standing orders be suspended for 10 minutes.

MOTION

CRS ED COX / MARIE MARTIN

That standing orders be suspended for 10 minutes.

(CARRIED)

RECOMMENDATION

That standing orders be resumed.

MOTION

CRS ED COX / KEVIN BOURKE

That standing orders be resumed.

(CARRIED)

RECOMMENDATION

That pursuant to Section 89(2) of the Local Government Act, 1989, this meeting of Council be closed to members of the public in order for Council to discuss contractual, industrial and any other matters which the Council or Special Committee considers would prejudice the Council or any person.

MOTION

CRS BRIAN KEENAN / ALEX MONK

That pursuant to Section 89(2) of the Local Government Act, 1989, this meeting of Council be closed to members of the public in order for Council to discuss contractual, industrial and any other matters which the Council or Special Committee considers would prejudice the Council or any person.

(CARRIED)

FILE NO: VARIOUS

ITEM NO: 17

STANDING ORDERS**RECOMMENDATION**

That pursuant to Section 89(2) of the Local Government Act 1989, Council resolve to resume the Ordinary meeting.

MOTION

CRS GARY CLEVELAND / ED COX

That pursuant to Section 89(2) of the Local Government Act 1989, Council resolve to resume the Ordinary meeting.

(CARRIED)

RECOMMENDATION

That the recommendations of the "Closed" Meeting of Council with regard to contractual, industrial and any other matters which the Council or Special Committee considers would prejudice the Council or any person be adopted.

MOTION

CRS ED COX / GARY CLEVELAND

That the recommendations of the "Closed" Meeting of Council with regard to contractual, industrial and any other matters which the Council or Special Committee considers would prejudice the Council or any person be adopted.

(CARRIED)

MEETING CLOSED AT 8:15 PM