
COUNCIL MEETING AGENDA - 16 MAY 2023

Vision:

Indigo Shire - leading sustainable growth, community and cultural diversity, and climate action.

TO BE HELD: Tuesday, 16 May 2023 at 6.30pm

LOCATION: Council Chambers, 2 Kurrajong Way, Beechworth, and livestreamed on Council's website

ATTENDEES:	NAME	TITLE
	Cr Sophie Price	Mayor
	Cr Bernard Gaffney	Deputy Mayor
	Cr Peter Croucher	Councillor
	Cr Larry Goldsworthy	Councillor
	Cr Roberta Horne	Councillor
	Cr Diane Sheppard	Councillor
	Cr Emmerick Teissl	Councillor
	Trevor Ierino	Chief Executive Officer
	Ian Ellett	Director Infrastructure Services
	Greg Pinkerton	Director Planning & Corporate Services
	Sally Rice	Director Community & Economic Development
	Annabel Harding	Governance Coordinator

Council meetings are live streamed and recorded. The voices and images of those participating in the meeting, and in the gallery, may be captured as part of this recording.

Acknowledgement of Country

Indigo Shire Council acknowledges the original custodians of these lands. The people of the rivers and the hills have walked these lands for thousands of years as well as today, and we pay respect to the elders of the past, present and emerging.

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1. **WELCOME**
2. **ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND**
3. **APOLOGIES AND LEAVE OF ABSENCE**
4. **DECLARATION OF CONFLICT OF INTEREST**
5. **OPEN FORUM**

Responses given by Councillors and Council Staff during Open Forum are the opinion of the individual responders, and accurate at the time of response, to the best of their knowledge.

6. **COMMUNITY AND COUNCIL ACHIEVEMENTS**
7. **CONDOLENCES**
8. **CONFIRMATION OF MINUTES FROM PREVIOUS MEETING(S)**

RECOMMENDATION

That the following minutes be confirmed:

1. Minutes of the Council Meeting held on 18 April 2023, as published on Council's website; and
2. Confidential Minutes of the Council Meeting held on 18 April 2023, as provided to Councillors under separate cover.

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9. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil reports

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10. PETITIONS

Nil reports

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11. PLANNING & CORPORATE SERVICES

11.1 APRIL FINANCE REPORT

File No: 2023/299

Sharon Phillips - Acting Manager Finance

Planning & Corporate Services

For Information

RECOMMENDATION

That Council accepts the year to date April Finance Report noting the progress against Council's quarter 2 forecast.

PURPOSE OF REPORT

This finance report covers the year to date position for the first ten months of the 2022/23 financial year.

The following report shows Council's April position against the adopted Quarter 2 forecast, and provides an indication of Council's financial performance of the 2022/23 year.

BACKGROUND

Each month Council reports the year to date (YTD) financial result. The year to date figures contained within this report shows Council's April position against the second quarter forecast.

DISCUSSION

The income statement shows Council's net financial result was a deficit of \$1,307 million which is \$552k favourable to the forecast position of \$1,859 million surplus. Details of the result and main variances are reported below.

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April 2023 - income statement							
Account Group	Year to Date (YTD)				2022/23 Annual budget	2022/23 Quarter 2 Forecast	2021/22 April YTD Actuals
	YTD actuals	YTD forecast	YTD variance \$	YTD variance %			
Income							
Contributions - developer	38,750	0	38,750	(100%)	21,500	21,500	68,978
Contributions - operating	51,769	54,950	(3,181)	(6%)	51,148	61,818	47,894
Operating grants	3,987,957	3,805,126	182,831	5%	6,496,518	9,889,217	7,773,265
Interest income	378,124	288,979	89,146	31%	217,773	303,273	142,281
Other revenue	1,636,704	1,653,603	(16,899)	(1%)	2,669,414	2,609,516	1,999,135
Rates & charges	18,809,325	18,790,226	19,099	0%	18,777,585	18,794,226	18,261,391
Reimbursements	278,042	259,607	18,435	7%	71,420	291,237	125,826
Statutory fees & fines	918,899	895,946	22,953	3%	1,085,096	1,112,405	1,092,309
User charges	3,202,824	3,138,722	64,102	2%	3,918,411	4,098,922	2,534,375
Total income	29,302,395	28,887,160	415,235	1%	33,308,865	37,182,115	32,045,454
Expense							
Borrowing costs	41,885	41,947	63	0%	50,926	48,883	45,535
Contract payments	5,786,464	5,704,161	(82,304)	(1%)	6,301,907	9,437,985	4,799,873
Depreciation	6,347,615	6,351,147	3,532	0%	6,497,105	6,636,048	5,160,153
Employee costs	10,554,522	10,996,549	442,027	4%	13,626,090	13,288,261	10,888,322
Materials & consumables	4,422,807	4,325,839	(96,968)	(2%)	4,659,027	4,978,054	3,382,136
Other expenses	3,027,853	2,880,656	(147,197)	(5%)	3,080,944	3,652,269	3,043,345
Utilities	428,670	446,196	17,526	4%	609,116	606,784	402,100
Total expense	30,609,816	30,746,496	136,679	0%	34,825,115	38,648,283	27,721,464
Surplus / (deficit)*	(1,307,422)	(1,859,336)	551,914	30%	(1,516,250)	(1,466,168)	4,323,990
* For both actual and budget a positive net result means a favourable contribution to Council, which is referred to as a surplus and a negative net result means a unfavourable contribution to Council, which is referred to as a deficit.							
(Red variance) is unfavourable							
Black variance is favourable							

Income

Operating Grants

YTD favourable variance of \$183k is due to;

- \$80k – Tree Management – Naturally Cooler Indigo Project Grant.
- \$60k – Planning – Heritage Assessment Study Grant.
- \$30k – Early Years – Immunisation Program.
- \$19k – Environmental Health Services – Domestic Waste Water Plan.

Interest Income

YTD favourable variance of \$89k is due to;

- \$72k - Investment income – Interest rate increases on cash investments maintaining a higher than predicted forecast.
- \$17k – Interest on rates – Interest calculated on outstanding rate debtors.

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User Fees

YTD favourable variance of \$64k is mainly due to;

- \$53k – Beechworth and Rutherglen transfer station fees with higher usage than expected. (Beechworth \$22k and Rutherglen \$32k). This is offset by \$46k of additional income from these locations.
- \$19k – Higher than budgeted Buller Gas sales.
- (\$8k) – unfavourable result for Burke Museum entry and group booking.

Expenditure

Contract Payments

YTD unfavourable variance of \$82k is due to;

- \$40k – Temporary employment costs across multiple service areas, these costs are offset by the \$442k favourability in employee costs.
- \$46k – Waste Management – Disposal of landfill costs for Beechworth and Rutherglen transfer stations which is offset by the \$53k increase in both transfer station fees.

Employee costs

YTD favourable variance of \$442k continues as is due to staff vacancies. This is offset by the additional \$40k of expenditure in contract payments.

Materials and consumables

YTD unfavourable variance of \$97k is due to;

- \$50k – Maintenance costs in Information Technology.
- \$25k – Natural Disaster costs unbudgeted with costs to be reimbursed at the end of the process.
- \$23k – Additional costs unbudgeted across Roads and Bridge maintenance and Parks and Gardens.

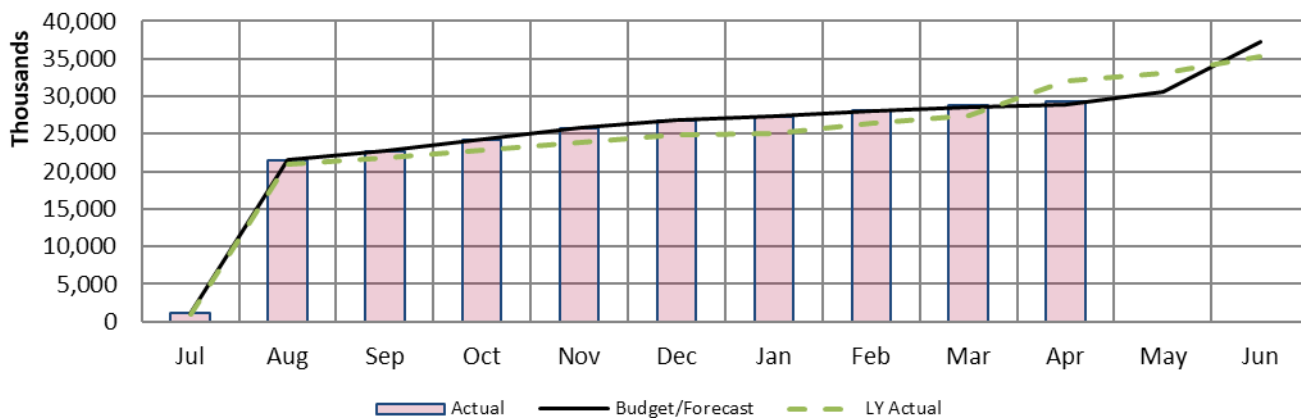
Other expenses

YTD unfavourable variance of \$148k is due to;

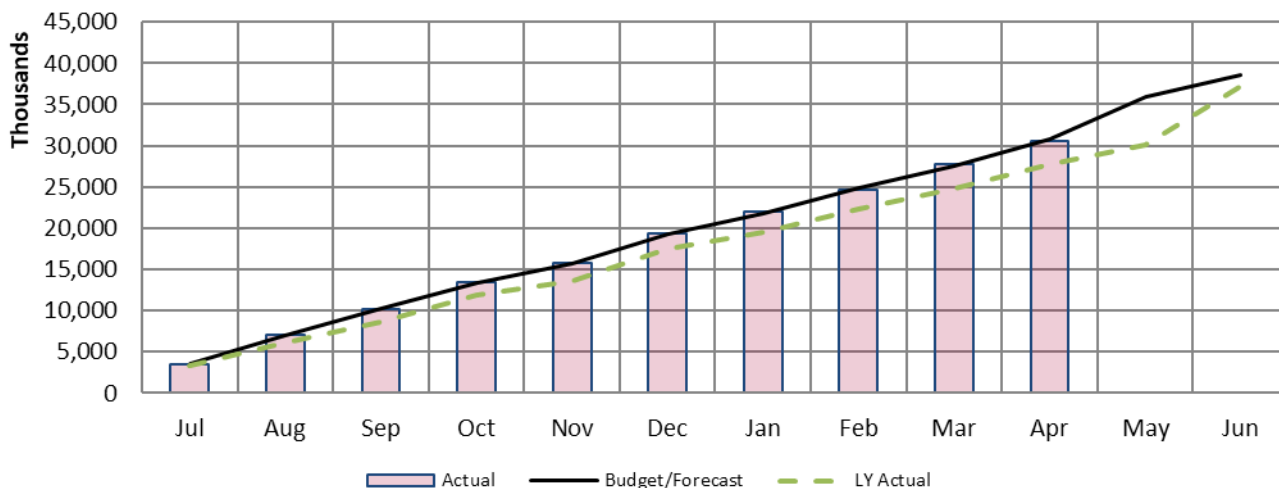
- \$68k – Internal and external plant hire which is mainly relates to \$80k of the January Natural Disaster works.
- \$45k – Planning costs not budgeted for (note that the overall planning position – including this unfavourable result in “other expenses” is \$151k favourable).
- \$20k – People and Culture service area additional costs relating to recruitment and advertising.
- \$14k – Plant and fleet repairs and maintenance.

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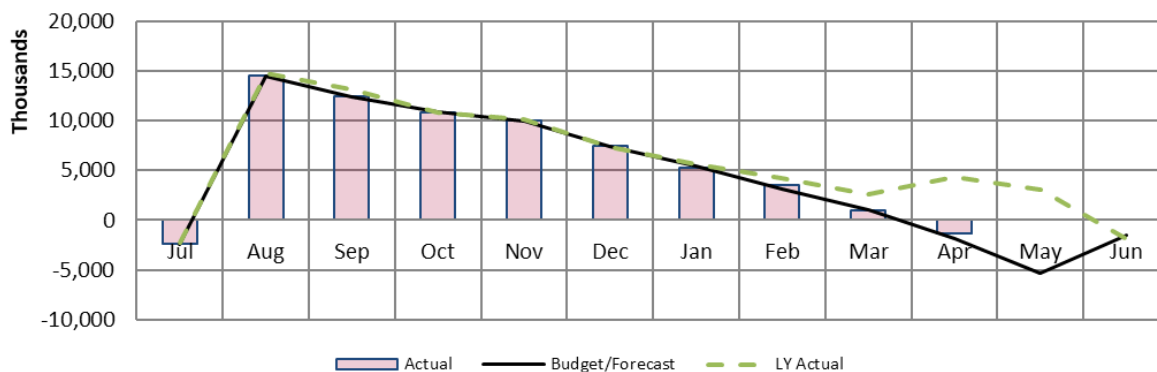
Income (YTD)



Expense (YTD)



Net Position (YTD)



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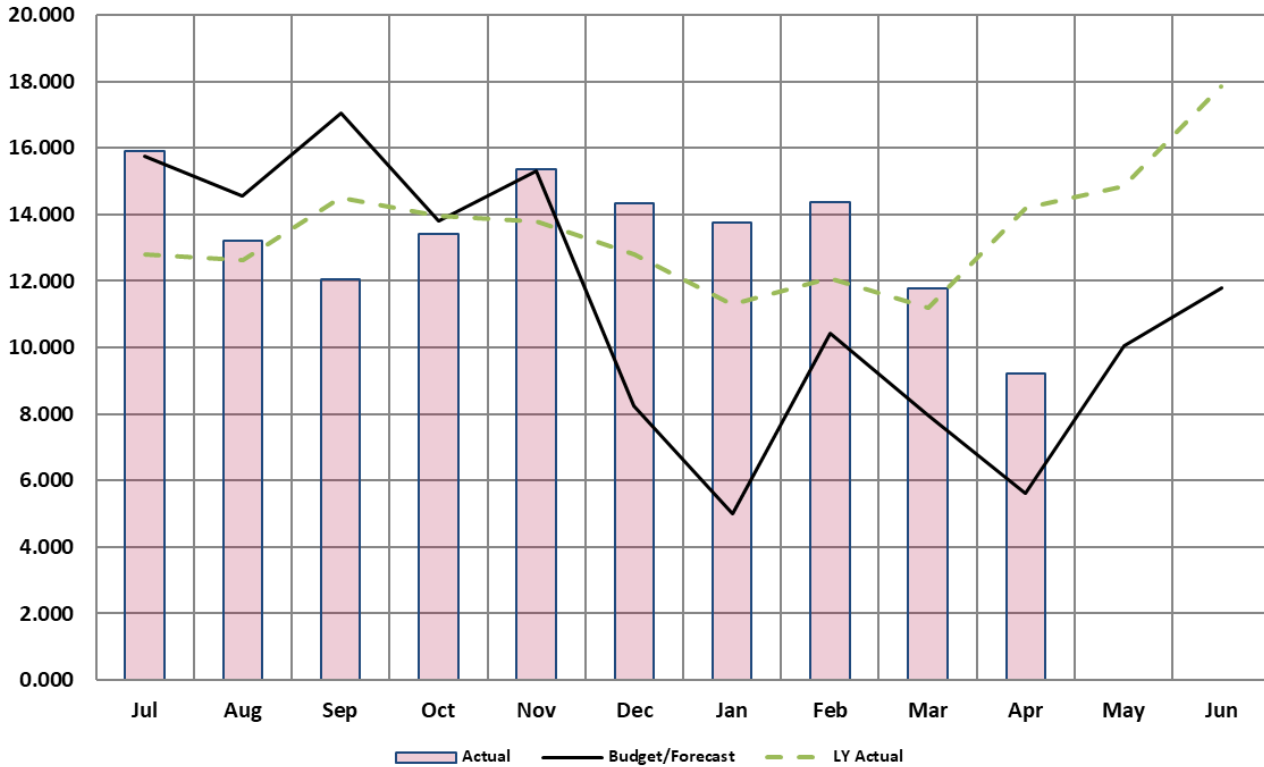
CASH

Council's Cash position at the end of April 2023 was \$9.2 million. This is lower than the same period last year (\$14,192 million) due to the progress of the capital works program

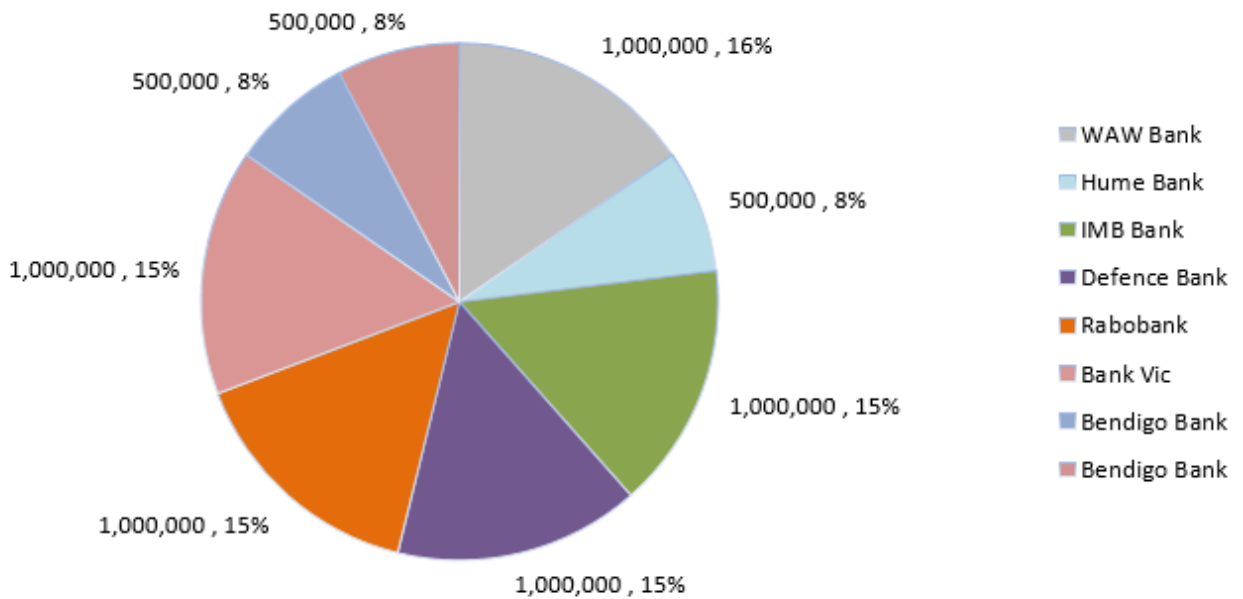
<u>Indigo Shire Council - Cash & Investment Report as at 30th April 2023</u>				
Bank	Term	Rate %	Due Rollover	Amount
WAW	153	3.75	7/09/2023	1,000,000
Hume Bank	89	1.80	5/05/2023	500,000
IMB Bank	123	3.95	6/06/2023	1,000,000
Defence Bank	90	3.00	26/05/2023	1,000,000
Rabobank Bank	153	3.70	31/08/2023	1,000,000
Bank Vic	180	4.45	9/10/2023	1,000,000
Bendigo Bank	152	4.15	10/07/2023	1,000,000
<u>Total of All Investments</u>				6,500,000
Indigo Shire Operating Account		3.00		2,700,546
WAW Credit Union S13		0.01		114
<u>Total Operating Cash Position</u>				<u>2,700,660</u>
<u>Total Cash Position</u>				<u>9,200,660</u>

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Cash (\$ Millions)



Investment Spread as at 30 April 2023



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BORROWINGS

Below is a summary of Council's borrowings. The table shows original loans borrowed, term of loans, rates and maturity with outstanding balances at the end of April 2023 of \$1,451,436

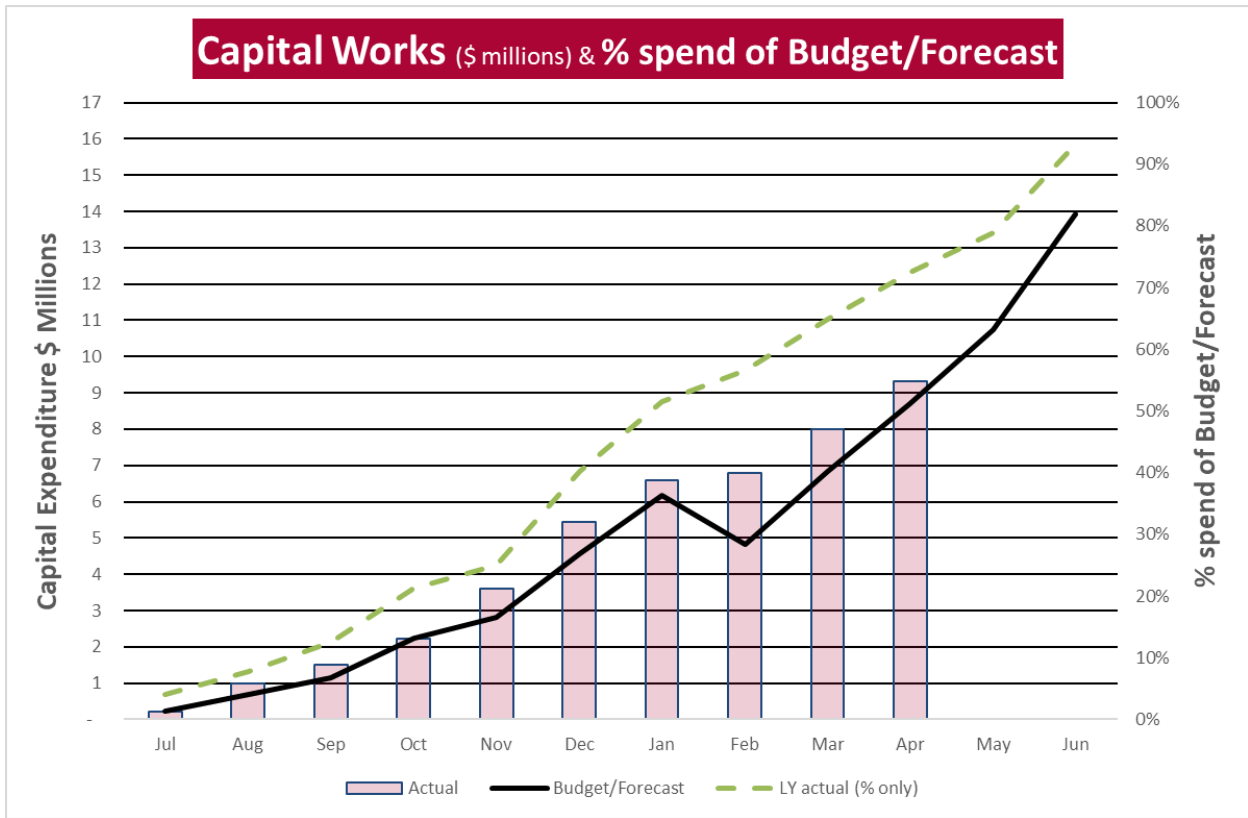
Indigo Shire Council - Borrowing Report as at 30 April 2023					
Bank	Term - Years	Rate %	Date of Maturity	Original loan amount	Balance owed
NAB	10	5.14	28/06/2023	1,000,000	21,252
WAW	10	5.25	28/06/2024	1,000,000	145,393
ANZ	10	3.78	29/04/2025	1,500,000	346,906
TCV	10	2.08	27/06/2032	1,000,000	937,885
Total of All Borrowings				4,500,000	1,451,436

CAPITAL WORKS

The combined YTD project expenditure as at the end of April, across both the Capital Works and Non ISC asset project areas totals \$10,479,977. This total is comprised of \$9,311,396 in capital projects and \$1,168,581 against Non ISC assets.

Capital works expenditure	2021/22			2022/23		
	<i>Qtr2 Forecast</i>	<i>YTD actuals</i>	<i>% Complete</i>	<i>Qtr2 Forecast</i>	<i>YTD actuals</i>	<i>% Complete</i>
Capital works total	11,721,159	9,493,402	81.0%	13,764,605	9,311,396	67.6%

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A more detailed commentary on capital works and non-Council expenditure is provided in the monthly capital report later in the Council meeting agenda.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.1 Our financial management is sound, responsible and effective.

N/A

SOCIAL/COMMUNITY IMPLICATIONS

This report provides details of Council's performance across a range of services, works and programs that support and enhance the wellbeing of residents and visitors to Indigo Shire.

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ENVIRONMENTAL IMPLICATIONS

In May 2017 Council adopted the following resolution.

That Council:

1. *divests its investments (when they become due) to financial institutions that do not invest in the fossil fuel industry;*
2. *divests future long-term borrowings when they fall due, to financial institutions that do not invest in the fossil fuel industry;*
3. *notes that Council will retain the current (non-divested) transactional banking provider at this time, however Council will advise this bank the intention to move to a divested provider in the future if they continue to support the fossil fuel industry; and*
4. *writes to Council's current banking providers to advise them of Council's stance on fossil-free financial institutions*

In accordance with this resolution:

- All investments are held with financial institutions that have divested their interests away from fossil fuel companies.

Transactional banking has not been reassessed since the resolution and remains with a non-divested bank.

FINANCIAL IMPLICATIONS

Addressed throughout the report.

LEGISLATIVE IMPLICATIONS

The Local Government Act requires Council to report financial information quarterly. Indigo Shire Council report financials on a monthly basis, as well as a more comprehensive Report at completion of each quarter.

All financial reporting is compliant with the Australian Accounting Standards and audited annually by the Victorian Auditor General Office.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Poor performance against budget/forecast	Possible	Moderate	Medium	Regular monitoring and reporting of financial position

The current pandemic does provide uncertainty therefore regular reporting and monitoring is critical in identifying any impacts.

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COMMUNITY ENGAGEMENT

Engagement undertaken

Nil

Engagement outcomes

Nil

Engagement proposed

Nil

CONCLUSION

In summary, at the end of April the bottom line financial position is favourable to the Quarter 2 forecast. With only three months to the end of the financial year it is expected that this favourability will continue, however a lower surplus is expected in coming months as Council completes this year's projects, and finalises 2022/23 action plans.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Greg Pinkerton – Director Planning and Corporate Services
- Sharon Phillips – Acting Manager Finance

Attachments

1.   April Service Plan Statement

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11.2 DRAFT COUNCIL PLAN 2021-2025 (YEAR 3)

File No: 2023/283

Melinda Collis - Executive Manager Customer Experience & Engagement Executive Management

For Decision

RECOMMENDATION

That Council:

1. Endorses the updated Draft Council Plan 2021-2025 (Year 3), noting adjustments to the phasing and rewording of some actions; and
2. Places it on public exhibition for 21 days from 17 May 2023 and invites submissions.

PURPOSE OF REPORT

To consider the amended Council Plan 2021-2025, and revised actions therein.

BACKGROUND

The Council Plan 2021-2025 was adopted by Council on 29 June, 2021.

It is a requirement of the *Local Government Act 2020* that a Council must prepare and adopt a Council Plan for a period of at least four financial years after a general election in accordance with its deliberative engagement practices.

The Council Plan sets out the key priorities for Council to focus on over its term and guides decision making and prioritisation through the annual budget. The plan is reviewed annually to help inform capital works planning, service planning as well as budget and resource allocations.

The plan was developed in consultation with the community as well as the following:

- Current priorities identified by Councillors.
- Previous Council priorities and decisions, including adopted plans and strategies.
- Council's 10-Year Financial Plan.
- Opportunities and challenges and other influences.
- State and Federal Government Legislation.

DISCUSSION

The proposed changes to the Council Plan are detailed in the table below. There have also been updates to the Mayor and CEO Message (added current Mayor's photo and signature), the organisation chart, and Councillor photographs.

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Page No.	Action item	Proposed change
17	1.1.2 Review way-finding signage, street lighting, seating, shade and pedestrian crossings across the Shire to encourage outdoor gatherings in town centres	Phasing – project to commence 24/25
17	1.1.11 Develop a Master Plan for the Allans Flat Recreation Reserve Precinct	Phasing – project to continue in 23/24
17	1.1.12 Determine the future development of the Beechworth Pool and advocate for funding	Phasing – project to continue in 23/24
17	1.1.13 Review town and Shire entry signage and develop an appropriate Upgrade Action Plan	Phasing – project to commence 24/25
19	1.5.3 Support the development of a signature arts event and spaces	Phasing – project to commence 23/24 Action reworded - Support a variety of creative arts and culture events across the Shire
23	2.3.5 Develop a Public Toilets Improvement Strategy	Phasing – project to continue in 23/24
27	3.1.3 Implement the Better Approvals system to make it easier for businesses to obtain planning and building permits	Phasing – project to continue in 23/24 Action reworded - Improve accessibility to planning and building permit applications for all applicants, including principles from the Better Approvals project.
30	4.1.3 Develop a Tree Canopy Strategy	Phasing – project to continue in 23/24
31	4.4.4 Consider the development of a Dark Skies Policy	Phasing – project to continue 23/24 Action reworded - Include dark skies into planning policy and consider the role of dark skies in the new Tourism Strategy.

Community feedback captured as part of the pre-budget survey was also taken into consideration. There was strong alignment with actions already included in the Council Plan and Municipal Public Health and Wellbeing Plan and therefore no changes have been made to the document based on the feedback received.

Options

1. Endorse the updated Council Plan 2021-2025 (Year 3) with the proposed amendments. (recommended)
2. Reject the proposed changes and propose further amendments.
3. Reject the proposed changes and endorse the Council Plan 2021-2025 with no changes.

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STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.
Strategic Action	5.5.1 Develop and deliver an ongoing internal Integrity Program to ensure both staff and Councillors are aware of and carrying out their responsibilities with the highest levels of governance

SOCIAL/COMMUNITY IMPLICATIONS

The Council Plan reflects what the community expressed to Council it wants for Indigo Shire, both in the long term and immediate future. In developing the plan, community input and involvement was strongly encouraged. Through drop-in sessions, online feedback, submissions and surveys, Council received constructive and well considered feedback from almost 250 individuals and organisations which was used to shape the document.

Overwhelmingly, the community expressed the importance of a Shire united by a desire for sustainable living, care for the environment, action to address climate change along with progress, prosperity and community pride, but also for the Shire's towns and villages to be recognised for their individual character and charm and unique sense of identity.

ENVIRONMENTAL IMPLICATIONS

The Council Plan has a strong focus on addressing climate change. Theme 4 Environment, has a number of strategic objectives and actions that reinforce Council's commitment to ensuring that it considers mitigation and planning for climate change risks in any decisions that affect the economic, social and environmental sustainability of the Shire.

FINANCIAL IMPLICATIONS

The Council Plan is a central part of Council's integrated planning framework and the items in the action plan are identified for priority funding in each budget cycle. Year three actions in this plan have been included in the draft 2023/24 budget. Actions that are shown in future years in this plan will be considered in subsequent budget cycles.

LEGISLATIVE IMPLICATIONS

Council Plan

Under section 90 of the *Local Government Act 2020*:

1. *A Council must prepare and adopt a Council Plan for a period of at least the next 4 financial years after a general election in accordance with its deliberative engagement practices.*
2. *A Council Plan must include the following:*
 - a. *the strategic direction of the Council;*
 - b. *strategic objectives for achieving the strategic direction;*
 - c. *strategies for achieving the objectives for a period of at least the next 4 financial years;*
 - d. *strategic indicators for monitoring the achievement of the objectives;*
 - e. *a description of the Council's initiatives and priorities for services, infrastructure and amenity;*

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- f. any other matters prescribed by the regulations.
3. A Council must develop or review the Council Plan in accordance with its deliberative engagement practices and adopt the Council Plan by 31 October in the year following a general election. Authorised by the Chief Parliamentary Counsel
 4. The Council Plan adopted under subsection (3) has effect from 1 July in the year following a general election.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
The Council Plan does not reflect the requirements of the Local Government Act	Unlikely	Minor	Low	The plan has been guided by the requirements of the Act

COMMUNITY ENGAGEMENT

Engagement undertaken

Extensive community and stakeholder engagement were undertaken in 2021 to help inform the Council Plan 2021-2025.

Engagement proposed

It is proposed that following endorsement by Council, the updated Council Plan will be placed on public exhibition for 14 days from 17 May 2023 and submissions invited.

CONCLUSION

The Council Plan reflects both Council and community aspirations and now guides the work Council does over its four-year term. Community feedback has been vital to ensure alignment between the services Council provides for residents and community aspirations.

The proposed changes further strengthen what the community has expressed it wants for the ongoing sustainability of the shire.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Trevor Ierino – Chief Executive Officer
- Melinda Collis – Executive Manager Customer Experience and Engagement

Attachments

Due to the size of this attachment, it has been provided separately on Council's website

1. [Draft Council Plan 2021-2025 \(Year 3\)](#)

Attachments

Nil

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11.3 2023/24 DRAFT BUDGET

File No: 2023/263

Sharon Phillips - Acting Manager Finance

Planning & Corporate Services

For Decision

RECOMMENDATION

That Council;

1. endorses the attached documents for public exhibition:
 - a. 2023/24 draft Budget for the purposes of Section 94 of the Local Government Act 2020; and
 - b. 2023/24 draft Ten Year Financial Plan; and
 - c. 2023/24 draft Revenue and Rating Plan; and
 - d. 2023/24 draft Operating Income and Expense by Service; and
2. authorises the Chief Executive Officer to give public notice of the preparation of the draft budget, in accordance with Section 96(2) of the Local Government Act 2020; and
3. places the endorsed documents on public exhibition for a period of 21 days from 17 May 2023 to 6 June, 2023; and
4. invites any person wishing to provide feedback on the exhibited documents to do so prior to 5pm, 6 June 2023; and
5. considers a recommendation to adopt the 2023/24 Budget at the June Ordinary Meeting of Council on 27 June 2023.

PURPOSE OF REPORT

The purpose of this report is to present the attached draft 2023/24 budget documents and seek Council's endorsement to proceed to community consultation.

BACKGROUND

The 2023/24 draft budget (and supporting documents) is the result of significant work by Councillors and staff that began in late 2022. This then informed a number of workshops and briefing meetings that have culminated in the attached draft budget.

This 2023/24 draft budget, has been impacted by the significant increase in inflation (7.8% PA as at the December 2022 quarter) compared to the rate cap of 3.5% (announced by the Minister for Local Government in December 2022). This gap between income and expense has resulted in the budget being significantly tightened.

This budget does ensure that Council can continue to deliver the range and quality of services that the community expects, from road construction, maternal and child health services, libraries, town planning, actions to protect and enhance our environment, providing leisure facilities, waste services and much more. It also details the funding that is required to deliver these services and maintain important assets and infrastructure.

COUNCIL MEETING AGENDA - 16 MAY 2023

DISCUSSION

The budget build commenced in late 2022 with management reviewing the budget principles for the upcoming budget that included a number of key financial objectives, including:

- No rate cap variation
- Cash to align with long term financial plan expectations.
- New borrowings only considered for long-term infrastructure
- Low / Medium risk (as measured by the Victorian Auditor General's Office indicators)
- Maintain a level of own sourced expenditure on roads
- Capital renewal expenditure aligned with Council's renewal needs
- Total capital expenditure greater than total depreciation
- Capital expenditure & income based on current 10-year Capital works program
- Capital net cost to Council to be stable
- No additional 'contingency' included in the capital budget

Over the course of the last five months Council has built the attached draft budget based on the financial principles shown above. The draft budget has the following highlights:

- Council's capital works program totals \$20M and includes \$8M in carry forwards to complete projects already approved in previous years' budgets as well as \$11M of new projects. Of this, \$4.6M for the Rutherglen Wine Walk Cycle Trail is fully grant funded.
- \$1.8M to upgrade rural roads
- \$1.4M for a new bridge on Indigo Creek Road
- \$700K to improve urban and rural drains
- \$350K to upgrade the female change rooms at Barkly Park (subject to state government grant of \$1M)
- \$170K to progress the Kiewa River Community park improvements
- \$100K for accessibility improvements to the public toilets behind the Beechworth Visitor Information Centre
- \$300K towards construction of pump tracks at Tangambalanga and Wahgunyah (State also contributing \$300K)
- Council maintains its low-medium risk, as assessed by the Victorian Auditor General's standardised measures.
- No rate cap variation. Council rates will be increased in line with the Minister's rate cap of 3.5%.

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Attached to this report are the following documents;

- 2023/24 draft Budget.
 - This is the main budget document that contains the key information.
- 2023/24 draft Ten Year Financial Plan.
 - A document that sets out Council's long-term financial strategy.
- 2023/24 draft Revenue and Rating Plan.
 - Containing important information about how Council raised revenue and rates.
- 2023/24 draft Operating Income and Expense by Service.
 - Income and expense details of each service area in Council.

The first three of these documents are required from all Victorian Councils as part of the budget process. Together they cover the full budget position of Council, with associated policy and strategy statements.

The main budget document is created from the Victorian model budget, as published by the State Government. Whilst some additional information is added by Indigo Shire Council to improve project information, the core of the document is very close to that of the Victorian model. This is to assist with consistency between councils and ease of comparison between organisations and between years.

The final document is information that Indigo Shire Council chooses to voluntarily publish to aid transparency and understanding of the budget detail.

Waste management charges

Indigo Shire does not seek to make a surplus from the waste services. In any one year the financial result will vary depending on the number of services, contact cost (linked to CPI) and the cost of landfill rehabilitation calculations. Therefore, it is possible that any one year may result in a surplus or a deficit position.

Council monitors this over several years to ensure an appropriate long-term position is maintained. Over the past 14 years Council has a cumulative deficit in waste management of approximately \$1 million. The proposed 2023/24 budget predicts a deficit of \$54.6k.

Indigo Shire Council believes that the waste management charges have been legally raised, and that all of these funds have been appropriately used to deliver waste management services to the community.

Options

As part of the draft budget build a number of different options have been considered by management, as well as through a series of budget workshops with Councillors. The draft budget is now ready to be presented to the community to gain feedback before Council considers final adoption of the 2023/24 budget at the June meeting.

COUNCIL MEETING AGENDA - 16 MAY 2023

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.1 Our financial management is sound, responsible and effective.

SOCIAL/COMMUNITY IMPLICATIONS

The annual budget provides funding for a wide range of programs and services that provide significant social and community benefits throughout Indigo Shire.

ENVIRONMENTAL IMPLICATIONS

The annual budget provides funding for several of Council's environmental programs and services.

FINANCIAL IMPLICATIONS

The adoption of Council's draft Budget is one of the most fundamental financial decision that the Council must make on an annual basis. It sets in place the framework by which officers can implement Council's strategic direction contained within the Council Plan, with Council having allocated appropriate resources.

In summary, the attached budget document details;

- Total income of \$42.577 million.
- Rates increasing by the 3.50% cap to a total rates and charges of \$19.603 million.
- Total expenses of \$38.194 million.
- Total capital works of \$20M including \$8M in carry forwards to complete projects already approved in previous years' budgets as well as \$11M of new projects.
- Total borrowings at the end of 2023/24 of \$0.985 million (down from \$1.368 million at the end of 2022/23).

LEGISLATIVE IMPLICATIONS

The preparation of Council's budget is guided by a strict and prescriptive set of rules including the *Local Government Act (2020)* and associated Finance and Reporting Regulations. This act ensures that Council's draft budget is provided to the community for a period of time and allows members of the community to make representations to Council on any particular area.

Local Government Act 2020. Requires for a *Revenue and Rating Plan* takes key information form the budget and presents it alongside the policy information from Council's Rating Strategy.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Failure to meet legislative requirements of budget preparation	Unlikely	Minor	Low	The budget is prepared using a set process that complies with the Local Government Act requirements. Council use the standard budget

COUNCIL MEETING AGENDA - 16 MAY 2023

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
The adopted budget does not anticipate and provide for future demands.	Unlikely	Minor	Low	An extensive process has been used to develop this budget. Council also maintains ample cash reserves for unanticipated expenditure.
Failure to achieve budget throughout the year, or at the end of the year	Possible	Minor	Low	Monthly monitoring of all service budgets. Cash reserve.

Active management of Council's financial performance will include;

- Daily management of receivables and payables.
- Weekly oversight of cash and investments.
- Monthly management oversight at cost centre and account level.
- Reporting to Council's Finance Committee.
- Monthly reporting to Council's Ordinary Meeting.
- Quarterly reporting to Council's Audit Committee.
- Quarterly exception reporting to Council.
- Mid-year budget review and forecasting for 2nd half of the year.
- Annual close process and audit by VAGO.

The attached budget has been built to balance the needs of the community with the need to reduce operating costs. This has been achieved whilst keeping Council in the low risk category for financial sustainability.

Council have undertaken a 10-year financial plan which will inform and guide Council in addressing financial sustainability in the medium and long-term.

COMMUNITY ENGAGEMENT

Engagement undertaken

An online survey seeking community input into the development of Council's 2023/24 draft budget opened on 25 September 2022 and closed on 16 December 2022.

Respondents were asked a series of questions relating to what, where and how they would like Council to prioritise spending over the next 12 months.

The survey also included a number of open-ended questions, providing respondents with the opportunity to provide more detail.

COUNCIL MEETING AGENDA - 16 MAY 2023

The survey questions reflected those asked in preparation of the 2022/23 budget, with the addition of a question around Council's advocacy action plan.

Survey promotion & engagement



82

days survey open



11

Editions promoting survey



315

surveys completed



22,727

Reach from 4 paid Facebook ads

Promotion and advertising

- Engaged Indigo x 3
- Community forums – posters on tables at Rutherglen/Wahgunyah, Chiltern/Barnawartha and Yackandandah
- Facebook – organic posts
- Website – Have your say page and banner on home page
- Yackity Yak – November/December editions
- Kiewa River Gazette– October and November edition
- Posters – displayed in Customer Service Centres and Libraries
- Advisory Committee meetings
- Tourism and Economic Development eDMs



Engagement outcomes

Council received 315 survey responses.

The feedback was collated into themes and a report presented to Councillors and budget managers for review and consideration into the development of the 2023/24 draft budget.

Engagement proposed

The draft budget documents will be placed on public exhibition from Wednesday 17 May until close of business on Tuesday 6 June (21 days). Promotion will be via Council's website www.indigoshire.vic.gov.au, Facebook, a media release, newspaper advertising, and displayed at Customer Services Centres.

Any person wishing to give feedback on the draft budget can do so online (links will be provided) or can address an email or letter to the CEO. Feedback must be received by 5 pm on Tuesday 6 June.

Budget feedback will be provided to Councillors for their information and the overall feedback will be summarised in the June Council report.

The budget includes a separate *10Year Financial Plan, Revenue and Rating Plan, and Income and Expense by Service* to provide additional transparency of the budget to the community.

COUNCIL MEETING AGENDA - 16 MAY 2023

CONCLUSION

This report details and explains the process by which the 2023/24 draft Budget and accompanying 10-year Financial Plan projections are prepared and advertised in accordance with the provision of the Local Government Act. Council is asked to consider the attached documents with a recommendation that the draft Budget be adopted for the purpose of public comment.

This budget document sets a clear path for the achievement of Council's objectives in the 2023/24 financial year.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Greg Pinkerton - Director Planning and Corporate Services
- Ian Ellett – Director Infrastructure Services
- Sharon Phillips - Acting Manager Finance
- Nathan Mullane– Manager Capital Projects and Waste
- Adam Kimball – Manager Assets and Property

Attachments

Due to the size of these attachments, they have been provided separately on Council's website

1. [2023-24 – Draft Budget](#)
2. [2023-24 – Draft Operating Income and Expense – All Service Plan](#)
3. [2023-34 – Draft Revenue and Rating Plan](#)
4. [2023-2032 – Draft Ten Year Financial Plan](#)

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11.4 PLANNING PERMIT APPLICATION PP22-0211 - 454 SANDY CREEK ROAD, SANDY CREEK

File No: 2023/234

James Turner - Manager Planning & Statutory Services Planning & Corporate Services

For Decision

RECOMMENDATION

That Council, having caused notice of Planning Application PP22-0211 to be given under Section 52 of the *Planning and Environment Act 1987*, and having considered all matters under Section 60 of the *Planning and Environment Act 1987*, determines to issue a Notice of Decision to Refuse to Grant a Planning Permit for Application PP22-0211, for the use and development of a dwelling on Crown Allotment A4 Section 6 Parish of Tangambalanga, for the following reasons:

1. The proposal is inconsistent with the Planning Policy Framework in relation to agricultural land and rural development, specifically Clauses 11.01-1S, 14.01-1S, 14.01-1L-03, 14.01-2S and 16.01-3S, which aim to manage development in rural areas to protect and enhance agriculture and avoid inappropriate rural residential development. The scale of agricultural activity proposed can be reasonably managed without the presence of an on-site dwelling, with the proposed dwelling creating the potential for land use conflict to existing agricultural activities and affecting the operation or expansion of other agricultural activities.
2. The proposal is inconsistent with the Municipal Planning Strategy in relation to agricultural land, specifically Clause 02.03-4, which seeks to avoid fragmentation of productive agricultural land and discourage rural dwellings for hobby farming and rural residential purposes in the Farming Zone.
3. The proposal is inconsistent with the purpose and decision guidelines of the Farming Zone, which seeks to encourage the retention of productive agricultural land and to ensure that non-agricultural uses do not adversely affect the use of land for agriculture. The scale of agricultural activity proposed does not reasonably require a dwelling and the proposal could lead to the concentration and proliferation of dwellings and impacts on existing agricultural activities, contrary to the decision guidelines of the zone.

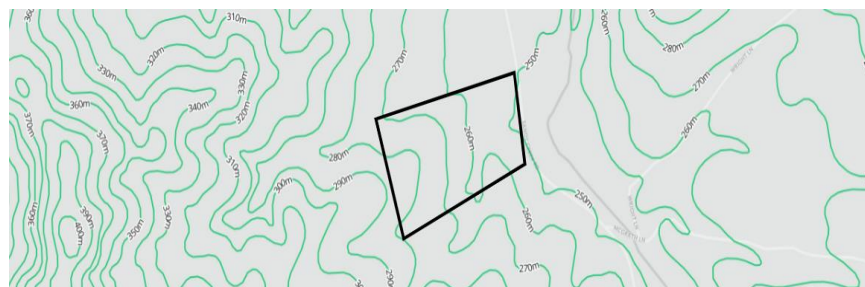
SUMMARY

Application No:	PP22-0211
Subject Land:	454 Sandy Creek Road, Sandy Creek Crown Allotment A4, Section 6 Parish of Tangambalanga
Proposal:	Use and development of a dwelling
Recommendation:	Refusal in accordance with the Recommendation above.

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BACKGROUND

Date application lodged:	26 July 2022
Purpose:	Use and development of land for a dwelling
Subject site land area:	9.205ha
Current use of subject site:	Vacant
Site constraints:	The site has 2 waterways, running along the northern and southern boundaries respectively. The land slopes up from Sandy Creek Road (approx. 250m AHD) to approximately 285m AHD at the rear of the site (refer contour map below):



Surrounding land use:	The surrounding area comprises a combination of agricultural activities and dwellings used both to support agricultural activities and for rural lifestyle purposes.
Zoning of surrounding land:	Farming Zone, Public Conservation and Resource Zone applying to Sandy Creek on the eastern side of Sandy Creek Road

PROPOSAL

This application seeks approval for the use and development of the subject land at 454 Sandy Creek Road, Sandy Creek, for the purpose of a dwelling. The application material states that the proposed dwelling is proposed to be constructed to support the establishment and ongoing operation of a finger lime farm across approximately 2ha of the site.

The dwelling would comprise the following features:

- 1 x bedroom with ensuite and WIR, 3 x bedrooms with BIR, open family/dining area with adjoining kitchen and walk in pantry, separate 'theatre' room, bathroom with bath, shower and adjoining WC and adjoining laundry.
- Single storey-built form, setback:
 - 106m from the northern boundary; and
 - 31m from the western boundary (22m for outbuilding);
- Maximum height of 4.4m above ground level.

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An outbuilding associated with the dwelling is also proposed, with an area of 240m² (20m x 12m). The outbuilding is proposed to comprise car parking, storage and home office facilities. Copies of the proposed plans are provided below:



Figure 1: Proposed site plan. Source: Application documents

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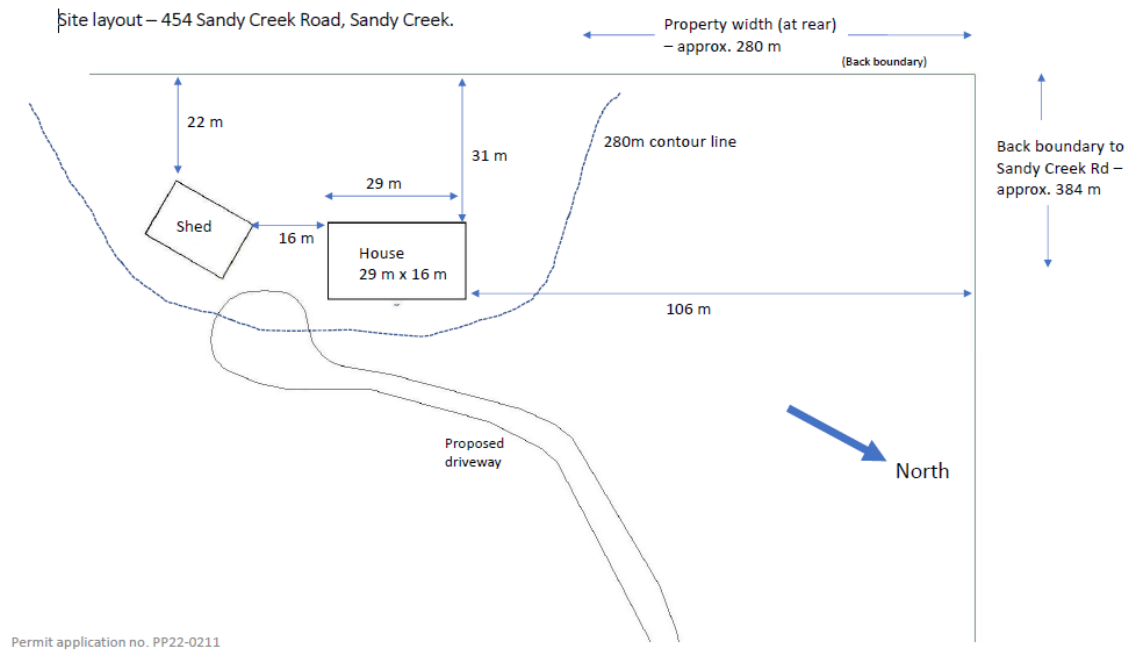


Figure 2: Proposed partial site plan. Source: Application documents

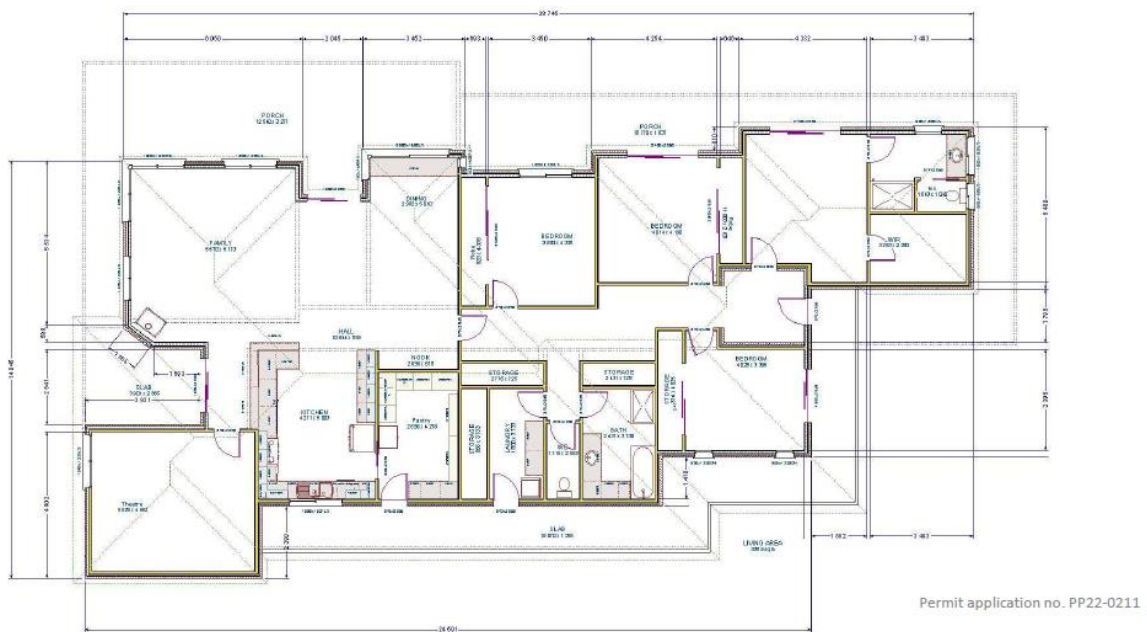


Figure 3: Proposed dwelling floor plan. Source: Application documents

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Elevation NE – 454 Sandy Creek Road, Sandy Creek.



Elevation SW



Permit application no. PP22-0211

Figure 4: Proposed dwelling elevations. Source: Application documents

ZONING AND PLANNING CONTROLS

Zoning: Clause 35.07 – Farming Zone

Overlay/s: Nil

PERMIT TRIGGER:

- Clause 35.07-1 – A permit is required to use land for a dwelling, as the Section 1 condition is not met (land less than 40ha in area).
- Clause 35.07-4 – A permit is required to:
 - Construct a building or construct or carry out works associated with a use in Section 2 of Clause 35.07-1; and
 - Construct a building within 100 metres of a waterway, wetland or designated flood plain.

Planning and Environment Act 1987 - SECT 60

Section 60 of the Act provides that before deciding on an application, the responsible authority must consider:

- (a) the relevant planning scheme; and
- (b) the objectives of planning in Victoria (which include at Section 4(1)(b) to provide for the protection of natural and man-made resources...); and
- (c) all objections and other submissions which it has received and which have not been withdrawn; and
- (d) any decision and comments of a referral authority which it has received; and

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- (e) any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.

Section (1A) of the Act provides that the responsible authority, if the circumstances appear to so require, may consider:

- (a) any significant social and economic effects of the use or development for which the application is made; and...
- (j) any other relevant matter.

MUNICIPAL PLANNING STRATEGY AND PLANNING POLICY FRAMEWORK

The Planning Policy Framework seeks to ensure that the objectives of planning in Victoria are met and encouraged through land use and development. As a result of Planning Scheme Amendment c78indi (gazetted 9 March 2023), the Planning Policy Framework captures all relevant policy at a Local (L) level, Regional (R) level and State (S) level.

The following policies and clauses are deemed to be relevant to this proposal and have been taken into account in the assessment of this application:

- Clause 02.03-4 – Natural resource management
- Clause 02.03-6 – Housing
- Clause 11.01-1S – Settlement
- Clause 11.01-1R – Settlement – Hume
- Clause 13.02-1S – Bushfire planning
- Clause 14.01-1S – Protection of agricultural land
- Clause 14.01-1L-03 – Land use in the Rural Zones
- Clause 14.01-2S – Sustainable agricultural land use
- Clause 15.01-6S – Design for rural areas
- Clause 16.01-3S – Rural residential development
- Clause 16.01-3L-01 – Rural building siting and design

PARTICULAR PROVISIONS

No relevant Particular Provisions are identified in relation to this application.

GENERAL PROVISIONS

65 Decision Guidelines

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

65.01 Approval of an application or plan

Before deciding on an application or approval of a plan, the responsible authority must consider:

- The matters set out in Section 60 of the Act.
- The Municipal Planning Strategy and Planning Policy Framework
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.

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REFERRAL AUTHORITIES

Pursuant to Section 55 of the *Planning and Environment Act 1987* and Clause 66 of the Indigo Planning Scheme, the application was required to be referred to the following authorities:

- Goulburn Murray Water – Clause 66.02-5

At the time of preparing the report no response had been received from GMW. The absence of a formal comments is considered acceptable given the report is recommending refusal.

Additionally, advice was sought from the following agencies in accordance with Section 52 of the *Planning and Environment Act 1987*:

- Agriculture Victoria

Agriculture Victoria relevantly note that:

- *A land use for horticulture requires regular supervision and management of the trees but this can be achieved without the need for a dwelling on the site.*
- *The location of the proposed dwelling places the dwelling at the furthest point from the property access point maximising land lost to agricultural production.*
- *The proposed agricultural use of the land (orchard) represents a relatively small footprint, being limited to 2 hectares of the 9-hectare site.*
- *The provided plans do not appear to effectively establish a domestic building envelope to minimise the domestic use impact on the land and, ensure maximising and maintaining the use of the land for agriculture.*
- *Without the establishment of a domestic building envelope there is a risk of further loss to available productive land over time. The area set aside for the domestic envelope, including the dwelling, should include any domestic outbuildings, yards, pool, garden, primary and secondary wastewater envelopes etc. and accessway.*
- *A fenced and revegetated 30 metre buffer along all waterways should be specified on the site plans within the Farm Management Plan.*
- *The approval of a dwelling would have the potential to set a precedent for further dwellings in the surrounding area given the pattern of small lots without dwellings which appear to be currently used for broad scale agriculture, and lead to a proliferation of dwellings in the Farming Zone.*
- *The approval of a dwelling on the currently vacant land would permanently remove the ability of the land to be incorporated into surrounding agricultural enterprises and has the potential to limit the operation and expansion of adjoining and nearby agricultural uses.*

The response also refers to a number of VCAT decisions, which are considered further in this report.

Agriculture Victoria concludes by stating:

Agriculture Victoria considers that the proposed use and development of a dwelling for rural residential purposes on the land does not meet the strategic objectives of the Indigo Planning Scheme, with particular reference to Clause 14.01-1S Protection of agricultural land and Clause 22.01-6 Rural Land Use Policy.

The refusal of the application would appear supported by the VCAT cases cited above

See Attachment.... for a full copy of responses.

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PUBLIC NOTICE

Notice of the application was given to adjoining owners and occupiers and other relevant persons in accordance with Section 52 (1) of the Planning and Environment Act 1987.

No objections were received in relation to the application.

PLANNING ASSESSMENT

PLANNING POLICY

Clause 11.01-1S – Settlement

Objective:

- *To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*

Relevant Strategies:

- *Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.*
- *Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.*
- *Create and reinforce settlement boundaries.*
- *Limit urban sprawl and direct growth into existing settlements.*

Comment:

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

The proposal is considered to be contrary to the provisions of Clause 11 in that:

- The land is not zoned or serviced for residential use.
- It will create an expectation that other lots below 40ha will be able to be developed with dwellings for rural-residential purposes.
- While there is an agricultural use proposed, as discussed throughout this report, the scale of activity proposed is not considered to be of such a size/intensity that warrants a full-time residential dwelling to be established on the land. The subject site is approximately 12km by road to Tangambalanga, with insufficient justification provided as to why the agricultural activity could not be managed from residentially zoned land within the township.

Clause 14.01-1S – Protection of agricultural land

Objective:

- *To protect the state's agricultural base by preserving productive farmland.*

Relevant Strategies:

- *Identify areas of productive agricultural land, including land for primary production and intensive agriculture.*

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- *Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*
- *Protect productive farmland that is of strategic significance in the local or regional context.*
- *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*
- *Prevent inappropriately dispersed urban activities in rural areas.*
- *In considering a proposal to use, subdivide or develop agricultural land, consider the:*
 - *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
 - *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
 - *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
 - *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*
 - *Land capability.*
- *Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.*

Comment:

Agricultural production is one of the most significant industries in the Indigo Shire (Clause 02.03-4), and as such productive agricultural land should be protected. In considering a proposal to use or develop agricultural land, the following factors listed above must be considered:

- *The desirability and impacts of removing the land from primary production, given its agricultural productivity:* While the proposed use and development does not claim to remove the land from primary production, as highlighted by Agriculture Victoria, 'The approval of a dwelling on the currently vacant land would permanently remove the ability of the land to be incorporated into surrounding agricultural enterprises and has the potential to limit the operation and expansion of adjoining and nearby agricultural uses'. The proposal also has the potential to lead to the loss of the whole site from potential agricultural use, and create an expectation that other similar lots in the area (of which there are multiple) could be similarly developed with dwellings.
- *The compatibility between the proposed or likely development and the existing uses of the surrounding land:* A proliferation of non-agricultural land uses in this area would be incompatible with the existing agricultural land uses surrounding the subject land, and would limit the expansion of those same agricultural uses. The proposed dwelling is sited at the rear of the lot and in relatively close proximity to the western boundary with other agricultural activities occurring.
- *Assessment of the land capability:* A land capability assessment has been provided in relation to the treatment and retention of wastewater. It is noted that the proponents have prepared a farm management plan, however as highlighted by Agriculture Victoria;
 - *The proposed agricultural use of the land (orchard) represents a relatively small footprint, being limited to 2 hectares of the 9 hectare site; and*
 - *A land use for horticulture requires regular supervision and management of the trees but this can be achieved without the need for a dwelling on the site.*

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It is noted that the applicants' own assessment of the viability of the activity shows that it will take 3 years to make a gross profit of \$3,085.06 (based on a 1.85ha activity area), and after 7 years of the agricultural activity (that will only commence after the dwelling is constructed according to the application), the activity would be making a gross profit of \$40,836.90, assuming that all the inputs into this estimate prove correct (and not accounting for factors such as natural disasters, disease or the like).

Gross Margin Analysis (Years 3, 5 and 7)

Projection	Year 3	Year 5	Year 7
	\$/Ha	\$/Ha	\$/Ha
Gross Income	\$ 10,000.00	\$ 30,000.00	\$ 70,000.00
Variable Costs			
Machinery Operations (F.O.R.M)	\$ 105.00	\$ 105.00	\$ 205.00
Pruning Costs	\$ 1,200.00	\$ 3,200.00	\$ 4,000.00
Fertilisers	\$ 725.00	\$ 910.00	\$ 1,910.00
Herbicide	\$ 104.80	\$ 104.80	\$ 98.40
Insecticide	\$ 466.50	\$ 716.50	\$ 716.50
Fungicide	\$ 66.10	\$ 66.10	\$ 66.10
Irrigation	\$ 25.00	\$ 37.50	\$ 50.00
Harvest, packing and marketing	\$ 5,640.00	\$ 17,520.00	\$ 40,880.00
Total Variable Costs	\$ 8,332.40	\$ 22,659.90	\$ 47,926.00
Gross Income	\$ 10,000.00	\$ 30,000.00	\$ 70,000.00
Gross Margin	\$ 1,667.60	\$ 7,340.10	\$ 22,074.00

Note: it is assumed that by year 5 that an estimated 800 trees (or 1.85 Hectares) will be at different stages of production. The above gross margin analysis is based on 1 hectare.

Figure 5: Applicants' indicative margin analysis. Source: Application documents

In light of this, the land capability of the site is such that agriculture can be undertaken without the prospect of residential use being required.

Based on the above, the application is at odds with the objective and strategies of this clause.

Clause 14.01-1L-03 – Land Use in the Rural Zones

Objective:

- To ensure the use of land is in conjunction with agricultural production.
- To minimise conflict between land uses.
- To provide for the residential use of land only where associated with and required to support agriculture.
- To encourage consolidation of rural lots.

Relevant Strategies:

- Support the ongoing use of land for agriculture.
- Encourage sustainable agricultural industries which incorporate best management practice.

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- *Discourage the residential use of existing small lots.*

Comment:

As discussed above, while the proposal is put forward on the basis of an agricultural activity, it is considered that the scale of activity proposed does not ensure that the use and development of a dwelling is in conjunction with this activity or required to support agriculture. Policy seeks to discourage residential use of existing small lots and encourage consolidation of rural lots; of which this application does the opposite. Approval of a dwelling on this parcel will likely discourage rural consolidations and instead incentivise the disposal of small rural parcels from agricultural use into separate ownership and development.

Clause 14.01-2S – Sustainable Agricultural land use

Objective:

- *To encourage sustainable agricultural land use.*

Relevant Strategies:

- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*
- *Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.*

Comment:

The proposal is considered contrary to the objective and strategies of this clause. The proposal will permit a non-agricultural use of the land at the expense of its agricultural and environmental values. As noted above, the scale of activity can be reasonably managed without an on-site dwelling, and introduces additional effluent disposal into an open potable water catchment .

The issue of achieving the outcomes demonstrated in the state agricultural policies has been discussed countless times at the Tribunal. A particular case to mention is *Bourke-Finn v Ballarat CC & Anor [2013] VCAT 908*, where Member Potts states:

“State planning policy supports these outcomes by seeking to:

- *Prevent inappropriate dispersal of urban activity by limiting new housing and encouraging consolidation of small lots in rural zones.*
- *Protect productive farmland of state or local strategic significance by preventing loss through permanent land use changes.*
- *Address the impact of a non-agricultural development in farming areas that conflict with the productive use of such land.*
- *In short having regard to the first three of the above points, it can be seen that State policy seeks to avoid the use of agricultural/farming land from rural lifestyle living.”*

In the absence of information demonstrating that the proposed dwelling is genuinely required and will result in a long-term agricultural benefit, Council cannot reasonably support the application of a dwelling in an agricultural area. It is of particular concern that the activities proposed on the site are

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all to come after a dwelling has been constructed, where the scale of activity and land remediation works could reasonably occur prior to the commencement of a dwelling use on the site.

Clause 16.01-3S – Rural residential development

Objective:

- *To identify land suitable for rural residential development*

Relevant Strategies:

- *Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.*
- *Encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.*
- *Demonstrate need and identify locations for rural residential development through a housing and settlement strategy.*
- *Ensure planning for rural residential development avoids or significantly reduces adverse economic, social and environmental impacts by:*
 - *Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources.*
 - *Protecting existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity and habitat.*
 - *Minimising or avoiding property servicing costs carried by local and state governments.*
 - *Maintaining an adequate buffer distance between rural residential development and animal production.*
- *Ensure land is not zoned for rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.*
- *Discourage development of small lots in rural zones for residential use or other incompatible uses.*
- *Encourage consolidation of existing isolated small lots in rural zones.*
- *Ensure land is only zoned for rural residential development where it:*
 - *Is located close to existing towns and urban centres, but not in areas that will be required for fully serviced urban development.*
 - *Can be supplied with electricity, water and good quality road access.*

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Comment:

The proposal is considered contrary to the objective and strategies of this clause. The subject site and surrounding area are not zoned or serviced for rural residential use, being located outside of residential or rural living areas and in the heart of the Farming Zone. The proposal is for the development of a small lot in the Farming Zone for residential use, contrary to policy, and as discussed is not considered to provide a net agricultural benefit.

Clause 16.01-3L-01 – Rural building siting and design

Objective:

- *To ensure that buildings are compatible with the environment and agricultural land uses.*
- *To ensure that servicing infrastructure is provided.*
- *To protect the character and visual quality of rural landscapes.*
- *To minimise the visual impact of development on or near prominent hilltops, steep slopes, and ridgelines.*
- *To protect significant views from the public domain of hilltops, creek valleys and other important features of landscape interest.*

Relevant Strategies:

- *Support development that:*
 - *Demonstrates the capability and suitability of roads to safely accommodate traffic.*
 - *Demonstrates energy efficient orientation.*
 - *Is sheltered from strong winds.*
 - *Demonstrates a relationship to landscape and avoidance of visually prominent sites;*
 - *Addresses privacy and noise.*
 - *Protects vegetation cover.*
 - *Responds to the level of risk associated with environmental constraints of the site such as flooding and fire hazard.*

Comment:

The siting of the proposed dwelling is contrary to the objectives of this clause. The dwelling is sited at the rear of the site, approximately 30-35m higher (AHD height) than the front of the site, and approximately 200m west of existing structures on the land. The siting will result in the dwelling being visible in the landscape (despite being a single storey building) and increase the land removed from potential agricultural production on the site. This siting necessitates additional servicing by way of

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accessways and effluent disposal areas that could reasonably be sited with existing development on the land.

FARMING ZONE

The purpose of the Farming Zone, as stated at Clause 35.07 of the Scheme is:

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

The proposed dwelling requires a permit for both land use and development, as the subject land is less than 40ha in area.

Clause 35.07-6 of the Scheme requires consideration of the following matters:

General issues

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Any Regional Catchment Strategy and associated plan applying to the land.*
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *How the use or development relates to sustainable land management.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *How the use and development makes use of existing infrastructure and services.*

Agricultural issues and the impacts from non-agricultural uses

- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use.*

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- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *Any integrated land management plan prepared for the site.*

Accommodation issues

- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

Environmental issues

- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*
- *The impact of the use or development on the flora and fauna on the site and its surrounds.*
- *The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

Design and siting issues

- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*
- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*
- *Whether the use and development will require traffic management measures.*

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State and Local Planning Policy emphasises the need to protect agricultural land from loss due to permanent changes in land use, in large part by limiting the development of dwellings and non-agricultural uses in rural areas. This is encapsulated by the above decision guidelines of the Farming Zone and the elevated weight that agricultural factors carry in deciding on an application. The planning scheme is unequivocal in ensuring that productive agricultural land is protected from continued encroachment of non-agricultural uses. Ultimately, these practices around rural planning emphasise the fact that every new dwelling has the potential to undermine genuine agricultural activity.

It is noted that the applicant has made this application on the basis of a proposed agricultural activity. However, there are a number of identified issues with this. Firstly, as identified by Agriculture Victoria, an orchard of this scale can be reasonably managed off-site. Secondly, the proposed dwelling is to be constructed before any other improvements, which creates the potential for a rural-residential land use to occur without agricultural benefit. Thirdly, the proposal is for an orchard which is largely untested, with potential that the activity is unsuccessful and ultimately results in a dwelling in the Farming Zone supporting no agricultural activity. Finally, the proposal is of a scale that would not cover infrastructure costs for a significant timeframe, is unlikely to generate sufficient income to be reliable, and will take an extraordinary long time to generate sufficient income to cover the dwelling that is claimed to be required for the activity.

Notwithstanding the above, it must be noted and emphasised that the conducting of any form of agricultural activity does not, in and of itself justify the use and development of a dwelling – each application must be considered on its own merits and whether a dwelling is reasonably required in order to support and enhance agricultural production.

This view has been aptly summarised by the Victorian Civil and Administrative Tribunal (VCAT) in *Bailey v Moyne SC [2010] VCAT 771 (3 May 2010)*, where Member Bennett stated that:

*[5] Although it seems harsh to refuse a dwelling on this site, **it is unfortunately true that every new individual dwelling cumulative undermines the agricultural use of land. It may even seem unfair given the dwellings that already exist on lots less than the zone minimum. While some of these predate the current planning controls and policies**, in other cases it is also because Moyne Shire has taken a lenient approach to dwellings on small rural lots...*

*[7] ... **I accept that allowing a single dwelling on this 28ha lot will not, on its own, undermine the long term future of agricultural activities in this part of the Moyne Shire. However it is the cumulative impact of individual approvals that eventually undermines the very attributes that provide Moyne Shire with such a strong agricultural economy.***

[my emphasis]

It is considered that the application has the potential to lead to a concentration or proliferation of dwellings in the surrounding area. There are a number of lots below the minimum lot size (40ha) in the surrounding agricultural landscape, which are held and farmed as tenements rather than stand-alone holdings. The policy context of such applications requires close analysis to ensure that dwellings are genuinely related to agricultural production and are not proposed to achieve rural lifestyle or other non-agricultural outcomes.

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It is a well-accepted fact in rural land use planning that the value of land per acre increases when a dwelling can be or has been built on the land. It is noted from public records that the property was sold in May 2017 for \$90,000, which would appear to be a fair reflection of the lands' agricultural value at that time. The current owners subsequently purchased the land in May 2022 for \$430,000 (an increase of approximately 478% over 5 years). The increase in land value is not reflected in any improvements on the land and would appear to reflect an inflation in value purely based on an expectation that a dwelling may be able to be constructed on the site.

The information provided in the application, and comments from Agriculture Victoria, raise real concerns as to the potential fragmentation of agricultural land and proliferation of dwellings in the landscape. Review of cadastral data shows dozens of lots within a 1km radius of the site, with most agricultural activities occurring across multiple small lots that would not be viable units of production in isolation (for example, the abutting property at 494 Sandy Creek Road is shown as comprising 20 lots used for agriculture). Approval of a dwelling in this location would increase the prospect of further rural-residential developments being sought and small lots being sold into separate ownership, undermining the primary agricultural use and development of the area. It is also of concern that the proposed dwelling would precede all activities proposed on the site, creating the prospect that the dwelling will be developed and that no agricultural benefit will result from the activity (which the Tribunal considered in the decision of *Strachan v Latrobe CC*, discussed further in this report).

In relation to environmental issues, the proposed dwelling may impact on the quality of water in the Lake Hume Catchment, and does not meet the Minister's Guideline for development of dwellings in potable water catchments, '*Planning Permit Applications in Open, Potable Water Supply Catchment Areas (2012)*'. The development of a dwelling on the subject land exceeds the maximum density requirement, as it will result in more than 7 dwellings within a 1km radius of the subject land (this dwelling would represent the 8th dwelling within a 1km radius, resulting in a dwelling density of 1:39.32ha).

It is noted that the proposal is appropriately setback from waterways and does not necessitate removal of native vegetation. While there are concerns with the siting of the dwelling in terms of its appropriateness from an agricultural perspective, these are not environmental factors that weigh against the grant of a permit.

As discussed in the policy section of this report, the siting of the dwelling is away from other existing development on the land, and reflects a dispersal of development across the site that has the potential of directly and indirectly removing agricultural land from potential use. The dwelling location is sited at one of the highest points of the land, approximately 30m higher than the frontage of the site to Sandy Creek Road, which increases the dwellings' visibility in the landscape. It is noted that the dwelling is single storey and presents as a typical rural dwelling with conventional colours and materials, however there are reasonable alternate siting's that would reduce impacts on agricultural activity and visual impacts in the landscape.

For these reasons, the proposal is considered to be inconsistent with the purpose and decision guidelines of the Farming Zone.

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RELEVANT VCAT DECISIONS

There are a number of cases in recent years that have some relevance to this particular application and in particular:

- the appropriateness of allowing the use and development of dwellings on small rural lots; and
- the need to consider the strategic intent of the Planning Scheme as a whole rather than focussing on individual policies.

In *Moore v Greater Bendigo CC [2023] VCAT 418 (19 April 2023)*, Senior Member Bennett conveniently set out the major issues that arise with dwelling applications in the Farming Zone:

- 18. I consider that just because other smaller lots have been used and developed for dwellings it does not justify further approvals which would undermine those policies seeking to avoid construction of dwellings on small rural lots.*
- 19. I do not know the circumstances of those other approvals, whether some predate current planning provisions, and what agricultural activity related to the more recent dwelling approvals. It is not my task to critique or review those decisions. Instead, my task is to assess this particular application having regard to my understanding of the relevant zone and policy provisions.*
- 20. The fact that agricultural land is fragmented into lots smaller than a zone minimum is common across much of the rural areas of Victoria. Such lots, particularly the multitude of crown allotments created in the 19th century, have often been owned and managed as part of a larger farming enterprise. They are in essence ‘paper lots’ and it is only when they are sought to be developed for dwellings that the number and size of such lots becomes obvious. Although the subject land is not an original crown allotment, the title submitted with application indicates that it was created in 1975 as part of the re-subdivision of crown allotment 12B, Section 3, Parish of Nerring.*
- 21. The review site, despite its relatively small size, may also have been managed as part of a larger farming enterprise before it and surrounding lots were either subdivided or sold off into separate ownership.*
- 22. For at least four decades the advice to purchasers wanting to live on vacant rural land is ‘don’t buy without a valid planning permit for a dwelling or a contract of sale that is conditional on obtaining a planning permit for a dwelling’.*
- 23. It is my experience that without such guarantees there is a high probability that a planning permit for a dwelling will not be granted on small rural lots across Victoria. I can recall that in the 1970’s the State Government published a booklet which strongly advised prospective landowners not to buy small rural lots unless and until a planning permit for a dwelling had been obtained. That advice is equally relevant today.*
- 24. It appears to be the case here where Ms Moore (and Mr Coates) jointly purchased the land in 2017 without a permit to use the land for a dwelling.*

In *Strachan v Latrobe CC [2022] VCAT 35 (14 January 2022)*, Member Halliday found in relation to a dwelling proposed in conjunction with a Farm Management Plan (for small scale agriculture comprising fattening of cattle and vegetable farming) in the Farming Zone:

- 53. The Council submits that the FMP concludes that the land is well suited to the breeding and fattening of small beef cattle and producing vegetables once it is rehabilitated in accordance with the recommendations set out in the FMP. The timing of the agricultural undertakings referred to in*

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the FMP is relevant to the question of whether the proposed dwelling is consistent with the purposes of the FZ2, which seek to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture and which encourage the use and development of land based on comprehensive and sustainable land management practices.

54 In terms of the timing of the agricultural activities associated with the hobby farm, conditions 7 and 8 in the notice of decision require:

- a. the FMP to be endorsed and to form part of a permit, and to be implemented and maintained for five years after the initial occupation of the dwelling (condition 7); and*
- b. the owner/occupier to demonstrate commencement of the FMP before occupation of the dwelling (or such other time as approved in writing by the responsible authority) (condition 8).*

55 The FMP contains a 'loose timeframe' for each major agricultural undertaking, which includes stock being brought on to the property after the construction of the house is complete and 'someone is on the property 24/7' (which I understand to mean permanently living in the dwelling). In a practical sense, this means that it is possible that after the house is constructed, an occupant could live in the dwelling for a period of time that is less than '24/7' and reside somewhere else for some of the time and arguably there would then be no requirement to bring any stock onto the land at all. Alternatively, permission can be granted by the Council for the extension of the time to demonstrate 'commencement of' the FMP (condition 8).

56 At the hearing during a discussion regarding condition 7, the permit applicants representative indicated that condition 7 could be amended so that it could apply 'in perpetuity' (not just for five years). The Council submitted that condition 7 is not necessary but that it would accept its imposition. Council's position is that five years is acceptable and that the Council does not want to have to monitor compliance with the condition after 5 years.

57 I have not been persuaded by the submissions of the permit applicants or the Council that the requirements at conditions 7 and 8 regarding the FMP will be effective in ensuring the proposed hobby farm associated with the dwelling will be sustained in the long term for the following reasons:

- a. Condition 7 purports to limit the time within which the endorsed FMP is to be maintained and implemented to five years, because the Council does not want to bear the time and costs associated with monitoring and enforcing compliance with condition 7 after five years;*
- b. The FMP does not make it clear what will happen if the agricultural use ceases after the house is constructed. Is the use of the land for a dwelling to cease?*
- c. I accept the Council's submission that it is not reasonable for the Council to incur the time and expense of monitoring and enforcing compliance with condition 7 if it is required to be implemented on an ongoing basis;*
- d. Even if the permit was granted with a requirement for the FMP to be implemented for five years, the likelihood that the agricultural activities will cease (if they ever commence) increases at the end of the five-year period. Although there will be an endorsed FMP under the permit, in my view there is not a great deal of motivation for the agricultural activities to be sustained in the long term if the owner is aware that the Council does not wish to monitor or enforce compliance with condition 7 beyond five years. In that case, the agricultural use may cease.*

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58 On this basis, I have not been persuaded that if the hobby farm operation is started, it will sustainably persist in the long term. The FMP makes no provision for what is to occur if the hobby farm operation ceases, after the dwelling is constructed. In my view, once the dwelling is constructed, there is real risk that if the proposed hobby farming activity commences, it will not be sustained. After the five-year period referred to in condition 7, there is not a great deal of motivation for the agricultural activities to be sustained in the long term, particularly if a subsequent owner has no interest in rearing cattle. I consider that this is inconsistent with:

- a. the purposes of the FZ2, which seek to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture and which encourage the use and development of land based on comprehensive and sustainable land management practices;
- b. Clause 14.01-1S (Protection of agricultural land) which seeks to limit new housing development in rural areas by directing housing growth into existing settlements; discouraging development of isolated small lots in rural zones from use for dwellings;
- c. Clause 16.01-3S (Rural residential development) which discourages development of small lots in rural zones for residential use and encourages consolidation of existing isolated small lots in rural areas; and
- d. The efficient development of zoned Rural Living estates and established commercial agricultural enterprises, which are issues that are raised in the RLU Strategy.

The referral response of Agriculture Victoria also highlights a number of Tribunal decisions¹ of relevance where dwellings have been refused due to the potential land use conflicts, loss of agricultural land, proliferation of dwellings and/or not being required to undertake the required agricultural activity. These decisions further reinforce the position that dwellings on agricultural land are only to be permitted in specific circumstances and where it is genuinely demonstrated that:

- The dwelling is required for the activity;
- There will be net agricultural benefit from the activity;
- There will be no impact on other agricultural activities; and
- There will be no proliferation of dwellings as a consequence.

CONCLUSION

This application proposes the use and development of a dwelling at the site known as Crown Allotment A4 Section 6, Parish of Tangambalanga (being 454 Sandy Creek Road, Sandy Creek). Having assessed the application against the relevant clauses of the Indigo Planning Scheme, it is considered that the use and development is not supported by relevant state and local agricultural policies; as well as the Farming Zone's purposes and appropriate decision guidelines.

While it is accepted that there is an agricultural use proposed, the scale of activity is such that there is insufficient justification that a dwelling is genuinely required to support the agricultural use of the land, as required by applicable planning policy. The siting of the dwelling does not minimise agricultural land lost to residential use and is contrary to Council's 'Rural Building Siting and Design' policy at Clause 16.01-3L-01 of the Scheme.

¹ Kennedy v Baw Baw SC [2022] VCAT 787, Morabito v Macedon Ranges SC [2018] VCAT 1313, Estate of JE Walker v Wangaratta RCC [2021] VCAT 125

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DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Greg Pinkerton – Director Planning and Corporate Services
- James Turner – Manager Planning and Statutory Services



CONFIDENTIAL ATTACHMENT

The following confidential attachment has been provided to Councillors under separate cover. Recent changes to Section 197A of the *Planning and Environment Act 1997* have clarified and tightened the way Councils are able to make certain planning documents available to the public. The Act provides that the confidential document listed below can only be made available for public inspection:

- at Council offices during business hours, or
- electronically via Council's website subject to strict public availability requirements, requiring significant editing of individual documents.

Council currently does not have the resources to provide the document online in line with the public availability requirements of the Act, and so is at this stage unable to publish it in the public agenda online.

Attachments

1. PP22-0211 - Application (Confidential)
2.   PP22-0211 - Referral Response

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11.5 PLANNING PERMIT APPLICATION PP22-0008 - LOWER NINE MILE ROAD STANLEY

File No: 2023/260

James Turner - Manager Planning & Statutory Services Planning & Corporate Services

For Decision

RECOMMENDATION

That Council resolve to issue a notice of decision to refuse a planning permit for the proposal to use and develop the land for a dwelling in on lot 1 on Title Plan 962100R, Lower Nine Mile Road, Stanley, on the following grounds:

1. The proposal is not consistent with the following clauses of the Planning Policy Framework:
 - a. 02.03-1 Settlement
 - b. 02.03-2 Environmental risks and amenity
 - c. 02.03-4 Natural resource management
 - d. 11.01-1S Settlement
 - e. 11.01-1L-08 Stanley
 - f. 13.02-1S Bushfire planning
 - g. 13.02-1L Bushfire planning
 - h. 14.01-1S Protection of agricultural land
 - i. 16.01-3S Rural residential land
2. The proposal is not consistent with the purpose and decision guidelines of the Farming Zone.
3. The proposal is not consistent with the purpose and decision guidelines of the Bushfire Management Overlay and Clause 53.02 Planning for bushfire.
4. The proposal is inconsistent with the decision guidelines of clause 65.01.
5. The CFA has failed to consent to the development as a determining referral authority.

SUMMARY

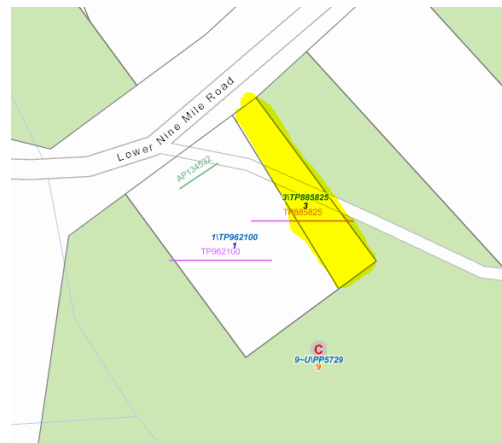
Application No:	PP22-0008
Subject Land:	Lot 1 on Title Plan 962100R, Lower Nine Mile Road, Stanley. The lot does not have a street address.
Proposal:	Use and development of a dwelling in the Farming Zone. Buildings and works within prescribed setbacks in the Farming Zone. Buildings and works in association with accommodation in the Bushfire Management Overlay. Buildings and works in the Environmental Significance Overlay – Schedule 4.
Recommendation:	Refusal.

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BACKGROUND

Date application lodged:	13 th January 2022
Purpose:	Seek approval to use and/or develop the subject site for the purposes of a dwelling.
Subject site land area:	2020 sqm
Current use of subject site:	Vacant
Site constraints:	The land slopes moderately towards the south-east. The proximity to a waterway limits effluent disposal options.

One lot comprising the site is not currently in the ownership of the applicant:



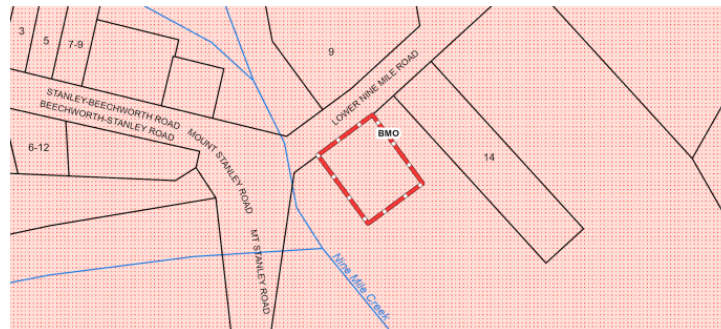
The lot highlighted in yellow is listed as being last transferred in 1876. The applicant is attempting to obtain this land through adverse possession, but this process is only in its early stages.

Surrounding land use:	To the south and east, the land is public land maintained for conservation. To the west is the main part of the Stanley township. Land to the north is generally used for agriculture.
Zoning of surrounding land:	Publicly owned land is zoned Public Resource and Conservation Zone. Private land is zoned Farming Zone.



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BUSHFIRE MANAGEMENT OVERLAY (BMO)



ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)

ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 4 (ESO4)



PROPOSAL

The proposal seeks planning permission to construct a single dwelling and associated works in the Farming Zone, Bushfire Management Overlay and Environmental Significance Overlay.

The proposed dwelling contains two bedrooms, one bathroom, and two living areas.

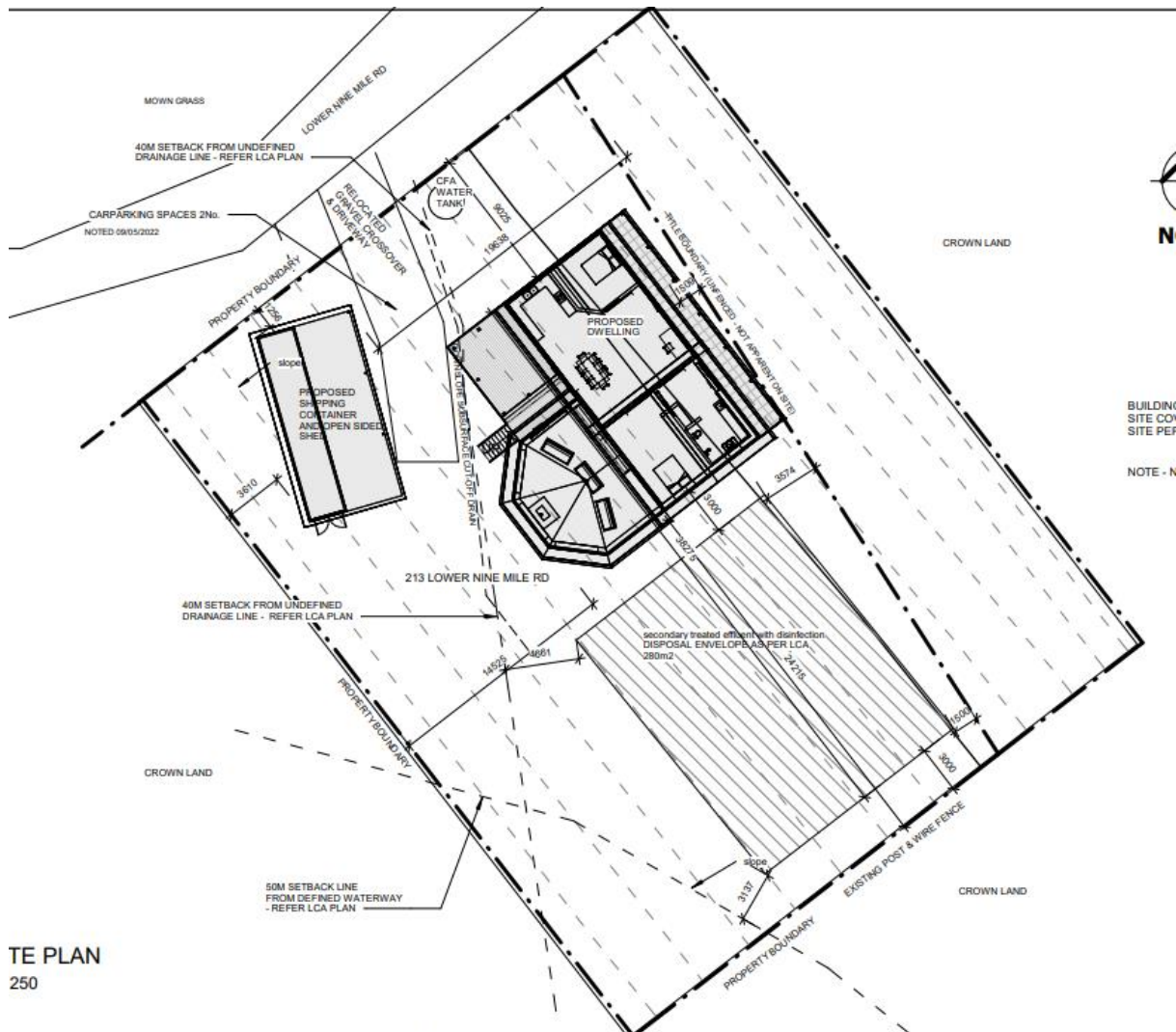


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The proposed dwelling is located near the road frontage of the lot, to allow for an appropriate effluent disposal field. An associated structure, a shed based around a shipping container, is also located near the front of the lot forward of the building line for the proposed dwelling.

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ZONING AND PLANNING CONTROLS

Zoning: Farming Zone
 Overlay/s: ESO4 (Stanley Township)
 Bushfire Management Overlay

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Permit Trigger:

Farming Zone

Pursuant to Clauses 35.07-1 Table of Uses and 35.07-4 Buildings and works, a planning permit is required for use of the land for a dwelling and buildings and works associated with a section 2 use.

The exact triggers are:

- Buildings and works associated with a section 2 use;
- Buildings and works within 20m of a road;
- Buildings and works within 5m of a boundary;
- Buildings and works within 100m of a dwelling not in the same ownership; and
- Buildings and works within 100m of a waterway.

Bushfire Management Overlay

Pursuant to clause 44.06-2, a planning permit is required for buildings and works associated with the use of the land for a dwelling.

Environmental Significance Overlay

Pursuant to clause 42.01-2, a planning permit is required to construct a building or construct and carry out works.

Planning and Environment Act 1987 - SECT 60

Section 60 of the Act provides that before deciding on an application, the responsible authority must consider:

- (a) the relevant planning scheme; and
- (b) the objectives of planning in Victoria (which include at Section 4(1)(b) to provide for the protection of natural and man-made resources...); and
- (c) all objections and other submissions which it has received and which have not been withdrawn; and
- (d) any decision and comments of a referral authority which it has received; and
- (e) any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.

Section (1A) of the Act provides that the responsible authority, if the circumstances appear to so require, may consider:

- (a) any significant social and economic effects of the use or development for which the application is made; and...
- (j) any other relevant matter.

PLANNING POLICY FRAMEWORK

The Planning Policy Framework seeks to ensure that the objectives of planning in Victoria are met and encouraged through land use and development. The following policies and clauses are deemed to be relevant to this proposal and have been taken into account in the assessment of this application:

02-03-1 Settlement

02-03-2 Environmental and landscape values

02-03-3 Environmental risks and amenity

02-03-4 Natural resource management

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02-03-5 Built environment and heritage

02-03-6 Housing

11.01-1S Settlement

11-01-1R Settlement – Hume

11.01-1L-08 Stanley

11.03-6S Regional and local places

12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs

12.05-1S Environmentally sensitive areas

13.02-1S Bushfire planning

13.02-1L Bushfire Planning

14.01-1S Protection of agricultural land

14.02-1S Catchment planning and management

14.02-2S Water quality

14.02-2L-02 Effluent disposal and water quality

15.01-2S Building design

15.01-6S Design for rural areas

16.01-3S Rural residential development

16.01-3L-1 Rural building siting and design

19.03-3L Stormwater management

PARTICULAR PROVISIONS

53.02 – Bushfire Planning

GENERAL PROVISIONS

65 Decision Guidelines

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

65.01 Approval of an application or plan

Before deciding on an application or approval of a plan, the responsible authority must consider:

- The matters set out in section 60 of the Act
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.

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- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
- The impact the use or development will have on the current and future development and operation of the transport system.

REFERRAL AUTHORITIES

The application was referred to the following referral authorities in accordance with Section 55 of the Planning and Environment Act 1987 and/or advice was sought from the following:

- CFA;
- North East Water;
- North East Catchment Management Authority (NECMA); and
- Goulburn Murray Water

North East Water did not object, and proposed no conditions. NECMA and Goulburn Murray Water both did not object, subject to conditions.

The CFA indicated that they did not consent to the application in its current form. The applicant and the CFA engaged in negotiations, which did not result in an acceptable outcome to both parties. As a result, the CFA is taken to have refused consent to the current application.

PUBLIC NOTICE

Notice of the application was given to adjoining owners and occupiers and other relevant persons in accordance with Section 52 (1) of the Planning and Environment Act 1987.

4 submissions were received in response.

Issues raised include:

- Compromise of downstream water quality, particularly for agriculture;
- Use of Farming Zone land for non-agricultural purpose;
- Sewerage, and in particular inaccuracies in the Land Capability Assessment;
- Bushfire risk; and
- Contrary to local planning policy.

These issues form part of the discussion below.

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DISCUSSION

The proposal raises four primary topics of concern:

- Suitability of the proposed effluent disposal arrangements

The subject site adjoins an unnamed creek to the west. A small buffer of native vegetation is on public land near the creek, however parts of the site are within 30m of the creek, and a large area is within 100m of the creek, both of which act as constraints to any effluent disposal arrangements.

A number of policies in the PPF address the protection of waterways, and the location of the site within the special water supply catchment of the water source for Yackandandah reinforces this importance.

The objections raise a number of concerns regarding the land capability assessment, and assert the assumptions used are inappropriate. The author of the assessment is suitably qualified, and Council is entitled to rely on the advice within. Council's environmental health team and Goulburn Murray Water are satisfied the proposal can deal with effluent, subject to conditions.

- Proposed bushfire arrangements

The applicant has submitted bushfire documents in line with the requirements of the BMO. However, these documents do not meet the requirements of the scheme or the CFA. Particular issues include reliance on the lot being adversely possessed to provide defensible space, failing to meet the relevant approved or alternate measures in clause 53.02, and a failure to respond to the relevant parts of the planning policy framework discouraging development in high risk bushfire areas.

This forms part of the recommended grounds of refusal.

- Appropriateness of development in the Farming Zone

The planning policy framework strongly discourages residential development in Farming Zones unless strictly necessary for agriculture. This particular site relies on an argument around size and unsuitability for agriculture to overcome these policy directions. The policies do not contain any exemptions regarding size, and it is an explicit aim to encourage the consolidation of small lots into larger agricultural enterprises.

While it is accepted the lot is too small to allow for an independent agricultural enterprise, there is no reason it could not be added to an existing enterprise. The land around Stanley has been identified as having high horticulture values, and adding more land to an existing orchard could increase the viability of an existing orchard.

The argument relating to the existing configuration of the area has been rejected by VCAT. VCAT has found that past mistakes in subdivisions are not a reason to permit a dwelling which should otherwise be refused.

The proposed dwelling is contrary to the relevant policy framework and the purpose of the zone, and this forms part of the grounds of refusal.

- Other issues

A number of minor issues also form part of the assessment, however these could be generally be dealt with by appropriate permit conditions. These include stormwater runoff, environmentally sustainable design issues, landscaping and revegetation of the land.

Various elements of the zone, overlay and planning policy framework highlight these issues, and some deficiencies in the proposal have been identified. These issues are not, on their own, sufficient to justify the refusal of a permit.

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VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

There are a number of cases in recent years that have some relevance to this particular application and in particular:

Mischkulnig v Moyne SC [2013] VCAT 2110

In this case the acceptability of a small lot development was considered. The member stated:

- 24. The applicant submitted three propositions in support of the dwelling. Firstly, the area is one that contains many dwellings on lots smaller than 40 ha. In essence, the “horse has bolted” and the area’s proximity to Warrnambool makes it a rural lifestyle precinct that is a satellite “exurb” of that city. Secondly, notwithstanding the transition in the predominant land use in the area, a dwelling is required on this land to enable it to be farmed more intensively. Thirdly, Amendment VCA103 has loosened the nexus between a dwelling and agricultural activity and made the Rural Zone more flexible.*
- 25. I am not persuaded by any of these propositions. I do not accept that the “horse has bolted” in this area and there has been a transformation of the predominant land use from agriculture to rural lifestyle. To do so would be tantamount to saying that agricultural activity has vacated this area and is unlikely to return, hence the best remaining land use is rural lifestyle. In fact, in my view, agricultural production remains the dominant land use in this area. Apart from the rural living precinct nearby, the number of dwellings are limited and they are generally subordinate to agriculture.*
- 26. Secondly, policy confirms this to be an agricultural area. The planning authority has chosen to apply 40 hectares as the minimum lot size. This suggests that it views the preferred future of this area as comprising farming rather than smaller rural lifestyle lots. The area containing the review site is to continue to be a productive farming area. A dwelling on the land should be secondary to the agricultural activity, necessary only to support that activity rather than a reasonable development expectation. To accept the horse has bolted proposition and grant a permit is to ensure the transition of this area to rural lifestyle contrary to the policy framework.*

Estate of JE Walker v Wangaratta RCC [2021] VCAT 1257

This case highlights that all proposals in the Farming Zone need to have a direct link to agricultural uses. It also highlights that just because a permit can be granted in a zone, the proposal needs to show this link in order to be approved.

O’Brien v Wangaratta RC [2022] VCAT 1355

This case related to a development of a dwelling on a small lot in a Farming Zone, and in refusing the permit highlighted the following:

- 17. I find that the general thrust of both state and local planning policy and the zone and overlays applying to this land require careful consideration of a dwelling in this area. The policy setting clearly does not support a dwelling on a small lot where unrelated to agriculture.*

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18. *There was no farm management plan or land management plan proposed, although the applicant did indicate a willingness to make improvements to the land.*
19. *The proposed use would comprise a rural living lot that is at odds with outcomes sought for farming areas. While there are similar sized properties surrounding the review site that are used for rural lifestyle purposes, there are also some larger parcels such as the land to the immediate west of the review site. The location of dwellings in Greta West are somewhat scattered and i am not persuaded that there is a clear settlement character. The evidence of Ms Bohn was that while this individual lot had limited agricultural capacity, it retains value for agriculture when combined with other land as at present.*
20. *An additional dwelling on a small lot in this location will contribute to a concentration of dwellings on small lots that has negative implications for agriculture use of land due to potential amenity expectations and increased land values affecting ability to expand onto existing small lots.*

CONCLUSION

The proposal has not responded appropriately to the planning requirements of the site, and a notice of decision to refuse a planning permit should be issued on the following grounds:

1. The proposal is not consistent with the following clauses of the Planning Policy Framework:
 - a. 02.03-1 Settlement
 - b. 02.03-2 Environmental risks and amenity
 - c. 02.03-4 Natural resource management
 - d. 11.01-1S Settlement
 - e. 11.01-1L-08 Stanley
 - f. 13.02-1S Bushfire planning
 - g. 13.02-1L Bushfire planning
 - h. 14.01-1S Protection of agricultural land
 - i. 16.01-3S Rural residential land
2. The proposal is not consistent with the purpose and decision guidelines of the Farming Zone.
3. The proposal is not consistent with the purpose and decision guidelines of the Bushfire Management Overlay and Clause 53.02 Planning for bushfire.
4. The proposal is inconsistent with the decision guidelines of clause 65.01.
5. The CFA has failed to consent to the development as a determining referral authority.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Greg Pinkerton – Director Planning and Corporate Services
- James Turner - Manager Planning and Statutory Services
- Steven Hawkins - Coordinator Planning

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CONFIDENTIAL ATTACHMENT

The following confidential attachment has been provided to Councillors under separate cover. Recent changes to Section 197A of the *Planning and Environment Act 1997* have clarified and tightened the way Councils are able to make certain planning documents available to the public. The Act provides that the confidential document listed below can only be made available for public inspection:

- at Council offices during business hours, or
- electronically via Council's website subject to strict public availability requirements, requiring significant editing of individual documents.

Council currently does not have the resources to provide the document online in line with the public availability requirements of the Act, and so is at this stage unable to publish it in the public agenda online.

Attachments

1. PP22-0008 - Application (Confidential)

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11.6 PLANNING PERMIT APPLICATION PP18-0074 - 12 KIRBY FLAT ROAD, YACKANDANDAH

File No: 2023/271

James Turner - Manager Planning & Statutory Services Planning & Corporate Services

For Decision

RECOMMENDATION

That Council refuses planning permit application (PP22-0088) at 12 Kirby Flat Road, Yackandandah, for a roof over storage containers on the following grounds:

1. FAILURE TO RESPOND

The applicant has failed to respond to requests for further information required to assess the application in accordance with the requirements of the Low Density Residential Zone (Clause 32.03 – Indigo Planning Scheme) and the Rural Living Zone (Clause 35.03– Indigo Planning Scheme).

SUMMARY

Application No:	PP22-0088
Subject Land:	12 Kirby Flat Road, Yackandandah
Proposal:	“Roof over storage containers”
Recommendation:	Refusal in accordance with the Recommendation above.

BACKGROUND

Date application lodged:	07/04/2022
Purpose:	Seek approval to develop the subject site for the purposes of constructing a roof over some “storage containers”.
Subject site land area:	16.794 Hectares.
Current use of subject site:	Residence / Accommodation.
Site constraints:	Unable to determine due to insufficient information.
Surrounding land use:	Accommodation.
Zoning of surrounding land:	Low Density Residential Zone & Rural Living Zone.

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PROPOSAL

ZONING AND PLANNING CONTROLS

- Zoning: As the location of the containers on the site has not been disclosed through the application or follow up enquiries it is unknown the Low Density Residential Zone or Rural Living Zone controls are applicable.
- Overlay/s: Development Plan Overlay (5) (Rural living Zone)

PERMIT TRIGGER:

32.03-4 - A permit is required to construct or carry out any of the following: A building or works associated with a use in Section 2 of Clause 32.03-1.

The storage containers were classified as a 'Store', which is a Section 2 Use in the Low Density Residential Zone.

35.03-4 - A permit is required to construct or carry out any of the following: A building or works associated with a use in Section 2 of Clause 32.03-1.

The storage containers were classified as a 'Store', which is a Section 2 Use in the Rural Living Zone.

REFERRAL AUTHORITIES

The application was unable to be progressed to the referral stage, due to insufficient information.

PUBLIC NOTICE

The application was unable to be progressed to public notice, due to insufficient information.

DISCUSSION

The applicant has failed to provide the required information as required to make a determination on the application. Clause 59.13-1 outlines information requirement for an application, stating:

An application must be accompanied by the following information as appropriate:

- *A copy of title for the subject land and a copy of any registered restrictive covenant.*
- *A description of the use of the land and the proposed buildings and works.*
- *A layout plan, drawn to scale and fully dimensioned showing:*
 - *The boundaries and dimensions of the site.*
 - *Adjoining roads.*
 - *The location of any waterway or wetlands.*
 - *The location and use of buildings and works on adjoining land.*
 - *Relevant ground levels.*

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- *The layout of existing and proposed buildings and works.*
- *All existing and proposed driveways, car parking and loading areas.*
- *Existing and proposed landscape areas.*
- *All external storage and waste treatment areas.*
- *Elevation drawings to scale showing the height, colour and materials of all proposed buildings and works.*
- *A photograph of the building or area affected by the proposal.*

The applicant failed to submit the following:

- *A copy of title for the subject land and a copy of any registered restrictive covenant.*
- *A layout plan, drawn to scale and fully dimensioned showing:*
 - *The boundaries and dimensions of the site.*
 - *Adjoining roads.*
 - *The location of any waterway or wetlands.*
 - *The location and use of buildings and works on adjoining land.*
 - *Relevant ground levels.*
 - *The layout of existing and proposed buildings and works.*
 - *All existing and proposed driveways, car parking and loading areas.*
 - *Existing and proposed landscape areas.*
 - *All external storage and waste treatment areas.*
- *Elevation drawings to scale showing the height, colour and materials of all proposed buildings and works.*
- *A photograph of the building or area affected by the proposal.*

The applicant did provide a very brief and insufficient description of the proposal within the application form.

The applicant was contacted by the Planning Department (via a letter, sent 10/05/2022), requesting the missing information. This letter has still not been answered nor the required information provided. A meeting with the applicant was arranged for the 20th of March, 2023 in an attempt to get

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the information required. On the day of the meeting the applicant contacted the Planning Department to cancel, due to poor health. The required information is still outstanding.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

There are a number of cases in recent years that have some relevance to this particular application and in particular:

- the appropriateness of assessing applications without sufficient information;
- the responsibility of the applicant to provide sufficient information, and;
- the danger in granting planning permits for proposals without considering all of the relevant information.

For instance:

In the case of *Twait's v Macedon Ranges SC* [2023] VCAT 170 the Tribunal concluded that:

- **23.** There is no requirement in the Victorian planning system for applicants to seek professional advice in preparing applications; it can be a costly exercise to do so.
- **24.** However, the risk in not seeking such advice is that applications do not contain the information a decision maker reasonably needs to properly consider applications against the policy and decision guidelines in the planning scheme.
- **25.** Such consideration by the responsible authority needs a base level of description of what is proposed, clear articulation of potential impacts against the policy objectives and strategies in the planning scheme and where necessary, responses to ensure that an acceptable planning outcome can be achieved.

In this case, the decision of the Responsible Authority was set aside, and the matter remitted to the responsible authority for reconsideration subject to directions and recommendations.

In the case of *Crothers V Moira SC* [2019] VCAT 342 the Tribunal concluded that:

- **7.** I am amazed that a permit applicant can expect a permit from an authority to build a structure, without actually providing any plans or elevations of that proposed structure. In effect, I am being asked to approve a building I have almost no details about, do not know what it will look like, how tall it is, what its walls are made of, or any other important details. To provide two analogies, that is like asking the Australian Tax Office to approve your tax return without revealing to them your taxable income, or asking a bank to approve your loan, without telling them how much money you wish to borrow.
- **32.** This is one of the most poorly conceived and incomplete applications I have been asked to review as a Tribunal Member. The Applicant in this proceeding has sought to establish a major live music entertainment venue without any documented concept of what is actually going to occur on site, and how the proposal will be managed. I make that observation even after reading the Applicant's Venue Management Plan. The Council in this proceeding has sought to grant a permit for a large licensed venue without having any control over the built form outcomes, the impact of patron noise on residential amenity, the frequency and impact of live music occurring in the venue, and the car parking and traffic impacts on the surrounding

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neighbourhood. If it had not been for the lodgement of this Application for review by one resident, the approval by Council would likely have caused significant amenity impacts on this residential neighbourhood.

In this case, the decision of the Responsible Authority was set aside. The Member refused to grant the planning permit.

CONCLUSION

Given the failure of the applicant to provide information despite repeated requests, as well as the significant time that has elapsed since the lodgement of the application, it is recommended that the current Planning Permit Application PP18-0074 be refused.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Greg Pinkerton – Director Planning and Corporate Services
- James Turner - Manager Planning and Statutory Services
- Joshua Bellette - Planner

Attachments

Nil

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12. COMMUNITY & ECONOMIC DEVELOPMENT

Nil reports

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13. INFRASTRUCTURE SERVICES

13.1 CONTRACT FOR FLOOD REHABILITATION WORKS, WESTERN AREA

File No: 2023/302

Brett Direen - Manager of Municipal Operations Infrastructure Services

For Decision

RECOMMENDATION

That Council:

1. Conditional on the approval of funding from the *Department of Justice and Community Safety* for these works, awards Contract No. 22/6119 for Flood Rehabilitation works in the West of the Shire to Beechworth Excavations for the lump sum of \$620,696 ex GST;
2. Authorises the CEO to sign the contract documents and affix the Council's Common Seal; and
3. Notes that additional flood rehabilitation works may be required to be undertaken by the same contractor and authorises the CEO financial delegation to approve contract variations up to a total of 50% of the signed contract value.

PURPOSE OF REPORT

The purpose of the report is to provide an evaluation of tenders received for rehabilitation of a number of damaged infrastructure assets in the western part of the Shire during the January 2022 Flood event and to provide a recommendation to Council for the award of a contract.

BACKGROUND

In January 2022 Indigo Shire was hit with a significant flooding event which caused widespread damage to infrastructure among other impacts.

A number of assets were damaged with many made safe under DFRA guidelines under short term remedial safety restoration works. Remaining repair works to essential public infrastructure that meet the guidelines, provided they are approved for funding and market tested by public tender, are fully recoverable.

The works in this contract vary in nature from road re-sheeting and culvert works through to a large number of drainage repairs and sediment removal.

DISCUSSION

Tenders were advertised on Council's eProcure portal on 3 April 2023 and closed on 20 April 2023. A tender evaluation panel comprising the Manager Municipal Operations, Manager of Capital Works & Waste, and external consultant Robert Bon assessed the tenders based on weighted criteria, as detailed in the tender documents, as follows:

1.	Price	60%
2.	Experience & capability	20%
3.	OH&S	10%
4.	Local content	10%

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The panel assessed the tender from Beechworth Excavations as representing the best overall value for Council based on the above criteria. This locally based tenderer (Beechworth) demonstrated a good understanding of the requirements of the contract and has successfully completed a number of similar projects for Indigo Shire Council, DEECA and Parks Victoria. Whilst not having undertaken recent flood rehabilitation works, the panel is comfortable that Beechworth Excavations has the necessary skills, capability and equipment to deliver the works in a suitable timeframe.

The tender evaluation scores and further details of the assessment are included in the attached (confidential) Tender Evaluation Report.

Splitting the works into two tenders (east and west) will potentially enable works in both areas to be undertaken concurrently, rather than having lengthy delays before all the infrastructure damage is repaired.

The decision to award the contract is referred to Council as the contract value exceeds the financial delegation of the CEO.

Options

The tender is for the rehabilitation of various infrastructure repairs across the West of the Shire. There are no other viable options as the works must be undertaken to restore our road and drainage networks back to pre-flood event condition.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	1. Communities
Strategic Objective	1.7 Our preparedness to respond and recover from increasing natural disasters is well planned and executed.

The rehabilitation of damaged infrastructure assets supports Council's Strategic Objective 1.7.

SOCIAL/COMMUNITY IMPLICATIONS

The repairs to the many damaged assets will reflect well on Council and its ability to recover from major events. The community will value seeing roads and other infrastructure restored to pre-flooding condition.

ENVIRONMENTAL IMPLICATIONS

Whilst no allowance was specifically made for environmental implications in the score weighting process, there is considered to be little or no difference between contractors due to the nature of the works and materials specified.

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FINANCIAL IMPLICATIONS

	Approved Budget \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	(\$620,696)	(\$620,696)	0	Funding from the <i>Department of Justice and Community Safety</i> awaiting approval
Expense	\$620,696	\$620,696		Cost of tendered works (subject to funding approval)
Net Result	0	0		

LEGISLATIVE IMPLICATIONS

This recommendation is being made following a procurement process that is compliant with Council's Procurement Policy. This process included consideration of opportunities for collaborative procurement with other Councils and public bodies and identified no material, social or economic benefit in a collaborative procurement process.

It is considered good governance when exercising financial delegations to consider the likely or possible total value over the life of the contract rather than just the original contract sum. It is not practical for individual variations to a contract to be referred to Council for approval as the resultant delays may interrupt the progress of works and incur additional costs.

In this instance, there are further flood recovery works (from the October/November 2022 Floods) that may require the same contractor to carry out additional repairs on the same assets or in the same area that they are already working. It is therefore recommended that Council authorises financial delegation to the CEO to approve variations to the contract sum, up to 50% of the contract sum, subject to the same conditions on funding approval.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Tender is not approved	Possible	Moderate	Medium	Procurement process ensures that due diligence has been applied to determine best value tender
Tender approval is delayed	Possible	Moderate	Medium	In constant communication with the Hume Flood Recovery assessor
Construction commencement date is delayed	Possible	Moderate	Medium	Unlikely but time-frame is flexible – expected to be completed by late July weather permitting

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COMMUNITY ENGAGEMENT

Engagement undertaken

No specific community engagement was undertaken in relation to the contract itself. However, community feedback helped form a complete picture of damage caused by the floods which has been assessed for inclusion in this contract.

CONCLUSION

It is recommended that Council accepts the tender for Flood Rehabilitation works in the Western area of the Shire for the Lump Sum of \$620,696 ex GST and authorises the CEO to approve contract variations up to 50% of the contract sum where damage from the October/November Flood event are identified in the same locations.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Ian Ellett - Director Infrastructure Services
- Brett Direen - Manager Municipal Operations
- Nathan Mullane – Manager Capital Works & Waste

CONFIDENTIAL ATTACHMENTS

The attachment to this report is confidential under the following sections of the Act:

- *3(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.*

This section applies because the matter concerns commercial contracts around which negotiations have not been finalised, and it would prejudice the Council's position in the negotiations.

- *3(g) private commercial information, being information provided by a business, commercial or financial undertaking that -*

(i) relates to trade secrets; or

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

This section applies because the information contains details of the rates charged across the business and it would unreasonably expose the business by providing an unfair advantage to their competitors.

Attachments

1. Storm Damage Tender Evaluation West (Confidential)

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13.2 CONTRACT FOR FLOOD REHABILITATION WORKS, EASTERN AREA

File No: 2023/300

Brett Direen - Manager of Municipal Operations Infrastructure Services

For Decision

RECOMMENDATION

That Council:

1. Conditional on the approval of funding from *Department of Justice and Community Safety* for these works, awards Contract No. 22/6118 for Flood Rehabilitation works in the East of the Shire to Richardson Earthworks and Maintenance for the lump sum of \$322,505 ex GST;
2. Authorises the CEO to sign the contract documents and affix the Council's Common Seal; and
3. Notes that additional flood rehabilitation works may be required to be undertaken by the same contractor and authorises the CEO financial delegation to approve contract variations up to a total of 50% of the signed contract value.

PURPOSE OF REPORT

The purpose of the report is to provide an evaluation of tenders received for rehabilitation of a number of damaged infrastructure assets in the eastern part of the Shire during the January 2022 Flood event and to provide a recommendation to Council for the award of a contract.

BACKGROUND

In January 2022 Indigo Shire was hit with a significant flooding event which caused widespread damage to infrastructure among other impacts.

A number of assets were damaged with many made safe under DFRA guidelines under short term remedial safety restoration works. Remaining repair works to essential public infrastructure that meet the guidelines, provided they are approved for funding and market tested by public tender, are fully recoverable.

The works in this contract vary in nature from road re-sheeting and culvert works through to a large number of drainage repairs and sediment removal.

DISCUSSION

Tenders were advertised on Council's eProcure portal on 3 April 2023 and closed on 20 April 2023. A tender evaluation panel comprising the Manager Municipal Operations, Manager of Capital Works & Waste, and external consultant Robert Bon assessed the tenders based on weighted criteria, as detailed in the tender documents, as follows:

1.	Price	60%
2.	Experience & capability	20%
3.	OH&S	10%
4.	Local content	10%

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The panel assessed the tender from Richardson Earthworks and Maintenance as representing the best overall value for Council based on the above criteria. This locally based tenderer (Kergunyah) demonstrated a thorough understanding of the requirements of the contract and has successfully completed a number of similar projects, including Flood Rehabilitation works for Alpine Shire Council. Alpine Shire could not fault their workmanship and organisational works.

The tender evaluation scores and further details of the assessment are included in the attached (confidential) Tender Evaluation Report.

Splitting the works into two tenders (east and west) will potentially enable works in both areas to be undertaken concurrently, rather than having lengthy delays before all the infrastructure damage is repaired.

The decision to award the contract is referred to Council as the contract value (with the potential for approved variations from the October/November Flood event), may exceed the financial delegation of the CEO.

Options

The tender is for the rehabilitation of various infrastructure repairs across the East of the Shire. There are no other viable options as the works must be undertaken to restore our road and drainage networks back to pre-flood event condition.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	1. Communities
Strategic Objective	1.7 Our preparedness to respond and recover from increasing natural disasters is well planned and executed.

The rehabilitation of damaged infrastructure assets supports Council’s Strategic Objective 1.7.

SOCIAL/COMMUNITY IMPLICATIONS

The repairs to the many damaged assets will reflect well on Council and its ability to recover from major events. The community will value seeing roads and other infrastructure restored to pre-flooding condition.

ENVIRONMENTAL IMPLICATIONS

Whilst no allowance was specifically made for environmental implications in the score weighting process, there is considered to be little or no difference between contractors due to the nature of the works and materials specified.

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FINANCIAL IMPLICATIONS

	Approved Budget \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	(\$322,505)	(\$322,505)	0	Funding from the <i>Department of Justice and Community Safety</i> awaiting approval
Expense	\$322,505	\$322,505		Cost of tendered works (subject to funding approval)
Net Result	0	0		

LEGISLATIVE IMPLICATIONS

This recommendation is being made following a procurement process that is compliant with Council's Procurement Policy. This process included consideration of opportunities for collaborative procurement with other Councils and public bodies and identified no material, social or economic benefit in a collaborative procurement process.

It is considered good governance when exercising financial delegations to consider the likely or possible total value over the life of the contract rather than just the original contract sum. It is not practical for individual variations to a contract to be referred to Council for approval as the resultant delays may interrupt the progress of works and incur additional costs.

In this instance, there are further flood recovery works (from the October/November 2022 Floods) that may require the same contractor to carry out additional repairs on the same assets or in the same area that they are already working. It is therefore recommended that Council authorises financial delegation to the CEO to approve variations to the contract sum, up to 50% of the contract sum, subject to the same conditions on funding approval.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Tender is not approved	Possible	Moderate	Medium	Procurement process ensures that due diligence has been applied to determine best value tender
Tender approval is delayed	Possible	Moderate	Medium	In constant communication with the Hume Flood Recovery assessor
Construction commencement date is delayed	Possible	Moderate	Medium	Unlikely but time-frame is flexible – expected to be completed by late July weather permitting

COUNCIL MEETING AGENDA - 16 MAY 2023

COMMUNITY ENGAGEMENT

Engagement undertaken

No specific community engagement was undertaken in relation to the contract itself. However, community feedback helped form a complete picture of damage caused by the floods which has been assessed for inclusion in this contract.

CONCLUSION

It is recommended that Council accepts the tender for Flood Rehabilitation works in the Eastern area of the Shire for the Lump Sum of \$322,505 ex GST and authorises the CEO to approve contract variations up to 50% of the contract sum where damage from the October/November Flood event are identified in the same locations.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Ian Ellett - Director Infrastructure Services
- Brett Direen - Manager Municipal Operations
- Nathan Mullane – Manager Capital Works & Waste

CONFIDENTIAL ATTACHMENT

The attachment to this report is confidential under the following sections of the Act:

- *3(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.*

This section applies because the matter concerns commercial contracts around which negotiations have not been finalised, and it would prejudice the Council's position in the negotiations.

- *3(g) private commercial information, being information provided by a business, commercial or financial undertaking that -*

(i) relates to trade secrets; or

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

This section applies because the information contains details of the rates charged across the business and it would unreasonably expose the business by providing an unfair advantage to their competitors.

Attachments

1. Storm Damage Tender Evaluation East (Confidential)

COUNCIL MEETING AGENDA - 16 MAY 2023

13.3 APRIL CAPITAL WORKS REPORT

File No: 2023/303

Nathan Mullane - Manager Capital Works and Infrastructure Services
Waste

For Information

RECOMMENDATION

That Council notes the April Capital Works Report and year to date progress in the delivery of the capital works program.

PURPOSE OF THIS REPORT

The purpose of this report is to update Council about progress of the 2022/23 capital works program and to provide details on individual projects.

At the February meeting, Council adopted the Q2 Forecast for the Capital and Non-ISC budgets. The forecast includes a combined \$14.97 m of expenditure (\$13.76 m capital and \$1.21 m Non-ISC) and \$9.78 m of income (\$8.55 m capital and \$1.23 m Non-ISC).

	Budgeted Expenditure			Budgeted Income		
	Capital	Non-ISC	Combined	Capital	Non-ISC	Combined
2022/2023 Adopted Budget	16,797,980	2,670,679	19,468,659	(4,639,902)	(1,126,040)	(5,765,942)
Revised Q1 Adjusted Budget	\$17,816,869	\$2,955,846	\$20,772,715	(\$7,825,790)	(\$1,513,326)	(\$9,339,116)
Revised Q2 Forecast Budget	\$13,764,605	\$1,213,375	\$14,977,980	(\$8,556,353)	(1,229,930)	(\$9,786,283)

	YTD Expenditure (April)			YTD Income (April)		
	Capital	Non-ISC	Combined	Capital	Non-ISC	Combined
April YTD Actuals	9,311,395	1,168,580	10,479,975	(3,711,533)	(1,133,393)	(4,844,927)

DISCUSSION

Due to the early Council Meeting date for May, the monthly Capital Works Monitor has been updated with April Actuals that have been taken prior to the full close off of the monthly accounts. As a result they may not correlate exactly with the financial month end. The updated Capital Works Monitor is provided as an attachment for this report.

COUNCIL MEETING AGENDA - 16 MAY 2023

Notable highlights across the capital program, since the last reporting period are;

Annual Gravel Road Resheeting

The annual gravel road resheeting program has commenced across priority identified roads, with almost half the program completed in March and April.

Yackandandah Changing Places Facility

Works are underway at Sir Isaac Isaacs Park with the demolition of the old toilet facility and commencement of site works for the installation of the new facility.

Barnawartha Cricket Nets

Works commenced on the construction of the new cricket nets at the Recreation Reserve, with the new concrete surface being poured.

Current challenges being faced in the capital program, since the last reporting period are;

Securing resources

Internal project delivery resources have begun to steady with new staff commencing in several roles. Settling these staff into the organisation and their roles, is a priority action. Even with these new resources, it continues to be a challenge to secure necessary construction contractors, plant, and materials in a timely fashion.

Chiltern Hub

Ongoing budget pressure continues to be a challenge for the completion of the Chiltern Hub. The main construction contract has been completed, with construction of the carpark to begin in late May. Landscaping along the building frontage and the rear recreation area, and access signage needs are yet to be finalised. Recent re-estimating completed for the anticipated works, indicates that additional budget will be required due to significant price increases with materials.

Courthouse Kelly Trials Experience

Activities are continuing with the curatorial and design development required for the interpretative experience. Although collaboration has been ongoing with Heritage Victoria and Council's heritage advisor, the project is yet to receive heritage approval, which depending on the timing of receipt, and any conditions imposed, may delay completion of the installation works.

Bells Flat Road, Yackandandah

Savings from within the Annual Resealing Program have been reassigned to required activities to complete the sealing of Bells Flat Road.

Pool Liner Installation

The tender for the pool liner replacement at the Beechworth Swimming Pool is scheduled to be advertised in late May.

However, expected long lead times with the supply of the liner, creates a risk of the pool not being ready for the season opening if works are done prior to the season. Accordingly, the tender package will include some flexibility in the timing of the delivery of the work and will seek an option to delay the works until after the 2023/24 summer season. More will be known when tenders are received.

COUNCIL MEETING AGENDA - 16 MAY 2023

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	2. Liveability
Strategic Objective	2.2 Our built environment, streetscapes, facilities, amenities and open spaces are safe, inviting, attractive, well maintained, contributing to a sustainable sense of place and pride.

There is no specific reference in the Council Plan to the broader capital works program, however many of the individual projects and programs are referred to in the Council Plan.

SOCIAL/COMMUNITY IMPLICATIONS

Capital works projects often have a direct positive impact on the community. Project staff engage closely with the community and stakeholders to identify the project scope and ensure expectations align with deliverables.

ENVIRONMENTAL IMPLICATIONS

Project staff continue to consider potential environmental impact in all aspects of their works and to adopted works practices to minimise the impact.

Each project’s environmental impact is assessed by project officers during the planning and implementation of the project. When required an Environmental Management Plan (EMP) is developed to control and minimise potential impacts.

LEGISLATIVE IMPLICATIONS

Council is required to responsibly manage and report on the budget quarterly including capital works.

The procurement requirements of the Local Government Act as well as Council’s Procurement Policy are adhered to with all expenditure.

RISK & OPPORTUNITY MANAGEMENT

Every project has unique risks and opportunities. Risk management is conducted at the project level and is embedded as part of the project delivery methodology.

COMMUNITY ENGAGEMENT

Community and other stakeholder engagement is carried out at a project level and varies according to the project deliverables and impacts on the community.

CONCLUSION

To achieve the Q2 forecast end of year position will continue to be challenging, with a shortage of delivery resources in the key construction months, and a significant increase in labour and material prices, also having had an impact.

However, progress as at the end of April shows that approximately \$10.5 million has been spent so far across both the capital and Non-ISC programs. 2023/24 remains on track to exceed expenditure levels in prior years.

COUNCIL MEETING AGENDA - 16 MAY 2023

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Ian Ellett – Director Infrastructure Services
- Nathan Mullane – Manager Capital Works & Waste
-

Attachments

Due to the size of this attachment, it has been provided separately on Council's website

1. [April 2023 Capital Works Monitor](#)

COUNCIL MEETING AGENDA - 16 MAY 2023

14. EXECUTIVE MANAGEMENT

14.1 ADVOCACY ACTION PLAN 2021-2025 (AS AT 1 MAY 2023)

File No: 2023/246

Trevor Ierino - Chief Executive Officer

Executive Management

For Decision

RECOMMENDATION

That Council endorses the updated Advocacy Action Plan 2021-2025 (as at 1 May 2023).

PURPOSE OF REPORT

The purpose of the report is to present to Council the updated Advocacy Action Plan 2021-2025 (as at 1 May 2023).

BACKGROUND

In December 2021, Council adopted a new Advocacy Action Plan to align with the new Council Plan 2021-2025.

The projects and initiatives included in the action plan are mostly supported by strategic documents such as the *Council Plan*, the *Municipal Health & Wellbeing Plan* or other Council strategies and plans. They are initiatives that Council cannot achieve alone and for which further funding or intervention is required. It also includes items of high community interest.

The document was updated and adopted by Council at its September 2022 meeting and included several new advocacy action items at that time.

This document does not include any new items but provides a status update on advocacy activity that has occurred since the last report to Council.

DISCUSSION

As a small rural Council, we need to work in partnership with and advocate to a range of stakeholders and other levels of government to deliver on community expectations.

Our advocacy efforts include direct lobbying of decision-makers, writing submissions to federal and state governments; ongoing community consultation and engagement and public campaigns.

The Advocacy Action Plan has the following objectives:

- Identify priority projects and initiatives to generate economic activity, employment growth and community benefit.
- Increase levels of funding for infrastructure and services from other levels of government to meet community needs and aspirations.
- Influence state and federal legislation, policy, standards and guidelines to improve the health and wellbeing of our residents.
- Keep the community informed about our advocacy activities through regular reporting.

COUNCIL MEETING AGENDA - 16 MAY 2023

Options

Council may wish to alter the Advocacy Plan, add or delete items. Council is not mandated to have an Advocacy Action Plan, but has committed to develop and pursue an advocacy action plan as an action in the Council Plan 2021-2015, Strategic objective 5.2.1.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.2 Council advocates on issues, priorities and needs that matter to our community.
Strategic Action	5.2.1 Develop a new Advocacy Plan and report to the community quarterly on progress

FINANCIAL IMPLICATIONS

There are no immediate costs to implement the Advocacy Action Plan, however costs may arise on a project-by-project basis, and advocacy for grants would usually require Council to provide matching funding. Any requirement for funding associated with the advocacy plan would be subject to Council's financial approval processes and policies.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Failure to align the advocacy plan with community priorities	Unlikely	Minor	Low	Consulting Council's strategic documents such as the Council Plan to inform priorities.

COMMUNITY ENGAGEMENT

Engagement undertaken

Extensive consultation was undertaken in the development of the Council Plan and other strategies and plans which have informed this action plan. Feedback was also sought from Council's Advisory Committees.

Engagement proposed

There are no plans for any further engagement, however the updated action plan will be available on the Council website and progress against action items will be communicated as appropriate and as part of the Council Plan reporting process.

CONCLUSION

The updated Advocacy Action Plan 2021-2025 (as at 1 May 2023) sets out a broad range of opportunities that Council can advocate for over at every opportunity. The plan is a living document and reflects the items considered most relevant at this time, but they may be added to or altered as needed on an ongoing basis.

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DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Trevor Ierino – Chief Executive Officer
- Melinda Collis – Executive Manager Customer Experience and Engagement

Attachments

Due to the size of this attachment, it has been provided separately on Council's website

1. [Advocacy Action Plan 2021-2025 \(as at 1 May 2023\)](#)

COUNCIL MEETING AGENDA - 16 MAY 2023

14.2 REVIEW - INSTRUMENTS OF DELEGATION

File No: 2023/288

Carla Hanlon - Executive Manager People & Governance Executive Management

For Decision

RECOMMENDATION

That Council:

1. Delegates 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. Delegates to the members of Council staff holding, acting in or performing the duties of the positions referred to in the attached *Instrument of Delegation to Members of Staff* and *Instrument of Sub-Delegation to Members of Staff*, the powers, duties and functions set out in these instruments, subject to the conditions and limitations specified in these Instruments;
3. Appoints members of Council staff under the *Environment Protection Act 2017* (the 'Act') and the Instrument of Delegation of the Environment Protection Authority dated 6 December 2022, as set out in the attached *Instrument of Appointment & Authorisation*;
4. Notes that the delegations and appointments come into force immediately upon this resolution being made;
5. Revokes all previous delegations and appointments to the Chief Executive Officer and to members of staff;
6. Notes that the duties and functions set out in the instruments 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; and
7. Notes that:
 - a) the *Instrument of Delegation to the Chief Executive Officer* includes a power of delegation to the Chief Executive Officer in accordance with section 11(1)(b) of the *Local Government Act 2020*;
 - b) the *Instrument of Delegation to Members of Staff* is in accordance with the legislation referred to in the attached instrument of delegation;
 - c) the *Instrument of Sub-Delegation to Members of Staff* is in accordance with section 437(2) of the *Environment Protection Act 2017* and the *Instrument of Delegation of the Environment Protection Authority* dated 6 December 2022; and
 - d) the *Instrument of Appointment & Authorisation* is in accordance with section 242(2) of the *Environment Protection Act 2017* and the *Instrument of Delegation of the Environment Protection Authority* dated 6 December 2022.

COUNCIL MEETING AGENDA - 16 MAY 2023

PURPOSE OF REPORT

To present the following reviewed Instruments of Delegation to Council for adoption:

- *Instrument of Delegation to Chief Executive Officer*
- *Instrument of Delegation to Members of Council Staff*
- *Instrument of Sub-Delegation to Members of Council Staff under the Environment Protection Act 2017*
- *Instrument of Appointment & Authorisation Under the Environment Protection Act 2017*

BACKGROUND

What is the Purpose of Each Instrument?

The Instruments were last reviewed in April 2022 and each have their own purpose and require Council adoption as follows:

1. *The Instrument of Delegation – Council to Chief Executive Officer (s5)* allows the general delegation from Council to the CEO (pursuant to section 11(1) of the Act) and is required to be adopted by Council.
2. *The Instrument of Delegation - Council to Members of Council Staff (s6)* - allows for a direct delegation of power, duties and functions from Council to staff, for acts and regulations other than the Local Government Act. Other acts do not provide an express power of sub-delegation, and so there is a presumption that they may not be sub-delegated. This means the power of delegation contained in the other acts may only be delegated directly by Council to staff. A separate instrument is therefore required, to be adopted by Council.
3. *Instrument of Sub-delegation – Council to Members of Staff under the Environment Protection Act 2017 (s18)*– sub-delegates powers given to Council by the Environment Protection Authority (EPA). Council may then sub-delegate these powers to staff via this instrument. Powers include the regulation and enforcement of residential and commercial noise, litter and waste and on-site wastewater management systems
4. *Instrument of Appointment & Authorisation Under the Planning & Environment Act 2017 (s11b)* – enables Council to appoint officers who are authorised to regulate residential and commercial noise, litter and waste and on-site wastewater management systems. Appointments must be made by Council.

DISCUSSION

In February 2023, a review of the instruments was commenced, using the RelianSys delegations module. It incorporated two legislative updates from the Maddocks Delegations & Authorisations Service. The updates include legislative changes which were made on or after 22 July 2022. The changes in the attached documents reflect amendments in legislation since this time as well as changes to delegates to accommodate team work-flows, the organisational structure change and updated role titles.

COUNCIL MEETING AGENDA - 16 MAY 2023

The changes for each instrument are summarised as follows:

Legislation	Changes	Comment
Instrument of Delegation – Council to Chief Executive Officer (s5)		
Local Government Act 2020	Wording amended to be clearer regarding expenditure to up \$2,000,000 in limited circumstances (ie payments required by legislation, under approved contracts, payment of staff salaries, transfer of funds between Council bank accounts)	The addition of this delegation was made last November, there is no further proposed change apart from the wording to clarify meaning.
Instrument of Delegation – Council to Staff (s6)		
Cemeteries and Crematoria Act 2003	<p>Delegates amended to other roles within the responsible team (Executive Manager Customer Experience & Engagement changed to Coordinator Customer Experience and Senior Customer Experience Officer).</p> <p>Removal of provisions relating to Class A cemeteries.</p> <p>New provisions added by the legislative update relating to annual financial reporting to the Secretary, and which has been delegated to the Coordinator Customer Service.</p>	<p>This reflects the operational functions and work flow of the team.</p> <p>Council now manages only one Class B cemetery, and no Class A cemeteries.</p>
Planning & Environment Act 1987	<p>Legislative updates: The following new provisions have been added by the update:</p> <ul style="list-style-type: none"> to consider late submissions to amend the Planning Scheme – this is delegated to senior planners; duty to share personal information with the Minister if requested (delegated to senior planners). <p>Minor wording changes to some provisions.</p>	

COUNCIL MEETING AGENDA - 16 MAY 2023

Legislation	Changes	Comment
	<p>Council updates:</p> <p>Shift in power:</p> <ul style="list-style-type: none"> • s22(1) – duty to consider all submissions to amend the Planning Scheme – previously remained with Council, now delegated to the Director Planning & Corporate Services and Manager Planning & Statutory Services. • S61(1) – determining planning permits - addition of ability to refuse permits in certain circumstances – delegated to Director Planning & Corporate Services and Manger Planning & Statutory Services. <p>Some changes to delegates within the planning team, enabling the Coordinator Planning to execute additional powers/duties/functions under the Act.</p> <p>Addition of Strategic Planner to various delegations to allow for this newly created role.</p>	<p>Delegation has been re-interpreted to refer to the internal process of considering submissions before making a recommendation to Council. The need to have any amendments decided by Council remains.</p> <p>Refusals Only the Director Planning & Corporate Services and the Manager Planning & Statutory Services are delegated to refuse a permit, and only when;</p> <ul style="list-style-type: none"> • A determining referral authority objects to the application, or; • The application is not complete, or information requests relating to critical information has not been responded to for more than 60 days, or; • The applicant has stopped responding for more than 60 days, or has abandoned the application. <p>In all other cases, recommendation for refusal must be reported to Council for determination.</p>

COUNCIL MEETING AGENDA - 16 MAY 2023

Legislation	Changes	Comment
Planning and Environment Regulations 1987	Regulations 25(a) and (b) of the Planning and Environment Regulations 1987 have been slightly amended by the Planning and Environment Amendment Regulations 2022, to refer to the public availability requirements.	
Instrument of Sub-delegation – Council to Members of Staff under the Environment Protection Act 2017 (s18)		
Environment Protection Act 2017	Amended date of Instrument of Direction made to Council, as this was updated by the Environment Protection Authority dated 6 December 2022.	Amendments allow Council to appoint non-employees as Authorised Officers, and allows employees to take proceedings for offences related to delegated powers. There is no resulting impact on delegations, therefore no changes to the delegations are proposed.
Instrument of Appointment & Authorisation Under the Environment Protection Act 2017 (s11b)		
Environment Protection Act 201	Updated list of officer names to current staff, removing those who have ceased their role with Council.	<p>Appointments under this Act are to be made by Council. The appointees are authorised to exercise enforcement powers under the Act.</p> <p>Names have been updated to current employees, and have removed officers that do not hold Environment Health Officer (EHO) roles. Only EHO roles may carry out the powers delegated to them by Council under the Instrument of Direction from the EPA, so it is these roles that are appointed to execute these powers under the Act.</p>

Options

- Do nothing – this is not recommended for the reasons outlined in this report.
- Adopt the reviewed instruments of delegation, as attached to this report.

COUNCIL MEETING AGENDA - 16 MAY 2023

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.

This delegations review will assist with the achievement of the key strategic objective 5.5 “Our Councillors and organisation are committed to the highest level of governance practices and conduct.”, as set out in the Council Plan 2021-2025, by supporting Council decision-making and ensuring that decisions are well considered, transparent and in the best interests of the whole community.

Instruments of delegation allow for the considered and systematic delegation of many powers and duties that would be impossible for Council to perform in its own right. They enable tasks and decisions to be delegated to the appropriate roles, ensuring decisions are executed under the appropriate legislation and with the correct authority.

SOCIAL/COMMUNITY IMPLICATIONS

The review of instruments of delegation assures the community that Council executes its decision-making processes in line with legislative requirements and within the appropriate roles.

The provision of the instruments via this report enables the community to have full information on the roles that are responsible for the execution of powers, duties and functions under various legislation.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications with this report.

FINANCIAL IMPLICATIONS

The management of Council’s delegations involves two annual subscription, including the Maddocks Delegations Service and the RelianSys Delegations module (web-based software which assists with the allocation and approval of delegations), both of which are funded within the budget.

LEGISLATIVE IMPLICATIONS

Section 11(1) of the Act provides that a council may, by instrument of delegation, delegate to the members of a delegated committee and to the Chief Executive Officer, any power, duty or function of a council under the Act or any other legislation, other than certain specified powers.

Section 47(1) provides that the Chief Executive Officer (CEO) 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 the power of delegation itself.

Other Acts also empower a council to delegate certain powers, duties or functions. For example, section 188 of the Planning and Environment Act 1987 and section 58A of the Food Act 1984, empower councils to delegate their powers under those Acts to members of council staff.

Certain powers under the Environment Protection Act 2017 are delegated to Council by the Environment Protection Authority under an Instrument of Direction. These in turn are sub-delegated to officers under section 437(2), and the same officers are appointed to carry out these powers under section 242(2).

COUNCIL MEETING AGENDA - 16 MAY 2023

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
If delegations are not updated the legality of a decision or an action purportedly made on behalf of the council could be questioned.	Possible	Minor	Low	Adopt the revised instruments.

COMMUNITY ENGAGEMENT

Engagement undertaken

No public consultation was undertaken. The instruments have been reviewed by the appropriate internal stakeholders, including the Executive Management team and relevant managers.

Engagement outcomes

The Delegations were adjusted in accordance with feedback received.

Engagement proposed

No future consultation is proposed.

CONCLUSION









In accordance with requirements under the *Local Government Act 2020* and Council's usual practice of updating all delegations, the attached instruments have been reviewed to ensure that they are lawful, up to date and allow for the effective operation of the organisation.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Carla Hanlon – Executive Manager People & Governance
- Annabel Harding - Governance Coordinator

Attachments

1.   Instrument of Delegation - Council to Chief Executive Officer (s5)
2.   Instrument of Delegation - Council to Staff (s6)
3.   Instrument of Sub-Delegation Under the Environment Protection Act 2017 (s18)
4.   Instrument of Appointment & Authorisation Under the Environment Protection Act 2017 (s11B)

COUNCIL MEETING AGENDA - 16 MAY 2023

14.3 INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987

File No: 2023/236

Carla Hanlon - Executive Manager People & Governance Executive Management

For Decision

RECOMMENDATION

In the exercise of the powers conferred by Section 224 of the *Local Government Act 1989* and the other legislation referred to in the attached Instruments of Appointment and Authorisation, Indigo Shire Council resolves that:

1. The member of Council staff referred to in Attachment 1 be appointed and authorised as set out in the Instrument; and
2. The Instrument in the attachment comes into force immediately upon resolution of Council, and is revoked on the date the officer ceases employment with Council, or until Council determines to vary or revoke it.

PURPOSE OF REPORT

The purpose of this report is for Council to appoint an authorised officer under the *Planning and Environment Act 1987* (the "Act") as detailed in the attached instrument.

BACKGROUND

The new planning officer commenced with Indigo Shire Council in May 2023. As the role is required to execute statutory powers and functions under the *Planning and Environment Act 1987*, Council must make the appointment under this Act.

DISCUSSION

Under the Act, officers must be appointed and authorised directly by Council rather than by the Chief Executive Officer, as there are no powers provided for this sub-delegation.

The Instrument of Appointment and Authorisation provide the legal basis to undertake inspections and other planning duties as required.

The attached instrument is based on the template provided by Maddocks Lawyers Delegations and Authorisations Service. This legal service provides templates for Instruments of Appointments that meet legislative requirements. The use of these model documents will ensure Council is compliant when appointing and authorising relevant Council staff.

Options

Council could decide to not appoint the new officer under the Act, however this would prevent the officer from carrying out the statutory functions required of the role. For this reason, it is strongly recommended that the officer is appointed.

COUNCIL MEETING AGENDA - 16 MAY 2023

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.

The appointment of authorised officers under the Act demonstrates the due consideration Council gives to allowing officers to perform certain duties under specific legislation. This indicates that Council complies with legislation, ensuring its officers are duly authorised when appropriate, and that Council’s business is conducted with transparency.

SOCIAL/COMMUNITY IMPLICATIONS

The formal appointment assures the community that Council authorises the officers to perform planning duties within the scope of the *Planning and Environment Act 1987*.

ENVIRONMENTAL IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

There are no financial implications to Council relating to the issuing of an instrument of appointment.

LEGISLATIVE IMPLICATIONS

It is important that officers are properly authorised by Council when undertaking a role as an authorised officer. This ensures that they are permitted to act under the relevant legislation and in their official capacity.

In order for the specified officer to undertake their day-to-day duties, the appointment is made under section 147(4) of the Act.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
An officer executes powers, duties and functions under the Act without being formally appointed by Council.	Unlikely	Moderate	Medium	When a new officer is appointed in a role, the governance team checks the authorised officer status. This triggers the process for formal appointment by Council in accordance with procedures.

COUNCIL MEETING AGENDA - 16 MAY 2023

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
An officer is appointed under inappropriate or wrong legislation	Unlikely	Moderate	Medium	<p>Council’s appointed legal service issues an updated template that Council uses to ensure the accuracy.</p> <p>Once drafted, the Instrument is approved by various officers including the relevant manager.</p>

COMMUNITY ENGAGEMENT

No public consultation was undertaken or is proposed in relation to this matter. A register of Authorised Officers is available for public inspection.

CONCLUSION

It is recommended that Council appoints the officer referred to in Attachment 1 to enable the execution of statutory powers under the *Planning & Environment Act 1987*.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Carla Hanlon – Executive Manager People & Governance
- Annabel Harding – Governance Coordinator

Attachments

1.   Instrument of Appointment & Authorisation - Planning & Environment Act 1987 - Connop

COUNCIL MEETING AGENDA - 16 MAY 2023

14.4 ADVISORY COMMITTEE MINUTES

File No: 2023/273

Carla Hanlon - Executive Manager People & Governance

Executive Management

For Decision

RECOMMENDATION

That Council:

1. Receives the attached unconfirmed meeting minutes for the following Advisory Committees and endorses the officer recommendations:
 - a. Finance Committee;
 - b. Indigo Community Access Committee;
 - c. IndiGrow.

PURPOSE OF REPORT

The report provides the minutes, recommendations and accompanying officer comments from Council's advisory committees for Council noting and endorsement of Management Recommended Actions.

BACKGROUND

Council currently has seven advisory committees. The role of an advisory committee is to provide information and advice on issues relating to the committee's specific area of expertise (i.e. the Environment Committee provides advice on environmental issues).

Each advisory committee meets regularly (the frequency of which depends on the committee) and records minutes and resolutions for Council decision. Each resolution reported to this month's meeting is highlighted in the table below, and has an accompanying officer comment.

DISCUSSION

COMMITTEE	DATE OF MEETING	RECOMMENDATION	OFFICER RECOMMENDATION
Finance Committee	11 April 2023	<i>That Council accepts the YTD March Finance Report noting the progress against Council's quarter 2 forecast.</i>	This report was presented to and approved by Council at the April Council meeting. No further action required.
Indigo Community Access Advisory Committee	17 April 2023	Nil reported.	

COUNCIL MEETING AGENDA - 16 MAY 2023

COMMITTEE	DATE OF MEETING	RECOMMENDATION	OFFICER RECOMMENDATION
IndiGrow	17 April 2023	<i>Given that key stakeholder views are considered, that IndiGrow support the process and project [Chiltern Destination Playspace] as a game changer project with enormous benefits for the whole community.</i>	Noted. The Chiltern Destination Playspace is included in this agenda for Council consideration.
		<i>That IndiGrow support and endorse Council's process and the intent of this project [Chiltern Land Project]. The Committee looks forward to seeing further action regarding cultural, heritage and planning to ensure the sustainable future of this project.</i>	Noted. The Chiltern Land Project is currently underway.

Note: Minutes of Advisory Committee meetings may not be available at the time the agenda is published. Any Minutes not included will be reported in the following month.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.

The provision of advisory committee minutes and resolutions to Council at the monthly meeting ensures that Council considers the advice of the committees. This allows transparent decision-making and highest level of governance practices and conduct.

FINANCIAL IMPLICATIONS

There are no financial implications with this report.

LEGISLATIVE IMPLICATIONS

Council's advisory committees are established by Council but do not have any delegated decision-making powers. Instead they work under terms of reference and provide advice to Council. The advice occurs in a variety of forms, including advice to relevant Council departments, as well as advice contained within resolutions that are reported to Council.

Some advisory committee meetings are open to the public and some are closed, however all minutes are reported to Council (with the exception of the Audit & Risk Committee - these meetings are held 'in camera' and the minutes are not available to the public – reporting to Council occurs as per the requirements under the *Local Government Act 2020*).

COUNCIL MEETING AGENDA - 16 MAY 2023

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
That advisory committee minutes and recommendations are not duly reported to Council, and the utility and confidence of the committees are undermined.	Unlikely	Insignificant	Low	Governance team follow up with officer secretariats to ensure that all meetings are reported to Council as soon as practicable.

CONCLUSION




The advisory committee minutes included in this report are presented to Council for noting.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130(2) of the *Local Government Act 2020* and *Governance Rule 24*, the following officers declare that they have no interests to disclose in providing this report:

- Carla Hanlon - Executive Manager People and Governance
- Annabel Harding - Governance Coordinator

Attachments

1. [Download](#)  Minutes - Finance Committee - 11 April 2023
2. [Download](#)  Minutes - Indigo Community Access Committee - 17 April 2023
3. [Download](#)  Minutes - IndiGrow - 17 April 2023

COUNCIL MEETING AGENDA - 16 MAY 2023

14.5 INFORMAL MEETINGS OF COUNCILLORS RECORDS

File No: 2023/274

Carla Hanlon - Executive Manager People & Governance **Executive Management**

For Decision

RECOMMENDATION

That Council accepts the attached Informal Meetings of Councillors records.

This report tables the Informal Meetings of Councillors as required under Council's governance rules. Informal Meetings of Councillors Records are only required for meetings closed to the public.

PURPOSE OF REPORT

The report presents Informal Meetings of Councillors records to Council for recording in the minutes in accordance with Governance Rule 72(b)(iii).

BACKGROUND

Governance Rule 70 defines an Informal Meeting of Councillors as:

1. a meeting of an advisory committee of Council, if at least one Councillor is present, or
2. a planned or scheduled meeting of at least half the Councillors and one member of Council staff which considers matters that are intended or likely to be:
 - 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 a committee.

The Governance Rules specifically excludes the following meetings:

- Council Meetings
- Delegated Committee Meetings
- Community Asset Committee Meetings

Informal meetings of Councillors do not include meetings which are open to the public.

DISCUSSION

Under Governance Rule 72(b)(iii), the CEO is required to provide a summary of matters discussed at Informal meetings of Councillors, which is to be tabled at the next Scheduled Council meeting and is to be recorded in the minutes.

The attached Informal Meetings of Councillors records are presented to Council for acceptance as summarised in the following table.

COUNCIL MEETING AGENDA - 16 MAY 2023

MEETING	DATE
Councillor Briefing	11 April 2023
Finance Committee Meeting	11 April 2023
Budget Workshop	12 April 2023
Indigo Community Access Advisory Committee	17 April 2023 (closed session)
Councillor Briefing	18 April 2023

NOTE:

The timing of the agenda distribution will sometimes make it difficult to provide a complete month. Please note that any items not included will carry forward to the following month.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.

An Informal Meeting of Councillors record is a mechanism for Councillors and officers to openly declare and report any conflicts that may have arisen during a defined informal meeting of Councillors. This demonstrates to Council and the community that the meetings are conducted with transparency and good governance.

FINANCIAL IMPLICATIONS

There are no financial implications with this report.

LEGISLATIVE IMPLICATIONS

Informal Meetings of Councillors are dealt with under the Governance Rules.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
That a defined Informal Meeting of Councillors is not reported to Council, and public confidence in transparency is undermined.	Likely	Insignificant	Medium	Regular reminders to officers about the requirement to report defined meetings. Follow up of missing records for known meetings.

CONCLUSION

The Informal Meetings of Councillors records attached to this report are a true and accurate record of all defined meetings reported since the last report to Council.











COUNCIL MEETING AGENDA - 16 MAY 2023

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130(2) of the *Local Government Act 2020 and Governance Rule 24*, the following officers declare that they have no interests to disclose in providing this report:

- Carla Hanlon – Executive Manager People & Governance
- Annabel Harding - Governance Coordinator

Attachments

1.   Informal Meeting of Councillors Record - Finance Committee - 11 April 2023
2.   Informal Meeting of Councillors Record - Council Briefing -11 April 2023
3.   Informal Meeting of Councillors Record - Draft Budget Workshop - 12 April 2023
4.   Informal Meeting of Councillors Record - Indigo Community Access Committee - 17 April 2023
5.   Informal Meeting of Councillors Record - Council Briefing - 18 April 2023

COUNCIL MEETING AGENDA - 16 MAY 2023

14.6 CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION - APRIL 2023

File No: 2023/292

Trevor Ierino - Chief Executive Officer

Executive Management

For Information

The following contract was awarded by the CEO under delegation, between the values \$250,000 and \$500,000, for the month of April 2023.

Date	Tenderer	Title	Project	Amount
18/04/2023	Roejen Services Pty Ltd	Swimming Pool Capital Works	Beechworth, Chiltern, Rutherglen, Tangambalanga and Yackandandah	254,810.60 (inc GST)

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.
Strategic Action	5.5.2 Develop and maintain a Governance Schedule to give Council and Community visibility of future legislative requirements

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Trevor Ierino – Chief Executive Officer
- Kathryn Baldock – Executive Assistant CEO & Councillors

Attachments

Nil

COUNCIL MEETING AGENDA - 16 MAY 2023

15. NOTICES OF MOTION

Nil reports

COUNCIL MEETING AGENDA - 16 MAY 2023

16. COUNCILLORS REPORT

16.1 MAYOR'S DIARY - APRIL 2023

For Information

Mayor Price attended the following functions/events/meetings in April 2023:

DATE	TIME	FUNCTION / EVENT / MEETING	LOCATION
3 April	10.30am	Meeting with CEO	Beechworth
4 April	9.00am	Local Government Mayoral Advisory Panel	Melbourne
11 April	11.00am	Meeting with Minister for Ambulance Representative & CEO	Online
11 April	1.00pm	Meeting with CEO	Beechworth
11 April	2.30pm	Council Briefing	Beechworth
11 April	6.00pm	Finance Meeting	Beechworth
12 April	9.00am	Budget Workshop	Beechworth
17 April	1.00pm	Indigo Community Access Committee Meeting	Rutherglen
18 April	10.00am	Meeting with CEO	Phone
18 April	2.30pm	Council Briefing	Via Zoom
25 April	9.30am	ANZAC Day Commemoration Service	Wahgunyah
25 April	11.00am	ANZAC Day Memorial Service	Chiltern
26 April	10.00am	Meeting with CEO	Beechworth
26 April	11.00am	Meeting with Leanne Mulcahy, Facilitator	Beechworth
26 April	11.00am	Hospital Advocacy Workshop – Wodonga Council	Wodonga
27 April	10.00am	MAV Goulburn Ovens Murray Regional Meeting	Online
27 April	12.30pm	Meeting with Greg Lumby, Rutherglen	Rutherglen
29 April	1.00pm	Opening of Home Energy Efficiency Expo	Beechworth
30 April	10.00am	Opening of Annual Milk Run	Huon Reserve

Attachments
Nil

COUNCIL MEETING AGENDA - 16 MAY 2023

17. DECISIONS REGISTER

17.1 DECISIONS REGISTER

File No: 2023/286

Carla Hanlon - Executive Manager People & Governance Executive Management

For Information

The report outlines actions from Council Resolutions as at 30 March 2023, including those not previously listed as completed, but not including resolutions to note a report.

Meeting date	Item	Name	Resolution	Status
28-Feb-23	12.1	Australia Day Review Process	That Council endorses: <ol style="list-style-type: none"> the formation of an Australia Day Review Working Group; and the Australia Day Review Working Group's Terms of Reference. 	Not yet completed – report recommending appointment of members of the Working Group will be presented to the April Council meeting.
28-Mar-23	8	Confirmation of Minutes from Previous Meeting(s)	That the following minutes be confirmed: <ol style="list-style-type: none"> Minutes of the Council Meeting held on 28 February 2023, as published on Council's website; and Confidential Minutes of the Council Meeting held on 28 February 2023, as provided to Councillors under separate cover. 	Completed
28-Mar-23	9	Business Arising from Previous Minutes	That the decision of the February 2023 Council Meeting to award the grant to Rutherglen Historical Society Inc be corrected to the correct recipient, being Rutherglen Gold Battery Committee.	Completed
28-Mar-23	11.1	February Finance Report	That Council accepts the YTD February 2023 Finance Report noting the progress against Council's quarter 2 forecast.	Completed
28-Mar-23	11.2	Planning Permit Application PP22-1088 –	That Council issue a 'Notice of Decision' to grant a planning permit for the construction of a Telecommunication Facility at 76 Payne	Completed

COUNCIL MEETING AGENDA - 16 MAY 2023

Meeting date	Item	Name	Resolution	Status
		Payne Road, Beechworth	Road, Beechworth, subject to the conditions at attachment 2.	
28-Mar-23	12.1	Creative Indigo Arts and Culture Strategy 2023-2027	That Council adopts the Creative Indigo Arts and Culture Strategy 2023- 2027.	Completed
28-Mar-23	12.2	Rutherglen Place Plan	That Council adopts the Rutherglen Place Plan including the Rutherglen Community and Arts Precinct Hub Concept Designs.	Completed
28-Mar-23	13.1	February Capital Works Report	That Council notes the February Capital Works Report and year to date progress in the delivery of the capital works program.	Completed
28-Mar-23	14.1	2023 Audit and Risk Committee Charter	That Council adopts the 2023 Audit and Risk Committee Charter, as attached.	Completed
28-Mar-23	14.2	Audit and Risk Committee - Performance Survey 2021/2022	That Council: <ol style="list-style-type: none"> 1. Receives the results of the 2021/2022 Audit and Risk Committee performance survey; and 2. Endorses the Mayor to thank the Audit & Risk Committee for their work, at the next scheduled meeting. 	Part 1 – Completed Part 2 – Incomplete (to be completed at the next Audit & Risk Committee meeting, scheduled for 17 July 2023)
28-Mar-23	14.4	Informal Meetings of Councillors Records	That Council accepts the attached Informal Meetings of Councillors records.	Completed
28-Mar-23	14.5	Advisory Committee Minutes	That Council: <ol style="list-style-type: none"> 1. Receives the attached unconfirmed Advisory Committee minutes; 2. Notes the following recommendations from the Finance Committee, and that the actions are completed: <ol style="list-style-type: none"> a. that Council accepts the YTD January 2023 Finance Report; 	Completed

COUNCIL MEETING AGENDA - 16 MAY 2023

Meeting date	Item	Name	Resolution	Status
			<p><i>b. that Council:</i></p> <ul style="list-style-type: none"> <i>i. adopts the quarter 2 (Q2) full-year forecast figures,</i> <i>ii. directs the CEO to report against these forecast figures for the remainder of the financial year;</i> <i>iii. notes the Q2 forecast full year unfavourable result of \$420,944; and</i> <i>iv. directs the CEO to recoup the unfavourable result in the 23/24 budget, ensuring that the previously determined 2023/24 EOFY cash balance is still achieved.</i> 	

Attachments
Nil

COUNCIL MEETING AGENDA - 16 MAY 2023

18. GENERAL BUSINESS

COUNCIL MEETING AGENDA - 16 MAY 2023

19. CONFIDENTIAL

Section 66 of the Local Government Act 2020 (the LGA Act) states:

1. A Council or delegated committee must keep a meeting open to the public unless the Council or delegated committee considers it necessary to close the meeting to the public because a circumstances specified in subsection (2) applies.
2. The circumstances are:
 - a. the meeting is to consider confidential information [*as defined in section 3 of the LGA Act*]
 - b. for security reasons; or
 - c. it is necessary to do so to enable the meeting to proceed in an orderly manner.

RECOMMENDATION

That the Council Meeting be closed to the public in accordance with Section 66 of the *Local Government Act 2020*.

This meeting will now close to the public. Members of the gallery are asked to leave. Recording and live streaming will cease before proceeding.

COUNCIL MEETING AGENDA - 16 MAY 2023

19.1 HERITAGE LOAN APPLICATION - 152 HIGH STREET, RUTHERGLEN

File No: 2023/266

Greg Pinkerton - Director Planning & Corporate Services Planning & Corporate Services

This matter is considered to be confidential under Section 3(1)(f) of the Local Government Act 2020, as it deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

This section applies because the information contains personal biographical details of a person who has applied for a heritage loan with Council. This application was provided to the Council in confidence as part of the assessment process. This is an unreasonable disclosure of personal information as their application has not yet been determined.

For Decision

Next Meeting: Tuesday, 27 June 2023 at 6.30pm

11.1

APRIL FINANCE REPORT

1	April Service Plan Statement.....	109
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Service plan area statement, April 2023

Note: For both actual and budget a positive net result means a positive net contribution to Council and a negative net result means a net cost to Council.

(Red variance) is unfavourable

Black variance is favourable

Service Plan Area	Year to Date (YTD)				2022/23 Annual budget	2022/23 Quarter 2 Forecast	April YTD 2021/22 actual
	YTD actuals	YTD forecast	YTD variance \$	YTD variance %			
Community & economic development services							
Ageing Well	(47,726)	(57,901)	10,175	18%	(102,282)	(91,575)	(52,498)
Community development	(229,412)	(232,436)	3,024	1%	(336,038)	(354,940)	(168,060)
Early years	(653,078)	(668,846)	15,768	2%	(844,357)	(850,416)	(507,370)
Economic development	(96,830)	(156,596)	59,766	38%	(220,274)	(273,963)	(55,441)
Library services	(230,172)	(210,897)	(19,275)	(9%)	(220,307)	(274,179)	7,921
Recreation	(501,556)	(506,193)	4,637	1%	(604,425)	(683,096)	(567,612)
Tourism	(535,677)	(601,043)	65,366	11%	(578,462)	(637,736)	(488,916)
Visitor Experience and Museums	(939,860)	(970,653)	30,793	3%	(1,163,719)	(1,166,046)	(946,554)
Young people	203,143	162,259	40,884	25%	(78,559)	(29,233)	118,549
Surplus / (deficit) community & economic develop	(3,031,169)	(3,242,307)	211,138	7%	(4,148,423)	(4,361,186)	(2,659,980)
Infrastructure services							
Asset management	(210,065)	(261,177)	51,111	20%	(329,382)	(329,357)	(271,394)
Buildings & property	(590,691)	(696,495)	105,805	15%	(1,019,905)	(1,089,993)	(602,808)
Buller gas	467,523	434,027	33,496	8%	571,668	635,494	412,619
Capital works - management	(186,138)	(227,289)	41,151	18%	(308,475)	(281,050)	(244,321)
Development engineering	(124,559)	(122,909)	(1,650)	(1%)	(107,021)	(114,482)	(84,921)
Drainage	(97,354)	(68,053)	(29,301)	(43%)	(43,114)	(72,212)	(32,502)
Emergency management	(349,117)	(157,204)	(191,913)	(122%)	(37,045)	153,428	(389,296)
Environment & sustainability	(199,846)	(224,094)	24,248	11%	(368,516)	(414,049)	(217,319)
Parks & gardens	(774,812)	(776,274)	1,462	0%	(1,014,484)	(919,815)	(715,726)
Pathways	(58,547)	(70,686)	12,139	17%	(135,975)	(110,976)	(122,547)
Plant equipment & fleet	(343,666)	(316,578)	(27,088)	(9%)	(73,712)	(70,833)	(156,019)
Quarries	(323,022)	(314,192)	(8,830)	(3%)	114,888	64,500	58,420
Roads & bridge maintenance	(1,511,986)	(1,549,470)	37,485	2%	(337,114)	(427,312)	157,978
Tree services	(435,071)	(493,376)	58,305	12%	(594,176)	(601,027)	(498,991)
Waste management	846,010	882,551	(36,541)	(4%)	476,633	177,343	1,152,688
Surplus / (deficit) infrastructure services	(3,891,341)	(3,961,219)	69,878	2%	(3,205,730)	(3,400,341)	(1,554,138)
Office of the CEO							
Carlyle cemetery	14,653	5,062	9,591	189%	0	0	2,383
Communications	(166,969)	(212,933)	45,964	22%	(312,310)	(279,192)	(224,501)
Customer service and administration	(432,586)	(445,435)	12,849	3%	(562,795)	(546,627)	(482,569)
Executive management	(1,328,087)	(1,307,893)	(20,194)	(2%)	(1,649,705)	(1,617,496)	(1,323,096)
Governance	(110,790)	(142,407)	31,617	22%	(197,590)	(180,035)	(117,245)
People and culture	(121,842)	(128,448)	6,607	5%	(164,059)	(161,704)	(105,114)
Records management	(601,983)	(556,511)	(45,471)	(8%)	(674,162)	(727,724)	(506,074)
Risk management	(662,969)	(656,018)	(6,951)	(1%)	(664,755)	(683,581)	(607,719)
Surplus / (deficit) office of the CEO	(3,410,573)	(3,444,584)	34,011	1%	(4,225,376)	(4,196,359)	(3,363,935)
Planning & corporate services							
Asset depreciation	(5,904,622)	(5,904,627)	5	0%	(5,970,511)	(6,115,418)	(4,749,539)
Building control services	(89,507)	(80,007)	(9,500)	(12%)	(69,298)	(53,196)	(102,793)
Environmental health services	97,810	49,145	48,664	99%	(3,441)	43,744	62,123
Financial services	699,905	756,353	(56,448)	(7%)	3,208,201	3,495,182	3,574,841
Information technology	(448,561)	(490,262)	41,701	9%	(1,257,756)	(963,987)	(942,250)
Local laws & animals	(1,990)	(57,100)	55,110	97%	(112,867)	(100,735)	(70,261)
Planning	(564,793)	(716,011)	151,217	21%	(994,923)	(1,056,872)	(685,960)
Rates & property services	15,237,418	15,231,281	6,136	0%	15,263,874	15,242,998	14,816,043
Surplus / (deficit) planning & corporate services	9,025,660	8,788,773	236,887	3%	10,063,279	10,491,718	11,902,204
Surplus / (deficit)	(1,307,422)	(1,859,336)	551,914	30%	(1,516,250)	(1,466,168)	4,324,151

11.4

PLANNING PERMIT APPLICATION PP22-0211 - 454 SANDY CREEK ROAD, SANDY CREEK

2	PP22-0211 - Referral Response	111
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Agriculture Victoria

13 February 2023

Penny McKinnon
Planning Department
Indigo Shire Council
PO Box 28
BEECHWORTH VIC 3747

Email: info@indigoshire.vic.gov.au

Dear Penny,

RE: Planning Permit Application PP22-0211 Use and Development of a Dwelling and shed

**Land at: 454 Sandy Creek Road - SANDY CREEK
Allot. A4 Sec. 6 PARISH OF TANGAMBALANGA**

Reference: PP22-0211

Thank you for the opportunity to provide comment pursuant to a notice of application under Section 52 of the *Planning and Environment Act, 1987*.

The advice provided in this letter relates to:

1. Planning context
2. Supporting documentation
3. Review of the application against Indigo Planning Scheme's strategic objectives

1. Planning Context

The subject land is approximately 9.2 hectares in area and is zoned Farming Zone (FZ), Clause 35.07 of the Indigo Planning Scheme, and is affected by:

- Areas of Aboriginal Cultural Heritage Sensitivity (Partial)
- Waterways (tributaries to Sandy Creek)

Agriculture Victoria notes that the application for a dwelling is to support the use of the land for Horticulture (Desert Lime orchard), a Section 1 use (no permit required) in the Farming Zone.

Under the Schedule to Clause 35.07 Farming Zone, a Dwelling on a lot less than 40 ha is a Section 2 use, permit required.

2. Supporting Documentation

Agriculture Victoria has reviewed the application documents and provides a summary of the relevant points:

Planning Permit application – Sandy Creek Desert Limes

The Planning Permit application – Sandy Creek Desert Limes, no author listed, dated 26 July 2022 states:

3.1 Background

- *The applicants wish to relocate to the Sandy Creek area upon selling their current 65-acre block (elsewhere in the Indigo Shire)*

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- *The intent is to rehabilitate the Sandy creek block and establish a productive desert lime orchard/business. Engage in full time/part time work, the ability to live in Sandy Creek will enable the applicants to dedicate their time to this rehabilitation and maintenance, and to the desert lime enterprise as a long term plan.*
- *There will be no loss or fragmentation of agricultural land. The impact of agricultural activities on adjacent and nearby land upon the dwelling is likely to be minimal.*
- *The shed will have 5 bays and be north facing..... Two offices will be fit out in this shed for the owners who work from home. As such, it will contain a toilet and kitchenette but no shower or bath, with entry via a small access door from the North...*

Conclusion

- *This proposal/application to inhabit the land provides supporting information to facilitate and enhance the ongoing primary use of the land for productive, sustainable agriculture. It also demonstrates that the residential use of the land has a relationship with, and is required, to directly support the continuing operation of an existing rural use conducted on the land.*

Farm Management Plan (Updated)

The Farm Management Plan (Updated), no author listed, undated states:

i) Introduction of the proposed use

- *We plan to develop the property into a viable and sustainable Desert Lime orchard*
- *We believe that the construction and occupation of a dwelling on the land is essential to allow us to carry out the proposed farming activities (including continued clean up and rehabilitation works), to establish this enterprise and ensure its ongoing viability in a sustainable and resourceful manner.*
- *...the remaining land available for the proposed agricultural enterprise is approximately 5 acres (2 hectares). While the subject block is of low viability for agricultural activities due to its size, any agricultural use will require careful management to be economically feasible.*

ii) Summary farm plan

- *We plan to plant, grow and harvest desert limes and sell to culinary and brewing industries, at markets, and in use in products made with desert limes for sale at markets*
- *To undertake this work in a timely manner, it is not feasible to have the landowners do this work on weekends. The applicants live over an hour away (one way), work weekdays, and manage a 65-acre property.*
- *The pursuit of a sustainable and profitable agricultural activity is only feasible if the owners can consolidate their assets, time, and efforts through the construction of a dwelling on the subject land to where they would relocate if the permit was successful.*

Water (additional information)*a) Viability of obtaining sufficient water for operation*

- *The average annual rainfall in a semi-arid region is 350mm (range between 250 and 500mm). the average annual rainfall for Sandy Creek is approx. 750mm. Due to the improved reliability and frequency of rainfall (semi-arid vs Sandy Creek), desert limes might only need supplementary irrigation during extremes of summer.*
- *A representative from Goulburn Murray Water (GMW) has inspected the existing dam (October 2022) on the Southern Boundary. It is proposed that this water storage be redesigned with some maintenance work to correct some by-wash issues. In the process the dam will be cleaned out. The proposed storage volume will be approximately 1 ML. the required GMW permits will be submitted once council planning permits are granted.*
- *The water budget is based on 6 waterings on 60 litres per tree across 800 trees, thus an approximate water volume of 288 kL would be required per summer*

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season. Only 30% of the proposed stored volume will be used if required. The is sufficient catchment area to fill the dam several times over.

Development timeline

- *Dwelling and shed: A contract to build the dwelling and shed would be signed as soon as possible.....It is estimated that the dwelling and shed will be in full use by December 2023.*
- *Generally, grafted trees are grown to order, available 18 to 24 months after ordering. This timeline allows for soil improvement, water storage and infrastructure establishment (including the proposed dwelling and shed) before larger volumes of trees would be available in 2024.*

Establishment (Years 1-4)

- *Years 1-3 – repair, development, establishment, maintenance of block, and initial planting. Years 4 and ongoing – crop yield.*
- *Once the orchard operation has commenced, it will only be economically viable if the owners do not have to travel back and forth to the orchard (currently a 2-hour return trip) for monitoring, caretaking, and farming, or to maintain the block for fire, water inundation, or other such events. The cost of such travel (financially) have not been factored into the monetary data that follows, and the time taken to travel means other life areas will be negatively impacted.*
- *If a dwelling is not built in the block, it is unlikely that the agricultural venture will be undertaken. It would not be in the owners best interests to maintain their current property in addition to travelling and work/maintaining this one, rather than have one property only to live on and maintain.*

C/3g – Applicant capabilities

- *One applicant is a qualified agronomist (B.App.Sc. – Horticulture).*
- *The other has qualifications in policy, planning and management.*
- *An applicant has worked in the agricultural industry for over 20 years.*

3. Review of the application against Indigo Planning Scheme’s strategic objectives

Agriculture Victoria considers that the following clauses of the Indigo Planning Scheme are relevant to this application:

- **Clause 14.01-1S Protection of agricultural land, Strategies;**
 - *Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*
 - *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*
 - *Prevent inappropriately dispersed urban activities in rural areas.*
 - *Limit new housing development in rural areas by:*
 - *Directing housing growth into existing settlements.*
 - *Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.*
 - *Encouraging consolidation of existing isolated small lots in rural zones.*
 - *In considering a proposal to use, subdivide or develop agricultural land, consider the:*
 - *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
 - *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*

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- *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
 - *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*
 - *Land capability.*
- **Clause 14.01-2S Sustainable agricultural land use, Strategies;**
 - *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*
 - *Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.*
 - *Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.*
 - *Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.*
 - *Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.*
 - *Facilitate ongoing productivity and investment in high value agriculture.*
- **Clause 14.02-1S Catchment planning and management, Strategies;**
 - *Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:*
 - *Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,*
 - *Minimise erosion of stream banks and verges, and*
 - *Reduce polluted surface runoff from adjacent land uses.*
- **Clause 16.01-3S Rural residential development, Strategies:**
 - *Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.*
 - *Discourage development of small lots in rural zones for residential use or other incompatible uses.*
- **Clause 21.05-9 Rural Areas:**
 - **Objectives:**
 - *Retain agricultural land for agricultural purposes.*
 - *Accommodate a diverse range of residential, lifestyle and tourism opportunities whilst protecting agriculture, rural landscapes, rural character and environmental assets.*
 - *Avoid conflict between agricultural uses and residential uses.*
 - *Limit rural residential use and development to strategically justified and appropriately zoned areas.*
 - **Strategies:**
 - *Direct rural residential development to areas strategically zoned for this type of development.*
 - *Reduce the proportion of new housing development provided in rural areas and encourage the consolidation in existing settlements where investment in physical and community infrastructure and services has already been made.*
 - *Ensure landscapes are protected and that new development does not detract from their natural quality.*
 - **The objectives and strategies will be implemented by:**
 - *Prevent inappropriately dispersed urban activities in rural areas.*
 - *Limit new housing development in Farming Zone areas, including:*

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- *Directing housing growth into existing settlements and appropriately zoned rural areas.*
 - *Discouraging development of isolated small lots in the Farming Zone from use for single dwellings, rural living or other incompatible uses.*
 - *Encouraging consolidation of existing isolated small lots in the Farming Zone.*
- Clause 22.01-2 Rural Development Siting and Design Policy, Objectives;
 - *To minimise the visual impact of development on or near prominent hilltops, steep slopes and ridgelines.*
 - *To protect significant views from the public domain of hilltops, creek valleys and other important features of landscape interest.*
- Clause 22.01-6 Rural Land Use Policy:
 - *Of particular importance is the pressure to use rural land for dwelling purposes where the dwelling is not directly linked to the use of the land for agricultural purposes. The potential adverse impacts of unplanned rural living on agriculture, tourism, landscapes, ecological values and the efficiency of infrastructure and service provision is a key issue for the Shire.*
 - *The number of dwellings that a farm requires and can sustain economically depends on the property's land capability, the labour needs of the enterprise, the intensity of farm activities and the volume of rural output.*
 - Objectives:
 - *To ensure the use of land is in conjunction with agricultural production.*
 - *To promote the long-term sustainable use of agricultural land regardless of quality.*
 - *To minimise conflict between land uses in the rural zones.*
 - *To support the growth and diversification of agriculture and rural industries.*
 - *To provide for the residential use of land where associated with and required to support a productive agricultural enterprise.*
 - It is policy:
 - *That a proposal to use land demonstrates that it is required to facilitate and enhance the ongoing primary use of the land for productive, sustainable agriculture.*
 - *That those sustainable agricultural industries which incorporate best management practice and facilitate and enhance the ongoing primary use of the land and/or land in the locality for agriculture will be strongly supported.*
 - *To ensure that any dwelling proposal, including second dwellings, demonstrates that the residential use of the land has a relationship with and is required to directly support the continuing operation of an existing rural use conducted on the land.*
 - *To discourage the residential use of existing small lots within the Farming Zone.*

Conclusion

Indigo Shire Council as the responsible authority will have to make a determination as to whether the application for the proposed dwelling meets the purpose of the zone and the strategic objectives of the Indigo Planning Scheme.

Agriculture Victoria notes that:

- Of the total of 9 hectares, the land proposed for the agricultural enterprise is approximately 2 hectares.

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- The proposed building envelope is set at the back of the lot in an elevated position on land that could be otherwise be utilised for an agricultural purpose, which may be in contravention of the objectives of Clause 22.01-2 Rural Development Siting and Design Policy.
- The Planning Permit application – Sandy Creek Desert Limes states that the shed will contain a toilet and kitchenette, however, these are not shown on the Revised Architectural Plans.
- The site plans do not show the areas set aside for domestic waste water disposal.
- The Applicants appear to have relevant experience and qualifications to successfully pursue a horticultural enterprise such as the one proposed.

Agriculture Victoria has considered the following Victorian Civil and Administrative Tribunal (VCAT) decisions relating to the use of the land for a dwelling, the proposed scale of agricultural production, along with the purpose of the Farming Zone.

VCAT case Kennedy v Baw Baw SC [2022] VCAT 787 considered the justification of a dwelling on a 3.9 hectare property in the Farming Zone. In this matter Member Wickramasinghe stated the following:

- *52. The scale of the agricultural is said to be more akin to a hobby farm and as such any dwelling would perform the function of supporting a rural lifestyle rather than being a necessity in the operation of a commercially viable business.*
- *53. I am not persuaded the use of the land for a dwelling on a 3.9 hectare site is consistent with the provisions of the FZ and is necessary having regard to the nature of the farming use. The decision guidelines of the FZ require consideration of whether the dwelling will result in loss or fragmentation of productive agricultural land and the potential for the proposal to lead to a concentration or proliferation of dwellings.*

In VCAT decision Strachan v Latrobe CC [2022] VCAT 35 the need for a dwelling in association with agriculture in the Farming Zone at a hobby scale was considered by the member. In this matter Member Halliday stated the following:

- *32. A proposal to develop and use the land for a dwelling was the subject of an application to the Tribunal for review of a grant of a permit in 2012. It was put to the Tribunal in that matter that the permit applicant intended to run a beef herd with 10 weaner cattle being fattened on the site at any one time. The Tribunal set aside the Council's decision and a permit was not granted.¹ The Tribunal found that the proposal was an attempt to have a rural living arrangement masked as an agricultural use within a Farming Zone.*
- *58. ... I have not been persuaded that if the hobby farm operation is started, it will sustainably persist in the long term. The FMP makes no provision for what is to occur if the hobby farm operation ceases, after the dwelling is constructed. In my view, once the dwelling is constructed, there is real risk that if the proposed hobby farming activity commences, it will not be sustained. After the five year period referred to in condition 7, there is not a great deal of motivation for the agricultural activities to be sustained in the long term, particularly if a subsequent owner has no interest in rearing cattle. I consider that this is inconsistent with:*
 - a. the purposes of the FZ2, which seek to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture and which encourage the use and development of land based on comprehensive and sustainable land management practices;*
 - b. Clause 14.01-1S (Protection of agricultural land) which seeks to limit new housing development in rural areas by directing housing growth into existing*

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settlements; discouraging development of isolated small lots in rural zones from use for dwellings.

- c. Clause 16.01-3S (Rural residential development) which discourages development of small lots in rural zones for residential use and encourages consolidation of existing isolated small lots in rural areas.*

In VCAT decision *Morabito v Macedon Ranges SC* [2018] VCAT 1313 the need for a dwelling in association with agriculture in the Farming Zone relating to the scale of production was considered by the member. In this matter Member Rundell stated the following:

- *21. The reasons behind the policies include not having agricultural land removed from production because it would be used as a dwelling. The policies also aim to prevent smaller agricultural lots being used as rural lifestyle lots because such use fragments, or prevents the consolidation of smaller lots into larger agricultural holdings that can be used as a viable agricultural businesses. Ad hoc incremental development of small lots for dwellings can encourage land values to rise, thereby making consolidation of agricultural lots more difficult. Dwellings may also be incompatible with agricultural activities on adjoining and nearby land. At the core of the above strategies is the proposition that agricultural land (particularly land with good quality soils) is a rare and valuable resource that needs to be preserved for agriculture in the long term.*
- *32. Finally I agree with the responsible authority that approval of this dwelling would be likely to contribute to increasing land values that would make it more difficult for farmers to consolidate properties into larger more viable holdings through leases or purchase*
- *57. Farming is a robust activity. Families on small lots within a farming area may feel the amenity of their rural lifestyle property is prejudiced by nearby rural activities, including odours from fertilizers, dust, and noise from machinery and trucks operating at all hours. They may try to constrain the farming activities to preserve their amenity. The better approach is to minimise the prospect for conflict by giving priority to agriculture and minimising the intrusion of sensitive uses into an agricultural area.*
- *58. Finally if clusters of households on small rural lots do emerge, they may request service levels from their local council that it would find difficult to provide*

The reasons within *Estate of JE Walker v Wangaratta RCC* [2021] VCAT 125, the Member Martin discusses the purposes of the Farming Zone in: *"The last three purposes are very on point here - a focus on protecting/retaining productive agricultural land and avoiding non-agricultural uses which would undermine such productive agricultural focus".* [41]

Agriculture Victoria considers that:

- A land use for horticulture requires regular supervision and management of the trees but this can be achieved without the need for a dwelling on the site.
- The location of the proposed dwelling places the dwelling at the furthest point from the property access point maximising land lost to agricultural production.
- The proposed agricultural use of the land (orchard) represents a relatively small footprint, being limited to 2 hectares of the 9 hectare site.
- The provided plans do not appear to effectively establish a domestic building envelope to minimise the domestic use impact on the land and, ensure maximising and maintaining the use of the land for agriculture.
- Without the establishment of a domestic building envelope there is a risk of further loss to available productive land over time. The area set aside for the domestic envelope, including the dwelling, should include any domestic outbuildings, yards, pool, garden, primary and secondary wastewater envelopes etc. and accessway.
- A fenced and revegetated 30 metre buffer along all waterways should be specified on the site plans within the Farm Management Plan.

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Agriculture Victoria general comments on dwelling approvals on small lots:

- The approval of a dwelling would have the potential to set a precedent for further dwellings in the surrounding area given the pattern of small lots without dwellings which appear to be currently used for broad scale agriculture, and lead to a proliferation of dwellings in the Farming Zone.
- The approval of a dwelling on the currently vacant land would permanently remove the ability of the land to be incorporated into surrounding agricultural enterprises and has the potential to limit the operation and expansion of adjoining and nearby agricultural uses.

Recommendations

Agriculture Victoria considers that the proposed use and development of a dwelling for rural residential purposes on the land does not meet the strategic objectives of the Indigo Planning Scheme, with particular reference to *Clause 14.01-1S Protection of agricultural land and Clause 22.01-6 Rural Land Use Policy*.

The refusal of the application would appear supported by the VCAT cases cited above.

If Council considers that the proposal meets the strategic objectives of the Indigo Planning Scheme, and Council determines a permit for a dwelling was to be approved, Agriculture Victoria makes the following recommendations:

- That any permit issued that allows the use and development of a dwelling in the Farming Zone is in association with agricultural production, protects against the potential for further subdivision of the land and ensures the use does not compromise farming activity in the area.
- That the domestic development areas be contained within a domestic envelope designed to minimise domestic use and maximise and maintain the use of the land for agriculture, to be shown on any approved plan as part of any permit issued.
- That the primary and secondary wastewater disposal areas for the dwelling be appropriately buffered and fenced to exclude stock, in accordance with any land capability report recommendations.
- That water quality is protected by 30 m fenced buffers to all waterways (as defined by the *Water Act 1989*) and shown on any approved plan as part of any permit issued.
- That prior to the use and development of any approved dwelling, the establishment of the orchard and development of any associated infrastructure for the agricultural use of the land, including any requirements as set out in any approved land management plan, must be completed to the satisfaction of the responsible authority.
- That prior to the use and development of any approved dwelling, proof be provided to the responsible authority that appropriate licencing is in place for the commercial use of water.
- That conditions be placed on the permit to protect agricultural land through a binding agreement on title which ensures:
 - The development and continued use of a dwelling in the Farming Zone has been permitted on the basis that the dwelling is reasonably required for the operation of the agricultural activity conducted on the land in accordance with an endorsed business plan or approved alternative, and the dwelling will only be used on that basis.
 - The dwelling must not be subdivided from the lot in the future, and the lot must not be subdivided to increase the number of lots, by excision or otherwise.

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- That the owner acknowledges and accepts the possibility of nuisance from agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.

This letter of advice is provided to Council to assist their assessment of the above planning permit application and any requirement in seeking further information from the applicant as part of its assessment process. The information provided should be considered as advisory in nature to inform Council's determination as the Responsible Authority.

Please provide a copy of Council's decision for our records.

Please contact me if you require any further clarification.

Regards



Ann McDowell

Agriculture Victoria Planning and Advisory Service
Agriculture Victoria | Department of Energy, Environment and Climate Action.
703 Raglan Parade, Warrnambool Victoria 3280
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REVIEW - INSTRUMENTS OF DELEGATION

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Instrument of Delegation to the Chief Executive Officer

16 May 2023

Trim File No:	INTERNAL22/1787
Approval Date:	16 May 2023
Approved By:	Council
Department:	People & Governance
Responsible Officer:	Governance Officer
Next Review Date:	May 2024
RelianSys Obligation:	2188

In exercise of the power conferred by section 11(1) of the *Local Government Act 2020* (**the Act**) and all other powers enabling it, the Indigo 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 16 May 2023;
2. the delegation
 - 2.1 comes into force immediately on resolution of Council;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until Council resolves to vary or revoke it.

SCHEDULE

The power to

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

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

Conditions and Limitations

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

1. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 1.1. entering into a contract exceeding the value of \$500,000.00 (ex GST);
 - 1.2. making any expenditure that exceeds \$500,000.00 (ex GST), unless it is expenditure:
 - 1.2.1 made under a contract already entered into; or
 - 1.2.2 which Council is, by or under legislation, required to make; or
 - 1.2.3 made to pay salaries, wages, allowances and associated amounts to members of Council staff;

in which case it must not exceed \$2,000,000 (ex GST));

- 1.3. making funds transfers between Council bank accounts that exceed \$2,000,000 (ex GST);
- 1.4. appointing an Acting Chief Executive Officer for a period exceeding 28 days;
- 1.5. electing a Mayor or Deputy Mayor;
- 1.6. granting a reasonable request for leave under s 35 of the Act;
- 1.7. making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
- 1.8. approving or amending the Council Plan;
- 1.9. adopting or amending any policy that Council is required to adopt under the Act;
- 1.10. adopting or amending the Governance Rules;
- 1.11. appointing the chair or the members to a delegated committee;
- 1.12. making, amending or revoking a local law;
- 1.13. approving the Budget or Revised Budget;
- 1.14. approving the borrowing of money;

subject to section 181H(1)(b) of the Local Government Act 1989, declaring general rates, municipal charges, service rates and charges and specified rates and charges;

2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
3. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
4. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 4.1. policy; or
 - 4.2. strategy
 adopted by Council;
5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
6. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.



Instrument of Delegation
Council
to
Members of Council Staff (s6)

VERSION NUMBER:	V10.0
TRIM FILE NUMBER:	INTERNAL23/2511
APPROVAL DATE:	16 May 2023
APPROVED BY:	Council
DEPARTMENT:	People & Governance
RESPONSIBLE OFFICER:	Governance Officer
NEXT REVIEW DATE:	May 2024
RELIANSYS OBLIGATION NUMBER:	2186
RELATED RECORDS:	N/A

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Preamble

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

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. declares that:
 3. this Instrument of Delegation is authorised by a resolution of Council passed on 16 May 2023; and
 - 3.1 the delegation:
 - 3.2 comes into force immediately upon resolution of Council;
 - 3.2.1 remains in force until varied or revoked;
 - 3.2.2 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
 - 3.2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 3.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 3.4 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
 - 3.4.1 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
 - 3.4.2 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
 - 3.4.3 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

Delegated Provisions for S6 Instrument of Delegation - Members of Staff

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	Customer Experience Coordinator, Executive Manager Customer Experience & Engagement	Where Council is a Class B cemetery trust
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	Customer Experience Coordinator, Executive Manager Customer Experience & Engagement	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a) - (c) in exercising its functions	Customer Experience Coordinator,	Where Council is a Class B cemetery trust

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
		Executive Manager Customer Experience & Engagement	
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	Customer Experience Coordinator, Senior Customer Experience Officer	
s 14	Power to manage multiple public cemeteries as if they are one cemetery.	Customer Experience Coordinator, Senior Customer Experience Officer	
s 15(4)	Duty to keep records of delegations	Customer Experience	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
		Coordinator, Senior Customer Experience Officer	
s 17(1)	Power to employ any persons necessary	Customer Experience Coordinator, Senior Customer Experience Officer	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	Customer Experience Coordinator, Senior Customer Experience Officer	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
s 17(3)	Power to determine the terms and conditions of employment or engagement	Customer Experience Coordinator, Executive Manager Customer Experience & Engagement	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	Customer Experience Coordinator, Senior Customer Experience Officer	
s 19	Power to carry out or permit the carrying out of works	Customer Experience Coordinator, Senior Customer Experience Officer	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
s 20(1)	Duty to set aside areas for the interment of human remains	Executive Manager Customer Experience & Engagement	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	Customer Experience Coordinator, Senior Customer Experience Officer	
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	Customer Experience Coordinator, Senior Customer Experience Officer	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	Not Delegated	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	Not Delegated	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	Not Delegated	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	Customer Experience Coordinator, Senior Customer Experience Officer	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	Not Delegated	Provided the street was constructed pursuant to the Local Government Act 1989

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
s 52	Duty to submit a report to the Secretary in relation to any public cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery	Customer Experience Coordinator	
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	Customer Experience Coordinator, Executive Manager Customer Experience & Engagement	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	Customer Experience Coordinator, Senior Customer Experience Officer	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
s 60(1)	Duty to make information in records available to the public for historical or research purposes	Customer Experience Coordinator, Senior Customer Experience Officer	
s 60(2)	Power to charge fees for providing information	Customer Experience Coordinator, Senior Customer Experience Officer	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	Not Delegated	
s 64B(d)	Power to permit interments at a reopened cemetery	Not Delegated	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	Not Delegated	The application must include the requirements listed in s 66(2)(a)-(d)
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	Not Delegated	
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	Not Delegated	
s 70(2)	Duty to make plans of existing place of interment available to the public	Not Delegated	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	Not Delegated	
s 71(2)	Power to dispose of any memorial or other structure removed	Not Delegated	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
s 72(2)	Duty to comply with request received under s 72	Not Delegated	
s 73(1)	Power to grant a right of interment	Customer Experience Coordinator, Senior Customer Experience Officer	
s 73(2)	Power to impose conditions on the right of interment	Customer Experience Coordinator, Senior Customer Experience Officer	
s 74(3)	Duty to offer a perpetual right of interment	Customer Experience Coordinator	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	Customer Experience Coordinator, Executive Manager Customer Experience & Engagement	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	Customer Experience Coordinator, Senior Customer Experience Officer	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	Customer Experience Coordinator, Senior Customer Experience Officer	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
s 80(2)	Function of recording transfer of right of interment	Customer Experience Coordinator, Senior Customer Experience Officer	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	Customer Experience Coordinator, Senior Customer Experience Officer	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment	Customer Experience Coordinator, Senior Customer Experience Officer	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	Customer Experience Coordinator, Senior Customer Experience Officer	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	Customer Experience Coordinator, Senior Customer Experience Officer	
s 84F(2)(d)	Function of receiving notice of decision to vary or force the surrender of a right of interment under s 84C(2), (3) or (5)	Customer Experience Coordinator	
s 84H(4)	Power to exercise the rights of a holder of a right of interment	Customer Experience Coordinator	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
s 84I(4)	Power to exercise the rights of a holder of a right of interment	Customer Experience Coordinator	
s 84I(5)	Duty to pay refund to the previous holder or holders of the right of interment	Customer Experience Coordinator	
s 84I(6)(a)	Power to remove any memorial on the place of interment	Customer Experience Coordinator	
s 84I(6)(b)	Power to grant right of interment under s 73	Customer Experience Coordinator	
s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	Customer Experience Coordinator, Executive Manager Customer	The notice must be in writing and contain the requirements listed in s 85(2)

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
		Experience & Engagement	
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	Customer Experience Coordinator, Executive Manager Customer Experience & Engagement	Does not apply where right of interment relates to remains of a deceased veteran.
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	Customer Experience Coordinator, Executive Manager Customer Experience & Engagement	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	Customer Experience Coordinator, Senior Customer Experience Officer	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	Customer Experience Coordinator, Senior Customer Experience Officer	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	Customer Experience Coordinator, Senior Customer	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
		Experience Officer	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	Customer Experience Coordinator, Senior Customer Experience Officer	
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	Customer Experience Coordinator, Senior Customer Experience Officer	
s.86(5)	duty to provide notification before taking action under s.86(4)	Customer Experience Coordinator, Senior Customer	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
		Experience Officer	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	Customer Experience Coordinator, Senior Customer Experience Officer	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	Customer Experience Coordinator, Senior Customer Experience Officer	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	Customer Experience Coordinator, Senior Customer	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
		Experience Officer	
s 91(1)	Power to cancel a right of interment in accordance with s 91	Customer Experience Coordinator, Senior Customer Experience Officer	
s 91(3)	Duty to publish notice of intention to cancel right of interment	Customer Experience Coordinator, Senior Customer Experience Officer	
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	Customer Experience Coordinator, Senior Customer	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
		Experience Officer	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	Customer Experience Coordinator, Senior Customer Experience Officer	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	Customer Experience Coordinator, Senior Customer Experience Officer	
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	Customer Experience Coordinator, Senior Customer	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
		Experience Officer	
s 100(1)	Power to require a person to remove memorials or places of interment	Customer Experience Coordinator, Senior Customer Experience Officer	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	Customer Experience Coordinator, Senior Customer Experience Officer	
s 100(3)	Power to recover costs of taking action under s 100(2)	Customer Experience Coordinator, Senior Customer	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
		Experience Officer	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	Customer Experience Coordinator, Senior Customer Experience Officer	
s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	Not Delegated	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	Not Delegated	
s 103(1)	Power to require a person to remove a building for ceremonies	Not Delegated	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	Not Delegated	
s 103(3)	Power to recover costs of taking action under s 103(2)	Not Delegated	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	Not Delegated	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	Not Delegated	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	Not Delegated	
s 106(4)	Power to repair or - with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	Not Delegated	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	Customer Experience Coordinator, Senior Customer Experience Officer	
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	Not Delegated	
s 108	Power to recover costs and expenses	Customer Experience Coordinator, Senior Customer Experience Officer	
s 109(1)(a)	Power to open, examine and repair a place of interment	Customer Experience Coordinator, Executive	Where the holder of right of interment or

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
		Manager Customer Experience & Engagement	responsible person cannot be found
s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	Customer Experience Coordinator, Executive Manager Customer Experience & Engagement	Where the holder of right of interment or responsible person cannot be found
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	Not Delegated	Where the holder of right of interment or responsible person cannot be found
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	Customer Experience Coordinator, Senior	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
		Customer Experience Officer	
s 110(1A)	Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary	Customer Experience Coordinator	
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	Customer Experience Coordinator, Senior Customer Experience Officer	
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	Customer Experience Coordinator, Senior Customer Experience Officer	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	Customer Experience Coordinator, Senior Customer Experience Officer	
s 112	Power to sell and supply memorials	Not Delegated	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	Customer Experience Coordinator, Senior Customer Experience Officer	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	Customer Experience Coordinator, Senior	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
		Customer Experience Officer	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	Customer Experience Coordinator, Senior Customer Experience Officer	
s 119	Power to set terms and conditions for interment authorisations	Customer Experience Coordinator, Senior Customer Experience Officer	
s 131	Function of receiving an application for cremation authorisation	Customer Experience Coordinator, Senior	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
		Customer Experience Officer	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	Customer Experience Coordinator, Executive Manager Customer Experience & Engagement	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	Customer Experience Coordinator, Senior Customer Experience Officer	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	Executive Manager Customer	Subject to the approval of the Secretary

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
		Experience & Engagement	
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	Customer Experience Coordinator, Senior Customer Experience Officer	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	Customer Experience Coordinator, Senior Customer Experience Officer	
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	Customer Experience Coordinator, Senior Customer	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
		Experience Officer	
s 151	Function of receiving applications to inter or cremate body parts	Customer Experience Coordinator, Senior Customer Experience Officer	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	Customer Experience Coordinator, Senior Customer Experience Officer	
sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	Customer Experience Coordinator, Senior Customer	

Cemeteries and Crematoria Act 2003			
Section	Item Delegated	Delegate	Conditions and Limitations
		Experience Officer	
sch 1 cl 8(8)	Power to regulate own proceedings	Customer Experience Coordinator, Executive Manager Customer Experience & Engagement	Subject to cl 8

Domestic Animals Act 1994			
Section	Item Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	Director Planning & Corporate Services, Manager	Council may delegate this power to a Council authorised officer

Domestic Animals Act 1994			
Section	Item Delegated	Delegate	Conditions and Limitations
		Planning & Statutory Services	

Food Act 1984			
Section	Item Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	Environmental Health Officer	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	Environmental Health Officer	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	Environmental Health Officer	If s 19(1) applies Only in relation to temporary food premises or mobile food

Food Act 1984			
Section	Item Delegated	Delegate	Conditions and Limitations
			premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	Environmental Health Officer	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	Manager Planning & Statutory Services	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	Manager Planning & Statutory Services	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	Manager Planning & Statutory Services	Where Council is the registration authority

Food Act 1984			
Section	Item Delegated	Delegate	Conditions and Limitations
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	Manager Planning & Statutory Services	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	Director Planning & Corporate Services	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	Environmental Health Officer	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	Environmental Health Officer	Where Council is the registration authority

Food Act 1984			
Section	Item Delegated	Delegate	Conditions and Limitations
s 19EA(3)	Function of receiving copy of revised food safety program	Team Leader Building Services & Environmental Health, Environmental Health Officer	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	Environmental Health Officer	Where Council is the registration authority
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	Environmental Health Officer	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	Team Leader Building Services & Environmental Health,	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in

Food Act 1984			
Section	Item Delegated	Delegate	Conditions and Limitations
		Environmental Health Officer	relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	Environmental Health Officer	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	Director Planning & Corporate Services, Manager Planning & Statutory Services, Team Leader Building Services & Environmental Health, Environmental Health Officer	Where Council is the registration authority

Food Act 1984			
Section	Item Delegated	Delegate	Conditions and Limitations
s 19NA(1)	Power to request food safety audit reports	Environmental Health Officer	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	Director Planning & Corporate Services	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	Director Planning & Corporate Services	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	Environmental Health Officer	Where Council is the registration authority

Food Act 1984			
Section	Item Delegated	Delegate	Conditions and Limitations
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	Environmental Health Officer	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	Environmental Health Officer	Where Council is the registration authority
	Power to register or renew the registration of a food premises	Environmental Health Officer	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	Environmental Health Officer	Where Council is the registration authority

Food Act 1984			
Section	Item Delegated	Delegate	Conditions and Limitations
s 36B	Duty to pay the charge for use of online portal	Environmental Health Officer	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	Environmental Health Officer	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	Not Delegated	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	Environmental Health Officer	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	Environmental Health Officer	Where Council is the registration authority

Food Act 1984			
Section	Item Delegated	Delegate	Conditions and Limitations
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	Environmental Health Officer	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	Environmental Health Officer	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	Environmental Health Officer	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	Environmental Health Officer	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	Environmental Health Officer	Where Council is the registration authority

Food Act 1984			
Section	Item Delegated	Delegate	Conditions and Limitations
s 38E(2)	Power to register the food premises on a conditional basis	Environmental Health Officer	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	Environmental Health Officer	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	Environmental Health Officer	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	Environmental Health Officer	Where Council is the registration authority

Food Act 1984			
Section	Item Delegated	Delegate	Conditions and Limitations
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	Team Leader Building Services & Environmental Health, Environmental Health Officer	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	Environmental Health Officer	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	Team Leader Building Services & Environmental Health, Environmental Health Officer	

Food Act 1984			
Section	Item Delegated	Delegate	Conditions and Limitations
s 39A	Power to register, or renew the registration of a food premises despite minor defects	Environmental Health Officer	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	Director Planning & Corporate Services, Manager Planning & Statutory Services, Team Leader Building Services & Environmental Health, Environmental Health Officer	

Food Act 1984			
Section	Item Delegated	Delegate	Conditions and Limitations
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	Team Leader Building Services & Environmental Health, Environmental Health Officer	Where Council is the registration authority
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	Environmental Health Officer	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	Environmental Health Officer	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	Director Planning & Corporate Services	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	Director Planning &	

Food Act 1984			
Section	Item Delegated	Delegate	Conditions and Limitations
		Corporate Services, Manager Planning & Statutory Services, Team Leader Building Services & Environmental Health	
s 40F	Power to cancel registration of food premises	Director Planning & Corporate Services	Where Council is the registration authority
s 43	Duty to maintain records of registration	Team Leader Building Services & Environmental Health, Environmental Health Officer	Where Council is the registration authority

Food Act 1984			
Section	Item Delegated	Delegate	Conditions and Limitations
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business	Environmental Health Officer	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	Environmental Health Officer	Where Council is the registration authority
s 45AC	Power to bring proceedings	Director Planning & Corporate Services, Environmental Health Officer	
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	Manager Planning & Statutory Services	Where Council is the registration authority

Heritage Act 2017			
Section	Item Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	Not Delegated	<p>Must first obtain Executive Director's written consent</p> <p>Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation</p>

Local Government Act 1989			
Section	Item Delegated	Delegate	Conditions and Limitations
s 185L(4)	Power to declare and levy a cladding rectification charge	Director Planning & Corporate Services	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	Not Delegated	If authorised by the Minister
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	Director Planning & Corporate Services	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	Director Planning & Corporate Services	
s 8A(5)	Function of receiving notice of the Minister's decision	Director Planning & Corporate Services	
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	Director Planning & Corporate Services	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	Director Planning & Corporate Services	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	Director Planning & Corporate Services, Manager Planning & Statutory Services, Strategic Planner,	
s 4I(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	Director Planning & Corporate Services, Manager Planning & Statutory Services, Strategic Planner,	
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	Director Planning & Corporate Services, Manager Planning & Statutory Services, Strategic Planner,	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 12B(1)	Duty to review planning scheme	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 12B(2)	Duty to review planning scheme at direction of Minister	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	Director Planning & Corporate Services	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	Director Planning & Corporate Services, Manager Planning & Statutory Services, Strategic Planner,	
s 17(2)	Duty of giving copy s 173 agreement	Director Planning & Corporate Services, Manager Planning & Statutory Services	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 17(1)	Duty of giving copy amendment to the planning scheme	Director Planning & Corporate Services, Manager Planning & Statutory Services, Strategic Planner,	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	Director Planning & Corporate Services, Manager Planning & Statutory Services,	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	Director Planning & Corporate Services, Manager Planning & Statutory Services, Strategic Planner,	Until the proposed amendment is approved or lapsed

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	Director Planning & Corporate Services	Where Council is a planning authority
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	Director Planning & Corporate Services, Manager Planning & Statutory Services, Strategic Planner,	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 21A(4)	Duty to publish notice	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 21(2)	Duty to make submissions available in accordance with public availability requirements	Director Planning & Corporate Services, Manager Planning & Statutory Services, Strategic Planner,	Until the end of 2 months after the amendment comes into operation or lapses

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 22(1)	Duty to consider all submissions received before the date specified in the notice	Director Planning & Corporate Services, Manager Planning & Statutory Services,	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	Manager Planning & Statutory Services, Coordinator Planning, Strategic Planner	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	Director Planning & Corporate Services, Manager Planning & Statutory Services	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	Director Planning & Corporate Services, Manager Planning & Statutory Services, Strategic Planner,	During the inspection period
s 27(2)	Power to apply for exemption if panel's report not received	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 28(1)	Duty to notify the Minister if abandoning an amendment	Director Planning & Corporate Services	Note: the power to make a decision to abandon an amendment cannot be delegated

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 28(2)	Duty to publish notice of the decision on Internet site	Director Planning & Corporate Services, Manager Planning & Statutory Services, Strategic Planner,	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	Director Planning & Corporate Services, Manager Planning & Statutory Services, Strategic Planner,	
s 30(4)(a)	Duty to say if amendment has lapsed	Director Planning & Corporate Services, Manager Planning & Statutory Services,	
s 30(4)(b)	Duty to provide information in writing upon request	Director Planning & Corporate Services, Manager Planning & Statutory Services	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 32(2)	Duty to give more notice if required	Director Planning & Corporate Services	
s 33(1)	Duty to give more notice of changes to an amendment	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 36(2)	Duty to give notice of approval of amendment	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 38(5)	Duty to give notice of revocation of an amendment	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	Director Planning & Corporate Services, Manager Planning & Statutory Services,	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 40(1)	Function of lodging copy of approved amendment	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	Director Planning & Corporate Services, Manager Planning & Statutory Services, Strategic Planner,	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	Director Planning & Corporate Services, Manager Planning & Statutory Services, Strategic Planner,	
s 46AW	Function of being consulted by the Minister	Director Planning & Corporate Services	Where Council is a responsible public entity

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	Director Planning & Corporate Services	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 46GP	Function of receiving a notice under s 46GO	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the collecting agency

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	Director Planning & Corporate Services, Manager Planning & Statutory Services	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the collecting agency

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
	Power to specify the manner in which the payment is to be made		
s 46GV(3)(b)	Power to enter into an agreement with the applicant	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	Director Planning & Corporate Services, Manager	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
		Planning & Statutory Services	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the collecting agency

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	Director Planning & Corporate Services, Manager	Where Council is the collecting agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
		Planning & Statutory Services	
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	Director Planning & Corporate Services, Manager Planning & Statutory Services	<p>If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)</p> <p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the development agency</p>
s 46GZ(9)	Function of receiving the fee simple in the land	Director Planning & Corporate Services, Manager	Where Council is the development agency under an approved

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
		Planning & Statutory Services	infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is a development agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	Director Planning & Corporate Services, Manager Planning & Statutory Services	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	Director Planning & Corporate Services, Manager	Where Council is the collecting agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
		Planning & Statutory Services	
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Function of receiving proceeds of sale	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
			Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	Director Planning & Corporate Services, Manager	Where Council is a collecting agency or development agency

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
		Planning & Statutory Services	
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	Director Planning & Corporate Services, Manager Planning & Statutory Services	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	Director Planning & Corporate Services	
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	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	Director Planning & Corporate Services	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	Director Planning & Corporate Services	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 46Q(1)	Duty to keep proper accounts of levies paid	Director Planning & Corporate Services, Manager Finance	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	Director Planning & Corporate Services	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	Director Planning & Corporate Services	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

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	Director Planning & Corporate Services, Manager Planning & Statutory Services	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	Director Planning & Corporate Services, Manager Planning & Statutory Services	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	Not Delegated	
s 46QD	Duty to prepare report and give a report to the Minister	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is a collecting agency or development agency

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 47	Power to decide that an application for a planning permit does not comply with that Act	Manager Planning & Statutory Services, Coordinator Planning	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 50(4)	Duty to amend application	Town Planner, Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning	
s 50(5)	Power to refuse to amend application	Director Planning & Corporate Services, Manager Planning & Statutory	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
		Services, Coordinator Planning,	
s 50(6)	Duty to make note of amendment to application in register	Town Planner, Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning	
s 50A(1)	Power to make amendment to application	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	
s 50A(4)	Duty to note amendment to application in register	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	
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	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	
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	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
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	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	
s 52(3)	Power to give any further notice of an application where appropriate	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	
s 54(1)	Power to require the applicant to provide more information	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	
s 54(1B)	Duty to specify the lapse date for an application	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Manager Planning & Statutory Services, Coordinator Planning	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	Director Planning & Corporate Services	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	Manager Planning & Statutory Services, Coordinator Planning	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	Manager Planning & Statutory Services, Coordinator Planning	
s 57A(5)	Power to refuse to amend application	Manager Planning & Statutory Services, Coordinator Planning	
s 57A(6)	Duty to note amendments to application in register	Manager Planning & Statutory Services, Coordinator Planning	
s 57B(1)	Duty to determine whether and to whom notice should be given	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 57C(1)	Duty to give copy of amended application to referral authority	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	
s 58	Duty to consider every application for a permit	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	
s 58A	Power to request advice from the Planning Application Committee	Manager Planning & Statutory Services,	
s 60	Duty to consider certain matters	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	
s 60(1A)	Duty to consider certain matters	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning	<p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006</p> <p>Delegate can only determine a permit when:</p> <ul style="list-style-type: none"> • there are no objections if in the farm zone; or • there are two or less objections in all other zones. <p>The following planning permit applications must be reported to Council for determination:</p> <ul style="list-style-type: none"> • Any application that has more than two objections received in all zones except the farm zone where one or more objection is received; • Any application where the cost of the development is more than \$2,000,000; • Any application creating more than 10 additional lots; • Any application for a use as specified in:

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
			<p>Indigo Planning Scheme Cl 52.28(Gaming) Cl. 53.03 (Brothel) Cl. 53.08 (Cattle Feed Lot) Cl. 53.10 (Use with adverse amenity potential) Cl. 53.13 (Renewable Energy Facility)</p> <ul style="list-style-type: none"> Any other application which, in the opinion of the Director of Planning & Corporate Services, is likely to be of significant public interest or concern. <p>Refusals</p> <p>Only the Director Planning & Corporate Services and the Manager Planning & Statutory Services are delegated to refuse a permit, and only when;</p> <ul style="list-style-type: none"> A determining referral authority objects to the application, or; The application is not complete, or information requests relating to critical information has not

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
			<p>been responded to for more than 60 days, or;</p> <ul style="list-style-type: none"> The applicant has stopped responding for more than 60 days, or has abandoned the application. <p>In all other cases, recommendation for refusal must be reported to Council for determination.</p>
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	Director Planning & Corporate Services, Manager Planning & Statutory	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
		Services, Coordinator Planning	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	Manager Planning & Statutory Services, Coordinator Planning	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning	
s 62(2)	Power to include other conditions	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning,	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning,	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning,	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
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)	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning,	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning,	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning,	This provision applies also to a decision to grant an amendment to a permit - see s 75

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 64(5)	Duty to give each objector a copy of an exempt decision	Director Planning & Corporate Services, Manager Planning & Statutory Services	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning,	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning,	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning	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	Director Planning & Corporate Services, Manager Planning & Statutory Services	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning	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

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 69(1)	Function of receiving application for extension of time of permit	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	
s 69(1A)	Function of receiving application for extension of time to complete development	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	
s 69(2)	Power to extend time	Town Planner, Manager Planning & Statutory Services, Coordinator Planning	
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 71(1)	Power to correct certain mistakes	Manager Planning & Statutory Services, Coordinator Planning	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 71(2)	Duty to note corrections in register	Manager Planning & Statutory Services, Coordinator Planning	
s 73	Power to decide to grant amendment subject to conditions	Manager Planning & Statutory Services, Coordinator Planning	
s 74	Duty to issue amended permit to applicant if no objectors	Manager Planning & Statutory Services, Coordinator Planning	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning,	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	Manager Planning & Statutory Services, Coordinator Planning	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Manager Planning & Statutory Services, Coordinator Planning	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	Director Planning & Corporate Services, Manager Planning & Statutory Services	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 s 64 or 76	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning,	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

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 76D	Duty to comply with direction of Minister to issue amended permit	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 83	Function of being respondent to an appeal	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning	
s 83B	Duty to give or publish notice of application for review	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	Director Planning & Corporate Services	
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	Director Planning & Corporate Services, Manager	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
		Planning & Statutory Services	
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	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	Director Planning & Corporate Services	
s 84AB	Power to agree to confining a review by the Tribunal	Manager Planning & Statutory Services, Coordinator Planning	
s 86	Duty to issue a permit at order of Tribunal within 3 business days	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning,	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	Director Planning & Corporate Services, Manager Planning & Statutory Services,	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning,	
s 91(2)	Duty to comply with the directions of VCAT	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning,	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning,	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning,	
s 93(2)	Duty to give notice of VCAT order to stop development	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 95(3)	Function of referring certain applications to the Minister	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 95(4)	Duty to comply with an order or direction	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	Director Planning & Corporate Services, Director Infrastructure Services,	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
		Manager Planning & Statutory Services	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	Chief Executive Officer	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	Director Planning & Corporate Services, Manager Planning & Statutory Services, Strategic Planner,	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 96F	Duty to consider the panel's report under s 96E	Director Planning & Corporate Services, Manager Planning & Statutory Services	
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	Director Planning & Corporate Services, Manager	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
	power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996	Planning & Statutory Services	
s 96H(3)	Power to give notice in compliance with Minister's direction	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 96J	Duty to issue permit as directed by the Minister	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	Director Planning & Corporate Services, Manager	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
		Planning & Statutory Services	
s 97C	Power to request Minister to decide the application	Director Planning & Corporate Services	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	Director Planning & Corporate Services, Manager Planning & Statutory Services	
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	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	Director Planning & Corporate Services, Manager	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
		Planning & Statutory Services	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 97Q(4)	Duty to comply with directions of VCAT	Director Planning & Corporate Services, Manager Planning & Statutory Services	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning,	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 101	Function of receiving claim for expenses in conjunction with claim	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 103	Power to reject a claim for compensation in certain circumstances	Director Planning & Corporate Services	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s.107(1)	function of receiving claim for compensation	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 107(3)	Power to agree to extend time for making claim	Director Planning & Corporate Services	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 114(1)	Power to apply to the VCAT for an enforcement order	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning,	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	Director Planning & Corporate Services, Manager Planning & Statutory Services	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 123(1)	Power to carry out work required by enforcement order and recover costs	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	Director Planning & Corporate Services	Except Crown Land
s 129	Function of recovering penalties	Director Planning & Corporate Services, Manager Planning & Statutory Services, Coordinator Planning,	
s 130(5)	Power to allow person served with an infringement notice further time	Director Planning & Corporate Services, Manager Planning & Statutory	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
		Services, Coordinator Planning,	
s 149A(1)	Power to refer a matter to the VCAT for determination	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	Director Planning & Corporate Services, Manager Planning & Statutory Services	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	Director Planning & Corporate Services, Manager Planning & Statutory Services	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 171(2)(g)	Power to grant and reserve easements	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	Chief Executive Officer	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	Chief Executive Officer	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	Chief Executive Officer	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	Director Planning & Corporate Services, Manager	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
		Planning & Statutory Services	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	Director Planning & Corporate Services	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	Director Planning & Corporate Services, Manager Planning & Statutory Services	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	Director Planning & Corporate Services, Manager Planning & Statutory Services	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 178A(1)	Function of receiving application to amend or end an agreement	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 178A(5)	Power to propose to amend or end an agreement	Director Planning & Corporate Services, Manager Planning & Statutory Services	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	Director Planning & Corporate Services, Manager Planning & Statutory Services	
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	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 178C(4)	Function of determining how to give notice under s 178C(2)	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	Director Planning & Corporate Services, Manager Planning & Statutory Services	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	Director Planning & Corporate Services, Manager Planning & Statutory Services	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	Director Planning & Corporate Services, Manager Planning & Statutory Services,	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	Director Planning & Corporate Services, Manager Planning & Statutory Services	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	Director Planning & Corporate Services	After considering objections, submissions and matters in s 178B

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	Director Planning & Corporate Services, Manager Planning & Statutory Services	After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	Director Planning & Corporate Services	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	Director Planning & Corporate Services, Manager Planning & Statutory Services	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	Director Planning & Corporate Services	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	Director Planning & Corporate Services, Manager Planning & Statutory Services	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	Director Planning & Corporate Services	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	Director Planning & Corporate Services, Manager Planning & Statutory Services	
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	Director Planning & Corporate Services	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	Director Planning & Corporate Services, Manager Planning & Statutory Services	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 182	Power to enforce an agreement	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	Director Planning & Corporate Services, Manager Planning & Statutory Services	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
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	Director Planning & Corporate Services, Manager Planning & Statutory Services	
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	Director Planning & Corporate Services, Manager Planning & Statutory Services	
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	Director Planning & Corporate Services, Manager Planning & Statutory Services	
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	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 184G(2)	Duty to comply with a direction of the Tribunal	Director Planning & Corporate Services, Manager Planning & Statutory Services	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 184G(3)	Duty to give notice as directed by the Tribunal	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	Manager Planning & Statutory Services, Coordinator Planning, Strategic Planner	
s 198(1)	Function to receive application for planning certificate	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 199(1)	Duty to give planning certificate to applicant	Director Planning & Corporate Services, Manager Planning & Statutory Services	
s 201(1)	Function of receiving application for declaration of underlying zoning	Director Planning & Corporate Services, Manager Planning & Statutory Services	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 201(3)	Duty to make declaration	Director Planning & Corporate Services, Manager Planning & Statutory Services	
	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	Manager Planning & Statutory Services, Coordinator Planning	
	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	Manager Planning & Statutory Services, Coordinator Planning	
	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	Director Planning & Corporate Services, Manager Planning & Statutory Services	
	Power to give written authorisation in accordance with a provision of a planning scheme	Director Planning & Corporate Services, Manager Planning & Statutory Services	

Planning and Environment Act 1987			
Section	Item Delegated	Delegate	Conditions and Limitations
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	Manager Planning & Statutory Services, Coordinator Planning	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	Manager Planning & Statutory Services, Coordinator Planning	

Residential Tenancies Act 1997			
Section	Item Delegated	Delegate	Conditions and Limitations
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	Manager Planning & Statutory Services, Municipal Building Surveyor, Environmental Health Officer	

Residential Tenancies Act 1997			
Section	Item Delegated	Delegate	Conditions and Limitations
s 522(1)	Power to give a compliance notice to a person	Manager Planning & Statutory Services, Municipal Building Surveyor	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	Manager Planning & Statutory Services	
s 525(4)	Duty to issue identity card to authorised officers	Manager Planning & Statutory Services	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	Municipal Building Surveyor, Environmental Health Officer	

Residential Tenancies Act 1997			
Section	Item Delegated	Delegate	Conditions and Limitations
s 526A(3)	Function of receiving report of inspection	Municipal Building Surveyor, Environmental Health Officer	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	Manager Planning & Statutory Services	

Road Management Act 2004			
Section	Item Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	Director Infrastructure Services, Manager	Obtain consent in circumstances specified in s 11(2)



Instrument of Sub-Delegation under the Environment Protection Act 2017 - Members of Staff

VERSION NUMBER:	V4.0
TRIM FILE NUMBER:	INTERNAL23/2379
APPROVAL DATE:	16 May 2023
APPROVED BY:	Council
DEPARTMENT:	People & Governance
RESPONSIBLE OFFICER:	Governance Officer
NEXT REVIEW DATE:	May 2024
RELIANSYS OBLIGATION NUMBER:	2186
RELATED RECORDS:	N/A

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Environment Protection Act 2017 5

Preamble

By this Instrument of Sub-Delegation, in exercise of the power under s 437(2) of the *Environment Protection Act 2017* (the '**Act**') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 6 December 2022, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. declares that:
 - 2.1 this Instrument of Sub-Delegation is authorised by a resolution of Council passed on 16 May 2023 pursuant to a power of sub-delegation conferred by the Instrument of Delegation of the Environment Protection Authority under the Act dated 6 December 2022; and
 - 2.2 the delegation:
 - 2.2.1 remains in force until varied or revoked;
 - 2.2.2 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
 - 2.2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
3. this Instrument of Sub-Delegation is subject to the following limitations:
 - 3.1 the powers, duties and functions described in column and summarised in column 2 of the Schedule are only delegated for the purpose of regulating:
 - 3.1.1 onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
 - 3.1.2 noise from the construction, demolition or removal of residential premises;
 - 3.2 the delegate must not determine the issue, take the action or do the act or thing:

- 3.2.1 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
- 3.2.2 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
- 3.2.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
- 3.2.4 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.

Instrument of Sub-Delegation of powers, duties and functions under the Environment Protection Act 2017 - Members of Staff

Environment Protection Act 2017			
Section	Item Delegated	Delegate	Conditions and Limitations
s 271	Issuing of an improvement notice	Environmental Health Officer	
S 272	Issuing of a prohibition notice	Environmental Health Officer	
s 279	Amendment of notices	Environmental Health Officer	
s 358	Functions of the Authority	Environmental Health Officer	
s 359(1)(b)	Power of the Authority to do all things that are necessary or convenient to be done for or in connection with the performance of the Authority's functions and duties and to enable the Authority to achieve its objectives	Environmental Health Officer	
s 359(2)	Power to give advice to persons with duties or obligations	Environmental Health Officer	



Indigo Shire Council

Instrument of Appointment and Authorisation

(Environment Protection Act 2017 only)

Instrument of Appointment and Authorisation (*Environment Protection Act 2017*)

In this instrument "officer" means -

**Nadia Corsini
Anton Maas**

By this instrument of appointment and authorisation, Indigo Shire Council -

under s 242(2) of the *Environment Protection Act 2017* ('Act') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021 - appoints the officers to be authorised officers for the purposes of exercising the powers and functions set out in the Instrument of Direction of the Environment Protection Authority under the Act dated 6 December 2022.

It is declared that this instrument -

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

This instrument is authorised by a resolution of the Indigo Shire Council on 16 May 2023.

14.3

INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987

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INSTRUMENT OF APPOINTMENT AND AUTHORISATION
(Planning and Environment Act 1987 only)

Eliza Connop

16 May 2023

In this instrument "**officer**" means -

Eliza Connop

By this instrument of appointment and authorisation Indigo Shire Council -

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act.

It is declared that this instrument -

- a. comes into force immediately upon its execution;
- b. remains in force until varied or revoked;
- c. is automatically revoked when the officers cease their role with Indigo Shire Council.

This instrument is authorised by a resolution of the Indigo Shire Council on 16 May 2023.

14.4

ADVISORY COMMITTEE MINUTES

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FINANCE COMMITTEE MEETING MINUTES - 11 APRIL 2023

Vision:

Indigo Shire - leading sustainable growth, community and cultural diversity, and climate action.

HELD: Tuesday, 11 April 2023 at 5.50pm

LOCATION: Beechworth Council Chamber

IN ATTENDANCE: Councillors

Cr Sophie Price (Mayor)
Cr Bernard Gaffney (Deputy Mayor)
Cr Peter Croucher
Cr Larry Goldsworthy
Cr Roberta Horne
Cr Diane Shepheard

Senior Management/Officers

Trever Ierino – Chief Executive Officer
Greg Pinkerton – Director Planning & Corporate Services

APOLOGIES: Cr Emmerick Teissl
Sharon Phillips – Acting Manager Finance
Carolyn Lingham – EA Planning & Corporate Services



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1. WELCOME

The Chair welcomed all those in attendance

2. APOLOGIES AND LEAVE OF ABSENCE

Cr Emmerick Teissl
Sharon Phillips
Carolyn Lingham

3. DECLARATION OF CONFLICT OF INTEREST

Nil

3. CONFIRMATION OF MINUTES FROM PREVIOUS MEETING(S)

RECOMMENDATION FOR FINANCE COMMITTEE

That the Minutes of the Finance Committee Meeting held on 21 March 2023, as circulated prior to this meeting, be confirmed.

Minutes confirmed.

Moved: Cr Croucher
Seconded: Cr Gaffney

CARRIED



FINANCE COMMITTEE MEETING MINUTES - 11 APRIL 2023

4. REVIEW OF COMMITTEE ACTIONS LIST

Nil actions to report



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5. ITEMS OF BUSINESS

6.1 MARCH FINANCE REPORT

File No: 2023/241

Sharon Phillips - Acting Manager Finance

Planning & Corporate Services

For Information

RECOMMENDATION for Council meeting 18 April 2023

That Council accepts the YTD March Finance Report noting the progress against Council's quarter 2 forecast.

DISCUSSION

- **Action:** Fix typo on page 6 of agenda (bottom line) – “tee” should read “tree”
- **Action:** Further clarification required on emergency management result on page 13.
- Capital works expenditure and its impact on cash balance
- Timing of March end of month. Much shorter than usual and this changes the end of month process times.

Finance Committee Resolution:

The Finance Committee endorses the March Finance Report.

Moved: Cr Croucher

Seconded: Cr Gaffney

CARRIED

PURPOSE OF REPORT

This finance report covers the year to date position for the first nine months of the 2022/23 financial year.

The following report shows Council's March position against the adopted Quarter 2 forecast, and provides an indication of Council's financial performance of the 2022/23 year.

BACKGROUND

Each month Council reports the year to date (YTD) financial result. The year to date figures contained within this report shows Council's March position against the second quarter forecast.

DISCUSSION

The income statement shows Council's net financial result was a surplus of \$1,033 million which is \$42k favourable to the forecast position of \$991k surplus. Details of the main variances are reported below.



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March 2023 - income statement							
Account Group	Year to Date (YTD)				2022/23 Annual budget	2022/23 Quarter 2 Forecast	2021/22 February YTD Actuals
	YTD actuals	YTD forecast	YTD variance \$	YTD variance %			
Income							
Contributions - developer	23,500	0	23,500	(100%)	21,500	21,500	68,978
Contributions - operating	51,302	53,522	(2,221)	(4%)	51,148	61,818	45,911
Operating grants	3,860,268	3,742,932	117,336	3%	6,496,518	9,889,217	3,611,093
Interest income	307,894	259,324	48,570	19%	217,773	303,273	129,846
Other revenue	1,506,125	1,556,005	(49,880)	(3%)	2,669,414	2,609,516	1,800,714
Rates & charges	18,793,374	18,790,226	3,148	0%	18,777,585	18,794,226	18,245,331
Reimbursements	270,095	256,223	13,872	5%	71,420	291,237	114,722
Statutory fees & fines	790,274	793,118	(2,844)	(0%)	1,085,096	1,112,405	900,072
User charges	3,144,255	3,094,916	49,339	2%	3,918,411	4,098,922	2,482,177
Total income	28,747,088	28,546,267	200,821	1%	33,308,865	37,182,115	27,398,843
Expense							
Borrowing costs	38,170	38,227	57	0%	50,926	48,883	41,753
Contract payments	4,991,987	4,781,791	(210,196)	(4%)	6,301,907	9,437,985	4,315,782
Depreciation	5,713,847	5,716,497	2,649	0%	6,497,105	6,636,048	4,643,878
Employee costs	9,548,512	9,690,174	141,662	1%	13,626,090	13,288,261	9,430,633
Materials & consumables	4,282,050	4,237,596	(44,454)	(1%)	4,659,027	4,978,054	3,232,338
Other expenses	2,752,019	2,704,788	(47,231)	(2%)	3,080,944	3,652,268	2,773,747
Utilities	387,331	386,138	(1,193)	(0%)	609,116	606,784	368,064
Total expense	27,713,915	27,555,210	(158,705)	(1%)	34,825,115	38,648,283	24,806,196
Surplus / (deficit)*	1,033,172	991,056	42,116	4%	(1,516,250)	(1,466,168)	2,592,646
* For both actual and budget a positive net result means a favourable contribution to Council, which is referred to as a surplus and a negative net result means a unfavourable contribution to Council, which is referred to as a deficit.							
(Red variance) is unfavourable							
Black variance is favourable							

Income

Operating Grants

YTD favourable variance of \$117k is due to

- \$80k – Tree Management – Naturally Cooler Indigo Project grant
- \$19k – Enviro Health Services Domestic Waste Water Plan
- \$15k – YacVic Future Proof funding – Young People Disaster Recovery & Rebuilding Communities

Expenditure

Contract payments

YTD unfavourable variance of (\$210k) is due to the following:

- \$78k – Emergency Management Flood event costs to be claimed back through the process
- \$60k – Waste Management – Disposal of landfill costs for Beechworth and Rutherglen transfer stations
- \$40k – Temporary employment costs across multiple service areas, these costs are offset by the favourability in employee costs
- \$19k – Tree Management Services with timing of expenditure to budget



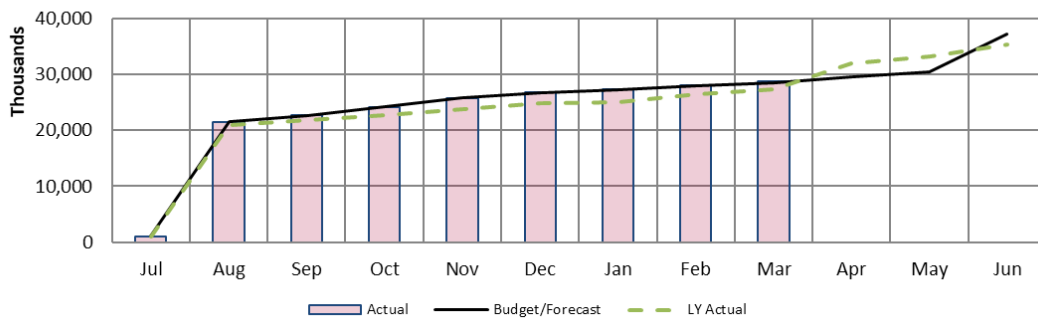
FINANCE COMMITTEE MEETING MINUTES - 11 APRIL 2023

- **\$12k** – Community development because of delays in the delivery of assistance for bushfire/COVID-19 support, fully offset by grant income

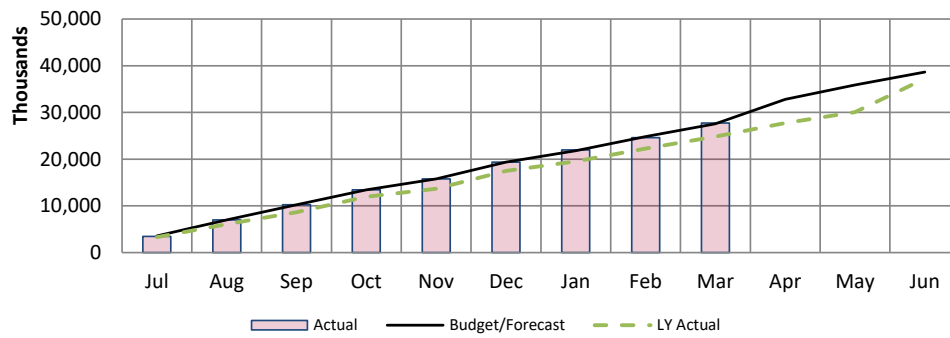
Employee costs

YTD favourable variance of **\$142k** is due mainly to staff vacancies.

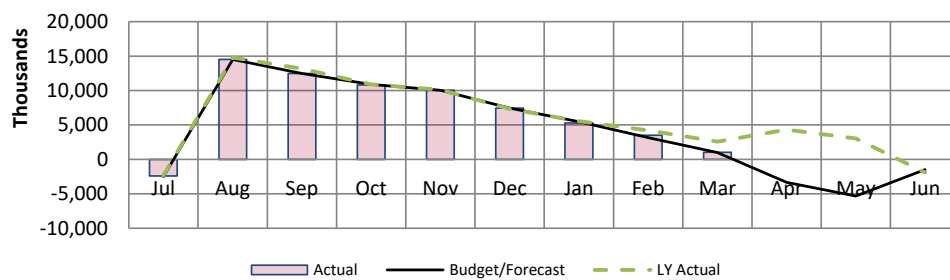
Income (YTD)



Expense (YTD)



Net Position (YTD)





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BORROWINGS

Below is a summary of all Council's borrowings. The table shows original loans borrowed, term of loans, rates and maturity with outstanding balances at the end of March 2023 of \$1,492,915

Indigo Shire Council - Borrowing Report as at 31 March 2023						
Bank	Term - Years	Rate %	Date of Maturity	Original loan amount		Balance owed
NAB	10	5.14	28/06/2023	1,000,000		31,791
WAW	10	5.25	28/06/2024	1,000,000		155,442
ANZ	10	3.78	29/04/2025	1,500,000		360,800
TCV	10	2.08	27/06/2032	1,000,000		944,882
Total of All Borrowings				4,500,000		1,492,915

CASH

Council's Cash position at the end of March 2023 was \$11.773 million. This is lower than the same period last year (\$12.09 million) due to an increase in capital expenditure in March.

Indigo Shire Council - Cash & Investment Report as at 31st March 2023

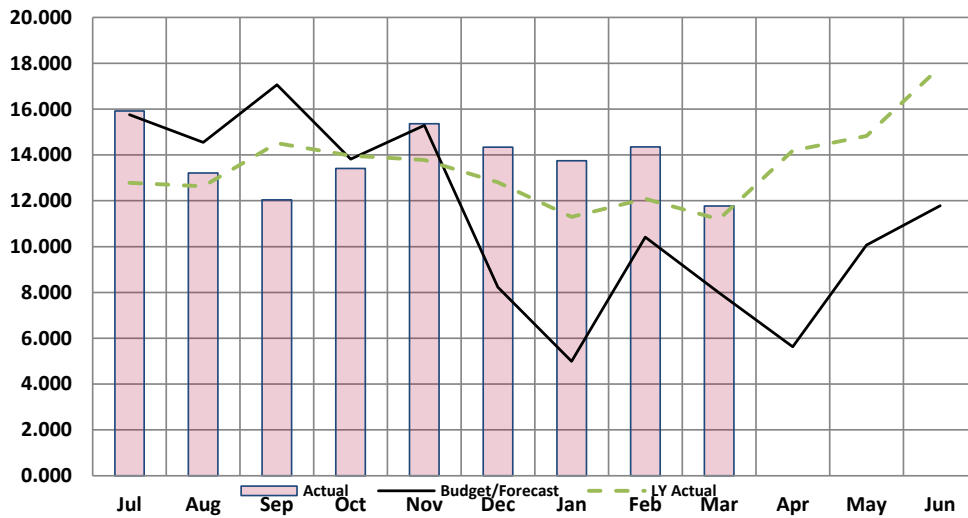
Bank	Term	Rate %	Due Rollover	Amount
WAW	90	2.25	7/04/2023	1,000,000
Hume Bank	89	1.80	5/05/2023	500,000
IMB Bank	123	3.95	6/06/2023	1,000,000
Defence Bank	90	3.00	26/05/2023	1,000,000
Rabobank Bank	153	3.70	31/08/2023	1,000,000
Bank Vic	92	3.80	12/04/2023	1,000,000
Bendigo Bank	152	4.15	10/07/2023	1,000,000
Total of All Investments				6,500,000



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Indigo Shire Operating Account	3.00	5,273,034
WAW Credit Union S13	0.01	114
Total Operating Cash Position		<u>5,273,148</u>
Total Cash Position		<u>11,773,148</u>

Cash (\$ Millions)



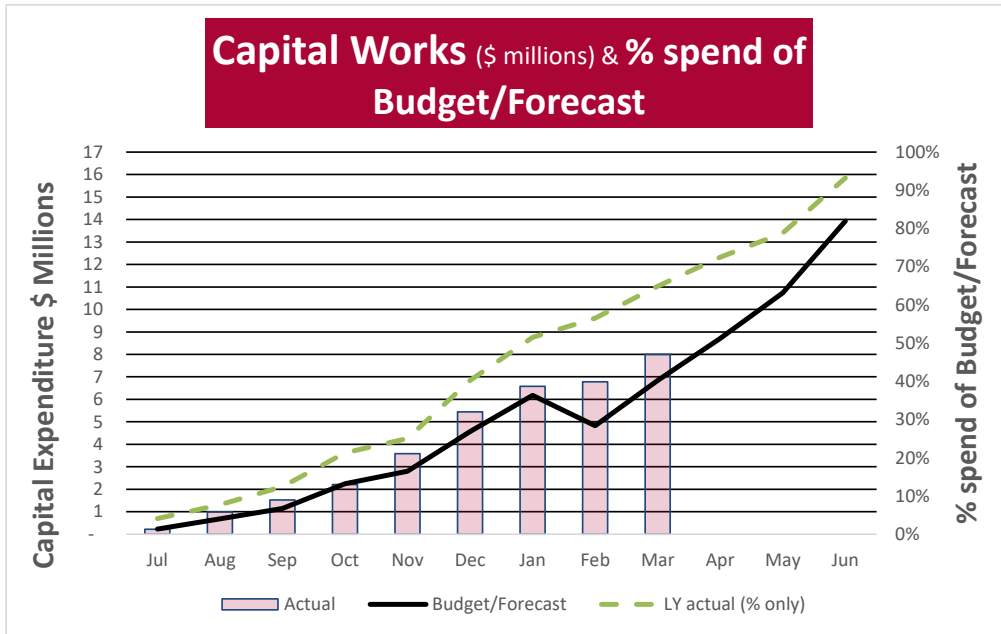
CAPITAL WORKS

The combined YTD project expenditure as at the end of March, across both the Capital Works and Non ISC asset project areas totals \$9,110,404. This total is comprised of \$8,003,690 in capital projects and \$1,106,714 against Non ISC assets.

Capital works expenditure	2021/22			2022/23		
	Qtr2 Forecast	YTD actuals	% Complete	Qtr2 Forecast	YTD actuals	% Complete
Capital works total	11,721,159	6,624,193	56.5%	13,764,605	8,003,690	58.1%



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A more detailed commentary on capital works and non-Council expenditure is provided in the monthly capital report later in the Council meeting agenda.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.1 Our financial management is sound, responsible and effective.

N/A

SOCIAL/COMMUNITY IMPLICATIONS

This report provides details of Council’s performance across a range of services, works and programs that support and enhance the wellbeing of residents and visitors to Indigo Shire.

ENVIRONMENTAL IMPLICATIONS

In May 2017 Council adopted the following resolution.

That Council:

- 1. divests its investments (when they become due) to financial institutions that do not invest in the fossil fuel industry;*
- 2. divests future long-term borrowings when they fall due, to financial institutions that do not invest in the fossil fuel industry;*
- 3. notes that Council will retain the current (non-divested) transactional banking provider at this time, however Council will advise this bank the intention to move to a divested provider in the future if they continue to support the fossil fuel industry; and*



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4. *writes to Council's current banking providers to advise them of Council's stance on fossil-free financial institutions*

In accordance with this resolution, all investments are held with financial institutions that have divested their interests away from fossil fuel companies.

Transactional banking has not been reassessed since the resolution and remains with a non-divested bank.

FINANCIAL IMPLICATIONS

Addressed throughout the report.

LEGISLATIVE IMPLICATIONS

The Local Government Act requires Council to report financial information quarterly. Indigo Shire Council report financials on a monthly basis, as well as a more comprehensive Report at completion of each quarter.

All financial reporting is compliant with the Australian Accounting Standards and audited annually by the Victorian Auditor General Office.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Poor performance against budget/forecast	Possible	Moderate	Medium	Regular monitoring and reporting of financial position
COVID-19 pandemic economic impact exceeds forecast	Possible	Major	High	Regular monitoring and reporting of financial position against budget

The current pandemic does provide uncertainty therefore regular reporting and monitoring is critical in identifying any impacts.

COMMUNITY ENGAGEMENT

Engagement undertaken

Nil

Engagement outcomes

Nil

Engagement proposed

Nil

CONCLUSION

In summary, at the end of March the bottom line financial position is still favourable to the Quarter 2 forecast, although some favourable and unfavourable variances are seen in individual account lines and service areas.



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DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Greg Pinkerton – Director Planning and Corporate Services
- Sharon Phillips – Acting Manager Finance

Attachments

1. March 2023 Service Plan Statement



FINANCE COMMITTEE MEETING MINUTES - 11 APRIL 2023

6.2 2023/2024 BUDGET BUILD UPDATE

File No: 2023/237

Sharon Phillips - Acting Manager Finance

Planning & Corporate Services

For Information

UPDATE - 2023/2024 BUDGET BUILD

Verbal update on where the budget build is currently at, by Greg Pinkerton, Director Planning and Corporate Services and Sharon Phillips, Acting Manager Finance.

DISCUSSION

- The Councillor budget workshop scheduled for 12 April.

Attachments

Nil



FINANCE COMMITTEE MEETING MINUTES - 11 APRIL 2023

6. GENERAL BUSINESS

April Finance Reporting

- No Finance Committee meeting next month due to the timing of the Council meeting.

Meeting closed at 6.05pm

Next meeting scheduled for 20 June 2023

MINUTES – ADVISORY COMMITTEE



Indigo Community Access Committee meeting

Our Vision:

We will work with our communities to secure a healthy, sustainable and progressive future for all.

HELD: Monday, 17 April 2023 at 1:00 pm

LOCATION: Rutherglen Library

CHAIR: Cr Sophie Price

REQUIRED TO ATTEND:	Cr Peter Croucher	ISC Councillor
	Cr Sophie Price	ISC Councillor
	Lindsay Jarvis	Committee Member
	Peter Royle	Committee Member
	Sue Royle	Committee Member
	Zoe Gephart	Committee Member
	Jennifer Birthisel	Committee Member
	Lannelle Bailey	Committee Member
	Jan Toner	Committee Member
	Carlene Lamanna	Indigo Shire Council
Kate O'Toole	Indigo Shire Council	

APOLOGIES: Zoe Gephart, Jan Toner, Peter Royle, Sue Royle.

GUESTS: Member of public as applicant to the committee.

ITEM	COMMITTEE MEMBER
<p>1. Acknowledgment of Country We acknowledge the original custodians of these lands. The people of the rivers and the hills have walked these lands for thousands of years as well as today, and we pay respects to the elders of the past, present and emerging.</p>	Chair
2. DECLARATION OF CONFLICT OF INTEREST - Nil	

**3. CONFIRMATION OF MINUTES FROM LAST MEETING
Monday 13 February 2022, 1:00 pm,**

**Moved Lindsay Jarvis,
Second Jenny
Birthisel, Carried**

**4. 1:05pm – Member of public attending to discuss their
application to join the committee**

a member of the public was introduced to the committee as a potential applicant.

5. Recruitment – 1 new member - CONFIDENTIAL

The meeting was closed to the public to consider a matter which is confidential as defined under section 3 of the *Local Government Act 2020*:

f. personal information, being information which if released would result in the unreasonable disclosure of information

This section applies because the personal biographical details of a person not yet appointed to a Council committee were discussed, and were provided to the Council in confidence as part of a recruitment process. This is an unreasonable disclosure of personal information as they have not yet been appointed to a committee position.

6. Review of the Wodonga Access Meeting

The meeting was now declared open.

Opportunity taken to discuss strengths and opportunities that have arisen from the Wodonga meeting.

There were some strong positives that came out of attending the Wodonga Access meeting:

- The traffic light infrastructure tool was a good product and could be adapted a bit more to our meetings.
- Great to establish a relationship with the committee – work to make it reciprocal and to see if we can visit accessible projects that they complete.

There were also a few observations and questions that resulted from the visit:

- No Wodonga Councillors present. No Acknowledgment of Country. The members were not introduced until a blind member requested that they be introduced.
- The acting chair was lacking and the committee focussed

heavily on small access issues.

- Wide mix of the committee – some profoundly disabled and a wide range of disability, i.e. vision, mobility, intellectual, some agency workers. The ICAC would like more information to be sought on the members who have significant disabilities and whether they chose to be on the committee – how was the information put to them and how are they choosing to contribute?
- Some procedural issues that made the meeting seem more like an open forum rather than an advisory committee. How does the meeting get reported back to Council? What are the processes?

ACTION: Kate to email Brett Sanderson, Population Health & Wellbeing Coordinator and acting Chair on the day, and Anthea Maher, Team Leader Population Health and Wellbeing and usual Chair to thank them for the invitation and opportunity to participate. In order to understand their process better, Kate will ask how the minutes are communicated to the Councillors and how participation in the committee is managed.

7. Infrastructure Updates

- Nathan Mallane has started with Indigo Shire Council this week. We will give him time to settle in then invite him for a meeting in the future. It would also be good to book in the Manager of Planning and Building to talk to us this year.

ACTION – Kate to request attendance at a meeting in the future for both Nathan and Kimberly Warne.

- Cobblestone reveal is complete in front to Freeman on Ford in Beechworth – access has been retained. This is a good example of heritage and access working together.
- Lions Head Drinking Fountain – Beechworth – a quote has been received to modify the fountain to add a bubbler. Images are attached to the email invitation. The modifications have been approved by Heritage Advisor, Deb Kemp, however community consultation may be sought given there has been a lot of interest. The modern fountain is still to be removed.

ACTION: The following feedback to be provided to the project manager, Bruce Braines, Director of Infrastructure, Ian Ellet and the Communications Manager, Melinda Collis:

ICAC recommend that further community consultation on the two bubbler designs on the lion head fountain, as well as the third option of leaving the modern fountain where it is and not modifying

the lion fountain. While a modified lion fountain will support more users to access the fountain, it will not represent the best standard for accessibility. The modern fountain design provides the best access for all people in the Beechworth CBD.

9. BUSINESS ARISING FROM LAST MEETING

- **Follow-up planning:** Jenny – Mental health challenges and doing a blue tree – creating awareness around mental health. Peter suggested seeing if we can get someone to speak about this:
<https://www.bluetreeproject.com.au/what-we-do>

ACTION: Kate to schedule a speaker for a session ASAP.

- Plan to have an education session for planning and building, Executive management, Councillors, etc., in May in Chiltern, if possible.

ACTION: Sue Royle to follow up with Beechworth Health for equipment hire and Zoe to help with vision impairment activities. Kate to book in the event and review Councillor availability.

9. OPEN ALL:

Carlene – Chiltern Land Project – submissions are open at present. Request that ICAC members make a submission and complete the survey. The survey can be completed here:
<https://www.indigoshire.vic.gov.au/Residents/Projects-works/Current-projects/Chiltern-Land-Development>

Kate – Chiltern Play Space, please comment if you have capacity. Kate to add it to the next meeting to be held in Chiltern. **ACTION** – ask for Chloe to walk and talk with us if possible.

Lindsay – Electric cars – many charging stations will be required – what is the plan for ISC on how to manage charging stations and the change-over, including heritage considerations and access to chargers for people with disabilities and enabling accessible tourism.

Peter Croucher – anecdotal story regarding stairs and access in Melbourne.

Meeting Concluded:	2:58 pm
Next Meeting:	Monday 8 May 1pm, Chiltern
Informal meeting of Councillors (required for meetings that are closed to the public)	N/A

and have at least one Councillor in attendance) - TRIM Reference

SUMMARY OF RESOLUTIONS

Resolution	Moved	Seconded
That the Committee confirm the minutes of the previous meeting on 13 February 2022	Lindsay Jarvis	Jennifer Birthisel

(Note: Confidential minutes are recorded in the same manner as above)



IndiGrow Meeting

Our Vision:

We will work with our communities to secure a healthy, sustainable and progressive future for all.

HELD: Monday, 17 April 2023 12:30pm-1:30pm

LOCATION: Zoom

CHAIR: Diane Shepheard

DEPUTY CHAIR: Natalie Ajay

IN ATTENDANCE:

Cr. Diane Shepheard	Nerida Kerr
Cr. Roberta Horne	Neil Funston
Natalie Ajay	Jayne Maloney
Robert Hawkings	Sally Rice
Bev Hoffmann	Sally McDonald
Lisa Turner	Susannah Doyle (Indigo Shire Council)
Mervyn Rae	Chloe Powell (Indigo Shire Council)
Danai Fadygas (CoFutures)	Joshua Bellette (Indigo Shire Council)
Angelica Rojas (IncluDesign)	

APOLOGIES: Alastair Clay
Georgie James

ITEM

1. WELCOME FROM CHAIR & ACKNOWLEDGEMENT OF COUNTRY

Chair - Cr. Diane Shepheard

2. DECLARATION OF CONFLICT OF INTEREST

No conflicts declared.

3. APOLOGIES

Alastair Clay and Georgie James

4. CONFIRMATION OF MINUTES FROM LAST MEETING

That the minutes of the 16 March 2023 meeting be accepted as presented.

Moved: Lisa Turner

Seconded: Bev Hoffmann

Passed unanimously



5. CHILTERN DESTINATION PLAYSACE

Susannah Doyle and Chloe Powell presented to the Committee an overview of the project.

The project originated from Council's Tourism Game Changer Strategy (2018) as a must visit destination for Chiltern. A key focus was to feed the investment pipeline to ultimately seek external funding for delivery in a number of phases.

The Committee were advised of the stages of the project consisting of:-

Stage 1 - Consultants appointed to carry out economic modelling and a business case;

Stage 2 – Concept design and community engagement noting extensive engagement carried out which informed final concept design including extension to include Chiltern swimming pool as part of the project. Final concept design to go to Council for adoption on 16 May 2023;

Stage 3 – Secure funding. It was noted grant funding may be smaller this year but having a “funding-ready” proposal was positive.

Committee members expressed that they were very pleased with how project had been managed and planned noting strong community support and engagement.

Motion: Given that key stakeholder views are considered, that IndiGrow support the process and project as a game changer project with enormous benefits for the whole community.

Moved: Nerida Kerr

Seconded: Lisa Turner

Passed unanimously

6. CHILTERN LAND PROJECT

Danai Fadgyas and Angelica Rojas were introduced to the Committee and presented an overview of the project.

The Committee were provided with an outline of the land, the concept of precinct planning, summary of opportunities and constraints for the land as well as the community engagement that had taken place over the past six months.

The Committee congratulated Council and the consultants on progress so far noting strong community engagement and feedback. The Committee discussed cultural, heritage, First Nations and planning considerations and the need for assessments and investigations to be undertaken.

Motion: That IndiGrow support and endorse Council's process and the intent of this project. The Committee looks forward to seeing further action regarding cultural, heritage and planning to ensure the sustainable future of this project.

Moved: Natalie Ajay

Seconded: Bev Hoffmann

Passed unanimously



Meeting Concluded: 1:31 pm
Next Meeting: To be decided

SUMMARY OF RESOLUTIONS

Resolution	Moved	Seconded
That the minutes of the 16 March 2023 meeting be accepted	Lisa Turner	Bev Hoffmann
Given that key stakeholder views are considered, that IndiGrow support the process and project as a game changer project with enormous benefits for the whole community	Nerida Kerr	Lisa Turner
That IndiGrow support and endorse Council's process and the intent of this project. The Committee looks forward to seeing further action regarding cultural, heritage and planning to ensure the sustainable future of this project.	Natalie Ajay	Bev Hoffmann

14.5

INFORMAL MEETINGS OF COUNCILLORS RECORDS

1	Informal Meeting of Councillors Record - Finance Committee - 11 April 2023.....	283
2	Informal Meeting of Councillors Record - Council Briefing -11 April 2023.....	285
3	Informal Meeting of Councillors Record - Draft Budget Workshop - 12 April 2023.....	287
4	Informal Meeting of Councillors Record - Indigo Community Access Committee - 17 April 2023	289
5	Informal Meeting of Councillors Record - Council Briefing - 18 April 2023.....	291



INFORMAL MEETING OF COUNCILLORS RECORD

At the commencement of an applicable meeting, Council staff are required to identify that this is an Informal Meeting of Councillors as defined in Council's Governance Rules, and call for any Conflicts of Interest (Sections 126 - 131 *Local Government Act 2020*).

For additional information please refer to TRIM reference: INTERNAL20/7700

NOTE:

This Form MUST :

- a) be completed by the attending Council Officer
- b) TRIMmed to INFORMATION MANAGEMENT – Registers – Informal Meeting of Councillors (relevant year)
- c) completed record forwarded to the Governance Officer for inclusion in the next Meeting of Council and incorporated in the minutes.

MEETING DETAILS:

Meeting	Finance Advisory Committee
Date:	11 th April 2023
Time:	5:50pm
Meeting Location:	Beechworth Council Chambers

IN ATTENDANCE: (circle / delete as appropriate)

	Name	Title
Councillors:	B Gaffney	Mayor
	P Croucher	Deputy Mayor
	L Goldsworthy	
	R Horne	
	S Price	
	D Shephard	
Officers:	Trevor Ierino	Chief Executive Officer
	Greg Pinkerton	Director Planning & Corporate Services

**MATTER/S DISCUSSED/CONSIDERED AT THE MEETING:**

(Note: Conflicts of Interest must be disclosed and the person leave the assembly before discussion of the conflict matter (Sections 126 – 131 of the *Local Government Act 2020*))

March Finance report

2023/2024 Budget Build Update

Timing of end of month reporting for March

CONFLICT OF INTEREST DISCLOSURES:**ITEM:**

Councillor	Time of departure	Time of re-entry
Officer	Time of departure	Time of re-entry

Record Author: Carolyn Lingham



INFORMAL MEETING OF COUNCILLORS RECORD

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- c) completed record forwarded to the Governance Officer for inclusion in the next Meeting of Council and incorporated in the minutes.

MEETING DETAILS:

Meeting	Council Briefing
Date:	Tuesday, 11 April 2023
Time:	4.00pm
Meeting Location:	Council Chambers, 2 Kurrajong Way, Beechworth (and Zoom)

IN ATTENDANCE: (circle/delete as appropriate)

Councillors:	Cr Sophie Price	Mayor
	Cr Bernard Gaffney	Deputy Mayor
	Cr Peter Croucher	Councillor
	Cr Larry Goldsworthy	Councillor (Zoom)
	Cr Roberta Horne	Councillor
	Cr Diane Shephard	Councillor
Officers:	Trevor Ierino	Chief Executive Officer
	Greg Pinkerton	Director Planning & Corporate Services
	Ian Ellett	Director Infrastructure Services
	Melinda Collis	Executive Manager Customer Experience & Engagement



Carla Hanlon Executive Manager People & Governance

Annabel Harding Governance Coordinator (Zoom)

MATTER/S DISCUSSED/CONSIDERED AT THE MEETING:

(Note: Conflicts of Interest must be disclosed and the person leave the assembly before discussion of the conflict matter (Sections 126 – 131 of the *Local Government Act 2020*))

-
- 4.1 Councillor and CEO Update
 - 5.1 Monthly Planning Update
 - 5.2 March Capital Works Report
 - 5.3 April Council Meeting - Draft Agenda Review
 - 1. General Business
 - 1.1 Councillor Committee Reports
 - 6.2 Upcoming Schedules - Briefing and Council Meetings
 - 6.3 Actions from Previous Meetings

CONFLICT OF INTEREST DISCLOSURES:

ITEM:

nil

Councillor	Time of departure	Time of re-entry
Officer	Time of departure	Time of re-entry

Record Author: Annabel Harding



INFORMAL MEETING OF COUNCILLORS RECORD

At the commencement of an applicable meeting, Council staff are required to identify that this is an Informal Meeting of Councillors as defined in Council's Governance Rules, and call for any Conflicts of Interest (Sections 126 - 131 *Local Government Act 2020*).

For additional information please refer to TRIM reference: INTERNAL20/7700

NOTE:

This Form MUST :

- a) be completed by the attending Council Officer
- b) TRIMmed to INFORMATION MANAGEMENT – Registers – Informal Meeting of Councillors (relevant year)
- c) completed record forwarded to the Governance Officer for inclusion in the next Meeting of Council and incorporated in the minutes.

MEETING DETAILS:

Meeting	Draft Budget Workshop
Date:	12 April 2023
Time:	9:00am
Meeting Location:	The Grand Oaks Resort, Beechworth

IN ATTENDANCE: (circle / delete as appropriate)

	Name	Title
Councillors:	B Gaffney	Mayor
	P Croucher	Deputy Mayor
	L Goldsworthy	
	R Horne	
	S Price	
	D Shepherd	
Officers:	E Teissl	
	Trevor Ierino	Chief Executive Officer
	Greg Pinkerton	Director Planning & Corporate Services
	Sally Rice	Director Community & Economic Development
	Ian Ellet	Director Infrastructure Services
	Melinda Collis	Executive Manager Engagement & Communications
	Carla Hanlon	Executive Manager People & Governance



MATTER/S DISCUSSED/CONSIDERED AT THE MEETING:

(Note: Conflicts of Interest must be disclosed and the person leave the assembly before discussion of the conflict matter (Sections 126 – 131 of the *Local Government Act 2020*))

Draft Budget 2023/2024 review

CONFLICT OF INTEREST DISCLOSURES:

ITEM:

Councillor	Time of departure	Time of re-entry
Officer	Time of departure	Time of re-entry

Record Author: Greg Pinkerton



INFORMAL MEETING OF COUNCILLORS RECORD

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MEETING DETAILS:

Meeting Indigo Community Access Committee

Date: 17 April 2023

Time: 1:30-2:30pm

Meeting Location: Rutherglen Library

IN ATTENDANCE: (circle / delete as appropriate)

	Name	Title
Councillors:	P Croucher	
	S Price	



INFORMAL MEETING OF COUNCILLORS RECORD

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For additional information please refer to TRIM reference: INTERNAL20/7700

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MEETING DETAILS:

Meeting	Council Briefing
Date:	Tuesday, 18 April 2023
Time:	4.00pm
Meeting Location:	Council Chambers, 2 Kurrajong Way, Beechworth (and Zoom)

IN ATTENDANCE: (circle/delete as appropriate)

Councillors:

Cr Bernard Gaffney	Deputy Mayor
Cr Peter Croucher	Councillor
Cr Larry Goldsworthy	Councillor
Cr Roberta Horne	Councillor
Cr Diane Shephard	Councillor

Officers:

Trevor Ierino	Chief Executive Officer
Sally Rice	Director Community & Economic Development
Greg Pinkerton	Director Planning & Corporate Services
Ian Ellett	Director Infrastructure Services



Melinda Collis	Executive Manager Customer Experience & Engagement
Carla Hanlon	Executive Manager People & Governance
Annabel Harding	Governance Coordinator

MATTER/S DISCUSSED/CONSIDERED AT THE MEETING:

(Note: Conflicts of Interest must be disclosed and the person leave the assembly before discussion of the conflict matter (Sections 126 – 131 of the *Local Government Act 2020*))

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- 4.1 Councillor and CEO Update
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-

CONFLICT OF INTEREST DISCLOSURES:

ITEM:

nil

Councillor	Time of departure	Time of re-entry
Officer	Time of departure	Time of re-entry

Record Author: Annabel Harding

