



# Greening Greater Horsham

A Municipal Tree Strategy

2021- 2031

Draft v8

20 Sept 2021

*The Horsham Rural City Council acknowledges the five Traditional Owner groups of this land – the Wotjobaluk, Wergaia, Jupagalk, Jaadwa and Jadawadjali people. We recognise the important and ongoing place that all Indigenous people hold in our community.*

This document has been prepared by Horsham Rural City Council in partnership with Urban Forest Consulting.



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## Introduction

### ***A commitment to addressing climate change***

*Horsham Rural City Council (Council) understands that we need to protect and enhance our tree population to assist in addressing climate change and the urban heat effect. The Wimmera region has already become warmer and drier – a climate trend likely to continue into the future. Getting climate ready involves understanding how the climate is likely to affect our region and working out ways to mitigate and adapt. We recognise that by increasing tree cover and improving tree health across our urban areas we can better adapt our townships to climate change, improve the health of our natural environment and of our residents and protect the future liveability of our City.*

Our urban and rural trees are invaluable contributors to our region. Not only do they help our region adapt to and mitigate the increasing effects of climate change and contribute to our community's health and wellbeing. They cool and shade our townships, intercept stormwater, provide habitat for wildlife, create green inviting spaces for our community to enjoy and add to our sense of place and local character.

While we recognise that trees are a valuable asset to our community, we still do not have a complete picture about the extent and diversity of our trees, including trees on private land, which make up a significant proportion of the tree population and canopy cover across urban Horsham. We know that our overall tree canopy cover is relatively low at 12.8% for the whole Municipality and 13% for the urban area of Horsham and Haven. A lack of species diversity is a potential issue for our street trees, which has been exacerbated in the absence of the planning provided by a strategic framework for our tree management program, which exposes us to potential risks. Coupled with regional challenges such as climate change and community perceptions of trees and risk, we recognise there are some significant opportunities for us to improve the way we manage our trees.

This Strategy commits us to better managing our tree assets so we can maximise their benefits and our return on investment in them. We understand the need to better care for our existing trees, to improve their overall health as well as the need to plant more trees across our townships. We also explore the role that private trees play towards climate change adaptation and community health and explore ways for us to better protect and enhance them.

Our Vision is that our trees will be healthy, vibrant and valued assets of the municipality's infrastructure. Using integrated, sustainable management practices, Council will create a welcoming landscape with a canopy cover that supports biodiversity and climate resilience and contributes to the community's physical and mental well-being.

To help us meet our vision, we have set some targets to improve the tree canopy cover over our urban areas, streets and roads, the Central Activity District, and parklands. We also will seek to undertake better planning for trees in growth areas and future growth areas that are yet to be developed as well as better managing significant trees on private land. To help guide us towards meeting these targets and outcomes, we are committing to a range of actions, in particular:



- Understanding the existing extent and quality of our urban and rural trees
- Building a proactive tree maintenance program to improve the quality, health and viability of existing trees
- Continuing to plant and renew trees in areas of need using best practice planning and planting methods
- Identifying opportunities to increase canopy in areas where increased amenity and connectivity are needed as identified in other strategic documents
- Engaging, educating and collaborating with our community and regional partners
- Ensuring that our upcoming Planning Scheme Review reflects the issues identified in this Tree Strategy, particularly the role that private trees play and how we can better protect and enhance them.

By committing to our vision, targets and actions we are confident that we can improve the overall liveability of our townships, improve health and wellbeing and help our region adapt to climate change.

The best time to plant a tree was 20 years ago. The next best time is now.

### Tree canopy targets

We are committing to a suite of tree canopy targets that will help guide our tree protection and planting on certain land types. These targets will provide the impetus to implement best practice tree protection, proactive care and maintenance of our existing trees and a tree planting program targeted at areas where canopy cover is needed.

Council will commit to the following by 2040:

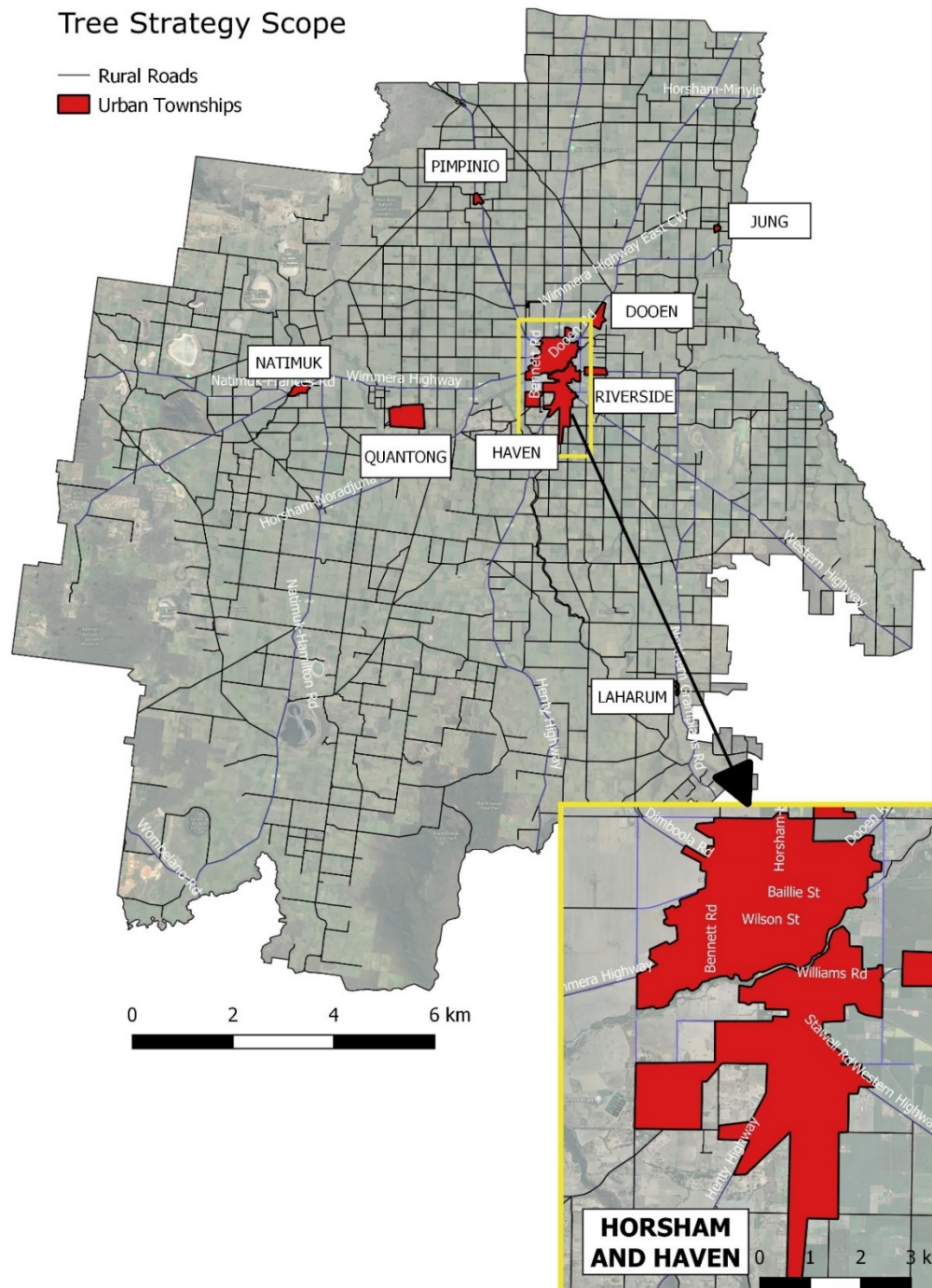
1. Tree canopy cover over our **urban and rural road reserves** will be increased from 20% to 25%
2. Tree canopy cover over the **urban area of Horsham** (inclusive of private land) will be increased from 15.3% to 20%
3. Tree Canopy cover over the **public areas of the Central Activity District** will be increased from 9.9% to 15%
4. Tree Canopy cover over **parklands** will be increased from 16% to 25%

Further analysis will be undertaken to establish trends of change in tree canopy across these various land types so as to determine the most appropriate courses of action and responsibilities. A tree inventory will be established to allow closer monitoring of individual trees, their overall health and diversity and their contribution to tree canopy.

Without burdening property owners, measures will be explored that seek to minimise the loss of tree canopy on private land that occur through removal and development.. This will assist in reaching the second of the four canopy targets and to increase that target into the future. Measures to explore include the introduction of a Local Law that requires a permit for the removal of larger trees, as well as identifying Significant Trees on private land that are the subject to a level of planning protection.

## Scope and purpose

This strategy provides the background context, current situation and desired outcomes for Horsham Rural City Council's urban street, park and rural roadside trees. This includes trees within Horsham township, along rural roads and within smaller townships throughout the municipality. The strategy also flags further investigations and work for trees on private land.



*Image 1: This Tree Strategy will focus on the management of street and park trees in urban centres, rural roadsides and townships. Townships included in the map are those with pop.> 150 people Note: This map shows the current township boundaries which existing canopy cover has been calculated. Private land, growth areas and future growth areas outside of this boundary will contribute to meeting the canopy cover targets set in this strategy, as future development progresses and is approved through the Planning Scheme. (See Image 16 for more detail).*



Council recognises the large array of benefits our urban and rural roadside trees provide our community and the environment. Through this Strategy, we are committed to maximising these benefits.

We will manage our trees to help our region adapt to climate change, improve health and wellbeing, cool and shade our townships, improve landscape amenity and enhance our region's biodiversity.



*Image 2: Our street trees cool and shade our townships*



## Vision

*Trees will be healthy, vibrant and valued assets of the municipality's infrastructure. Using integrated, sustainable management practices, Council will create a welcoming landscape with a canopy cover that supports biodiversity and climate resilience, contributes to the community's physical and mental well-being and raises awareness of the importance of culturally significant trees.*



*Image 3: Council will create a welcoming landscape with a canopy cover that supports biodiversity and climate resilience*

## Key objectives

This Strategy seeks to embed the following objectives into Council's everyday business:

1. ***Protect and enhance existing public trees:***  
Ensure existing trees are protected from unnecessary removal or damage and that they are cared for to ensure longevity, optimum health and minimisation of risk.
2. ***Increase tree canopy cover:***  
Improve the cover of natural shade in our townships to create attractive and walkable streets
3. ***Improve streetscape character and biodiversity linkages of Horsham and townships including river frontage***  
Utilise tree planting to improve the look and feel of our streetscapes and to increase connectivity and habitat for biodiversity
4. ***Educate and engage with the community***  
Raise awareness within our community about the importance of urban trees, including on private land and increase participation in decision making
5. ***Deliver a best practice tree management program***  
Ensure the care of our trees is based on industry best practice of urban tree management techniques and methods.
6. ***Celebrate cultural heritage***  
Plan for the City's landscape to help define its character, culture and image and reinforce the value placed on culturally and historically significant trees.

## Strategic context

The management of street, park and rural roadside trees is governed by the following Council documents. The management of private trees are not currently included in any Council planning or operating documents so the gaps have been highlighted.

### Legislated Plans

#### **1. Council Plan 2020-2024**

Goal 4 Asset Management: Priority 3.1.08 Develop improved park and street policy as an Urban Forest Plan (or Tree Strategy)

Goal 5 Natural and Built Environments: Tree Strategy will support promotion of sustainability and sound environmental practice

#### **2. Health and Wellbeing Plan 2017-2021**

Priority 1 Increasing healthy eating and active living:

Action 6 Develop and maintain footpaths and walking and bike trails with particular focus on key precinct linkages to promote active living options and supporting infrastructure such as seats, signage, water, lighting and **shade**

#### **3. Horsham Planning Scheme (Victorian Planning Provisions)**

Clause 13.01 – Climate Change Impacts

Clause 13.01-1s – Natural Hazards and Climate Change

### Influencing Strategies

#### **4. Environment Sustainability Strategy 2010**

Principal 2 Protect what we value: Ensure that Council-controlled land is managed in ways that protect and enhance native flora, fauna, natural habitat and indigenous cultural values

#### **5. Horsham Framework for Managing Growth 2013**

The Horsham Framework for Managing Growth was adopted by Council in November 2013. It provides clear and consistent direction for decision makers, landowners, developers and the community on the location of future housing (e.g. growth areas, infill opportunity sites) to meet the future demand over a 20-to-30-year horizon.

#### **6. Open Space Strategy 2019**

Provides Council with strategic directions to determine priorities for the planning, provision and development of open space across the municipality

#### **7. Municipal Bike and Shared Path Plan 2012-2015**

This report details the recommended bicycle route strategy for the Rural City of Horsham. This has been flagged to be updated.

**8. Horsham Urban Transport Plan 2020**

Sets the directions and priorities for developing our transport system in a way that supports the goals of our community, our economy and environment.

**9. CAD Revitalisation Streetscape Strategy 2017**

Focuses on guidance for infrastructure and Council-asset improvements that will form the core of the CAD revitalisation programme

**10. Horsham North Urban Design Framework 2013**

Focuses on the physical interventions and outcomes, including streets and public spaces, buildings and landscape, and the potential of urban design to support and facilitate economic, social and environmental outcomes in Horsham North. This includes key pedestrian and cycle routes.

**11. Roadside Vegetation Management Plan**

Provides the framework for Council's protection of high value roadside vegetation and Council's responsibilities under the Road Management Plan. Both plans are under review and will be updated before the end of 2021.

**12. Electrical Line Clearance Management Plan 2020** - Details the practices of risk assessment and maintenance works associated with ensuring safety of powerlines within the declared area.

**Current work****13. Tree Management Policy 2021**

This document will be prepared in conjunction with the Strategy and will clearly articulate Council's position regarding elements of tree management e.g. tree protection, removal, planting and establishment, trees and development etc. Again, this will meet an identified policy gap and will ensure that there is a consistent and best practice platform for Council to make decisions regarding trees. This policy will replace the 2011 Tree Policy which will no longer have effect.

**14. Horsham North Local Area Plan**

The Horsham North **Local Area Plan** Project is based on a review of the Horsham North Urban Design Framework (UDF), and an assessment of the directions, strategies and actions contained in that document, in order to identify opportunities from which to create a new piece of work, with an expanded scope and study area. The project aims to identify current issues, under a series of themes such as Connectivity and Place Making and will provide a series of actions through an implementation plan. The project will take the form of a "Local Area Plan" for Horsham North.

**15. Horsham CAD & Streetscape Plan**

UrbanFold have been engaged by Council to undertake the CAD Revitalisation project, which will involve an urban design analysis of the CAD, followed by the creation of a streetscape plan that identifies public realm capital works projects to be undertaken by Council in the future. The project

will focus on improving connectivity within the public realm at key locations throughout the CAD and is part of the overall City to River project. Trees will form an important component of the delivery work.

### **Future Plans**

#### ***16. Horsham Urban Renewal Plan***

The Urban Renewal Project is intended to promote and facilitate new development in three distinct areas that are located between the main commercial area of Horsham (the CAD) and the river to the south. The aim is to transform and revitalise parts of the city to make it a more attractive place to live, work, visit and invest in. This forms part of a suite of strategic projects being undertaken concurrently by Council with a view to creating a brighter future for Horsham over the coming decades.

The recently completed Horsham: City to River Vision & Masterplan sets out a long-term Vision and Masterplan for central Horsham and will be used to guide the revitalisation of the area over the next 20 to 30 years. The Urban Renewal Project will undertake site analysis, feasibility studies, and develop indicative masterplans for the subject sites to facilitate future private development.

#### ***17. Horsham South Structure Plan***

The purpose of the project is to develop a structure plan for the area identified as Horsham South, which builds upon the previous background work undertaken for Horsham South. The Structure Plan will provide a clear vision and framework for the coordinated land use and development of the area for future residential, commercial and industrial activities and the timely and coordinated delivery of infrastructure to meet the needs of the growing community. It will also support the creation of stronger physical connections with the Wimmera River corridor and the Horsham Central Activities District (CAD) to the north by various modes of transport and access.

#### ***18. Housing Affordability and Diversity Strategy***

A Housing Strategy will be developed that will provide Council decision makers a strong and clear planning policy framework for ensuring new development contributes to more sustainable outcomes in the longer term, including curbing urban sprawl, responding to changes in housing needs and sensitively planning for the impact of urban consolidation by improving design, protecting heritage and contributing to the preferred character of the area.



***19. Neighbourhood Character Assessment and Guidelines***

A Neighbourhood Character Study will be undertaken to identify areas of special and/or consistent neighbourhood character in Horsham and to recommend areas where the character should be preserved and respected. The assessment and subsequent guidelines may also set out a preferred future character for some areas to ensure that new development contributes to the overall character of Horsham. As trees can make important contributions to neighbourhood character, this work will further strengthen the evidence base for strong tree protection measures.

## Benefits of urban trees

Trees and other vegetation in cities and regional centres around the world are now regarded as providing critical “living” infrastructure – being as important as roads or public transport to how a city, town or region functions.

The benefits of urban trees span **environmental, economic, social and cultural domains**. These benefits are often interrelated, supporting resilient and sustainable urban and rural landscapes.

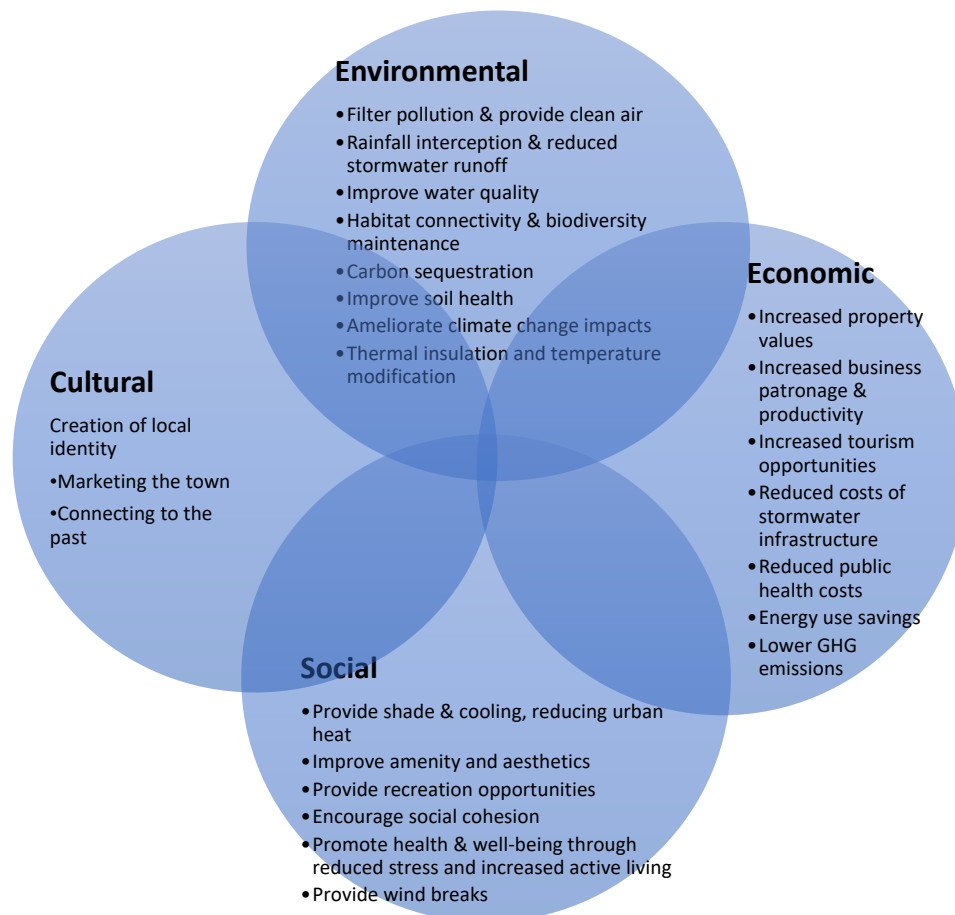


Image 4: Quadruple bottom line benefits of urban trees

### Environmental benefits

- **Provide shade and cool our townships**  
An increase in tree canopy and greening can reduce air and surface temperatures by 3 to 20°C. (Gil et al 2007)
- **Reduce storm water flows, pollution and nutrient loads**  
Tree canopies and root systems reduce storm water flows and nutrient runoff into our waterways. Streets with higher vegetation cover are three to six times more effective in managing storm water than conventional methods (Norton et al, 2013)
- **Provide habitat and enhance levels of biodiversity**  
Urban and rural roadside trees support a wide range of species, even endangered animals and other species of high conservation value. (Kendal et al, 2016)

### Social Benefits

- **Encouraging outdoor activity**  
Well-vegetated parks, gardens and streets encourage the use of open spaces, with health benefits such as reduced obesity and increased physical activity levels and promotes more sustainable forms of transportation. (van Dillen, 2012)
- **Reducing sun exposure**  
The prevalence of skin cancer and other illnesses due to sun exposure have shown that protection from sunlight's UV rays is vital. Tree shade can reduce overall exposure to UV radiation by up to 75 per cent. (Mullaney et al., 2015)
- **Improving mental wellbeing**  
Access to, and views of, green spaces and trees have positive effects on people's wellbeing. (Karden, 2016)

### Economic Benefits

- **Reducing energy costs**  
Energy saving benefits come through shading and sheltering buildings from the sun in summer and allowing sunlight in winter. (Simpson, 1996)
- **Increasing property values**  
Trees in streets enhance neighbourhood aesthetics and increase property values. Properties in tree-lined streets are valued approximately 30% higher than those in streets without trees. (Plant, 2017)

- **Increased retail activity**  
Shoppers spend longer and more money in retail areas where the area is landscaped, and trees provide shade and amenity. (Wolf, 2005)
- **Return on investment**  
Cities across the world have demonstrated that trees create a positive return on investment. In the City of New York, it has been calculated that for every dollar spent on a tree, \$5.60 worth of benefits were returned. (US Forest Service, 2020)

### **Cultural Benefits**

- **Creation of local identity**  
A city's landscape helps define its character. Trees and vegetation can physically define a place. Trees provide landscape amenity and integrate nature into the urban environment.
- **Marketing the City**  
Green spaces play a role in defining the culture and image of a city. A city is more competitive with an expanded political and economic influence when the built and natural urban environment is attractive and welcoming.
- **Reinforcing First Nations status**  
Culturally significant trees are a vital and tangible link to the continuous connection to place for First Nations people. Culturally significant trees are clear evidence of Indigenous community's existence on this land for thousands of years, prior to colonial settlement. Culturally significant trees are important sentinels to interpret and connect to the landscape and a cultural marker to pass valuable cultural knowledge to subsequent generations.



*Image 4: Research shows that shoppers spend longer and more money in well treed and landscaped retail precincts. These pop-up parks in Horsham CAD have been a huge success with the community utilising the new spaces.*

## History of Horsham's trees

Horsham Rural City has a rich and ongoing history of Aboriginal culture, recognised in 2005 with a successful native title claim by First Nations peoples of lands along the Wimmera River. There are five First Nations of the land: the Jaadwa, Jadawadjali, Jupagulk, Wergaia and Wotjobaluk peoples.

Before settlement, the First Nations people had long occupied the Horsham area and drew on a rich food supply, especially along the Wimmera River, where they cut bark from the River Red Gums to make canoes. (Note: input into this section is being sought from BGLC and will be re-edited once this input is provided)



*Image 5: Sketch of the Wimmera River, 1845, unknown artist (National Library of Australia)*

### Post settlement greening

Since European settlement, agriculture has become the mainstay industry of the region. Broad acre cropping of cereals, pulses and oilseeds are now the predominant land use and main economic drivers of rural land use in the Wimmera. Much of the pre-settlement vegetation has been cleared with many of the original vegetation communities now recognised as being endangered. Much of these vegetation communities are found on private land and along our rural roadsides. Rural roads play a critical role in protecting remnant trees.

In 1855, the initial town planning for Horsham placed the town centre some distance from the river, with the placement likely because of the risks of riverine flooding. The town siting enabled the



retention of areas of native vegetation along the river frontage with other areas of the river front used for public recreational and utility purposes.

In the period of rapid growth through the 1870s and 1880s there were significant street tree plantings championed by Councillor Thomas Young. The site of the Botanic Gardens was also reserved in 1878. Early street tree plantings during this time included Silver Poplars in Firebrace Street in the 1870s, Elms in Bowden Street in the 1880s and Sugar Gums planted in Stawell Road (Western Highway) near Green Park. Property owners were responsible for the care of the tree outside their property.

Later in the 19<sup>th</sup> century, Councillor John Langlands donated the trees that were planted along Natimuk Road. The management of the street trees became the responsibility of Thomas Brown, curator of the Botanic Gardens. In 1897, the issue of species preferences was raised with disparaging reports appearing in the local newspaper regarding the planting of silver poplars along some of the main thoroughfares.

In 1904, Curator Brown recognised the benefits of this early tree planting noting the healthy growth and pleasing appearance of trees in the principal streets of Horsham. Brown also indicated that tree planting should continue more extensively than it had in the past.



*Image 6: Street trees outside Horsham District High School, c.1912 (State Library of Victoria) Corner of Roberts Avenue and Urquhart Street.*

## Horsham Botanic Gardens

The Horsham Botanic Gardens is located on part of what was previously the Horsham Police Paddock. An early tree planting of an *Araucaria bidwilli* (a Bunya pine) at the Gardens' entrance, was grown from seed provided by Baron von Mueller. In 1881 the Gardens were elaborately remodelled under a plan by William Guilfoyle. Guilfoyle was renowned for his scientific, education and picturesque approach to Botanical gardens and his use of exotic plants.

A secondary layer of significance relates to the period of Ernest E. Lord, an early and important figure in the movement for growing Australian species. Lord developed a large area of the Gardens with native plantings in the late 1930s and 1940s.



Image 7 and 8: The ornamental Bark Hut amidst mature plantings, Horsham Botanic Gardens, c.1925 and the Avenue of Canary Island Date Palms (*Phoenix canariensis*), Horsham Botanic Gardens (State Library of Victoria)

## Avenues of Honour

There are two Avenues of Honour in Horsham.

World War 1 and 2 were originally commemorated in McPherson St through the planting of gum trees, however most of the trees either died and were not replaced or were removed for a road widening project, however a few trees from the original avenue are still in situ on McPherson Street. The memorials were then shifted to Memorial Drive in 2006 and a new avenue of *Pinus halepensis* (Aleppo pines) were planted. In addition, a planting also exists behind the Horsham Basketball Stadium, though the status of this plantation is not rated highly.

The Boer War Avenue of Honour exists along Roberts Avenue. It was originally planted with *Quercus robur* (English oaks), but these were removed due to poor health and risk potential. A row of *Ulmus parvifolia* (Chinese elms) replaced the removed Oaks in 2017.

There is also a significant avenue plantation on Kalkee Rd between Rasmussen Rd and Gatehouse Rd, which is in honour of Rotary Exchange students.



## Horsham's trees today

Council's urban and rural roadside trees are an important part of the landscape and provide amenity and character within the townships. Tree canopy mapping and a sample tree audit provide some insight into how much shade we have, and the types of species planted in Horsham township. A comprehensive tree audit and tree inventory, yet to be completed, will provide much greater understanding of the quality, diversity and overall health of our existing trees.

### Tree canopy cover

Tree canopy cover is the amount of tree biomass that covers an area of land. It is a useful measure of our tree population, as it reveals the extent of shade cover provided by trees.

Using a method of point sampling aerial imagery (I-Tree Canopy), land use cover percentages were calculated for different land tenures across the municipality.

Land Tenure	Tree Canopy Cover	Hard surface Cover	Shrub Cover	Grass Cover	Gravel / Bare earth Cover	Other/Water Cover
<b>MUNICIPAL</b>						
Whole	<b>12.8%</b>	0.8%	1.3%	81.9%	1.3%	1.9%
Private	<b>6.6%</b>	0.5%	0.8%	90.6%	1.0%	0.5%
Public	<b>48.7%</b>	1.6%	8.0%	29.7%	5.6%	6.4%
Road	<b>20.4%</b>	6.9%	1.4%	57.2%	13.5%	0.6%

Table 1: Land use cover results for Council, determining percent tree canopy cover Source: I Tree Canopy land use cover assessment, April 2021

Total tree canopy cover, which is all vegetation over 3m in height, for the municipal area of Horsham Rural City, and included both public and private land is 12.8%. This is considered relatively low given research indicates that optimum tree canopy cover for an urban area is somewhere between 30 - 40%. The results are not unexpected given the predominant agricultural land use of the area.

Public only land within the municipality includes rural roadside vegetation and areas of state managed forests/reserves and has a much higher level of tree canopy at 48.7%.

Farmland records only 6.6% tree canopy cover.

Road reserves throughout the municipality are covered by 20.4% of tree canopy. This highlights the key role our urban and rural roads play in providing vegetation cover.

**Horsham and Haven township tree canopy cover**

High resolution vegetation cover mapping produced by Nearmap® was procured for the Horsham / Haven urban boundary and was used to determine the exact tree canopy cover for the area.

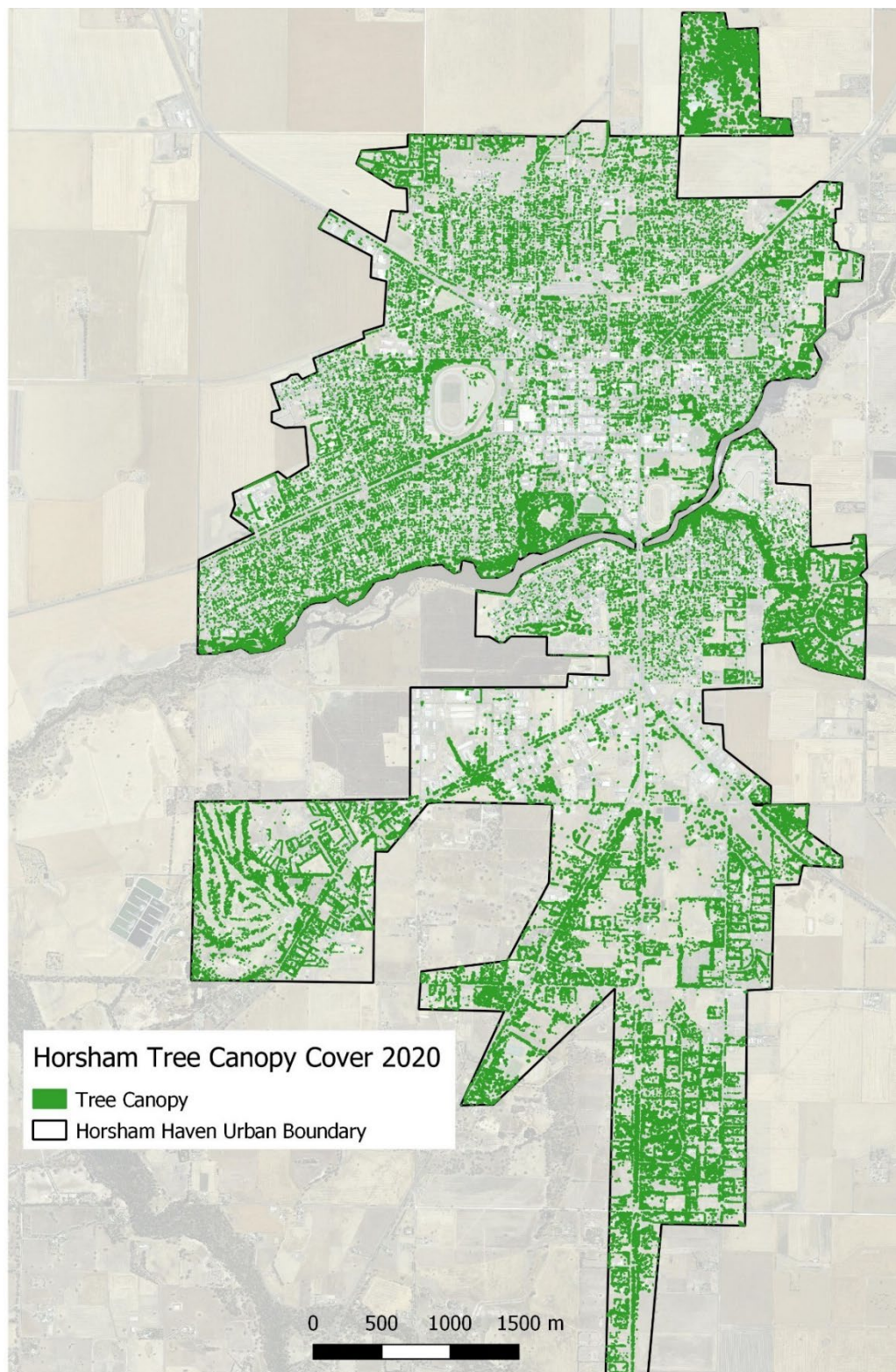


Image 9: High resolution tree canopy cover over Horsham and Haven urban area. Source: Nearmaps ©, 2020.

Image 9 reveals there is a greater density of tree cover towards the western part of Horsham following the river, compared to sparser cover over Horsham north. There is also sparser cover over the CAD and across Haven. The Haven area includes large paddocks used for agriculture.

Measurements of the high-resolution tree cover were taken from the Nearmaps© data for different geographic areas in 2014 and 2020 to measure the change in tree canopy.

Geographic Area	2014	2020	Net Gain/Loss
Horsham and Haven Urban boundary	11.40%	13%	1.6%
Horsham urban roads	14.8%	15.1%	0.3%
Open Space	14.2%	16.1%	1.9%
Central Activity District	6.10%	6.04%	-0.1%
Horsham North	9.70%	9.50%	-0.2%

*Table 2: Tree Canopy cover comparisons between 2014 and 2020 across various land use boundaries*

Horsham and Haven's combined urban tree canopy cover in 2020 was 13%, an increase of 1.6% since 2014.

A canopy cover of 13% for an urban area is considered low, however is comparable to some other regional Victorian LGA's and metropolitan Melbourne.

- Echuca urban area – 11%
- Geelong urban area - 14%
- Ballarat urban area – 17%
- Bendigo urban area – 20%
- Metropolitan Melbourne - 13.4%

The Central Activity District and Horsham North both have the lowest measure of tree cover. Both areas also lost tree canopy cover over the six-year period 2014-2020 over both public and private land.

A detailed look at the change of canopy (Image 10) between 2014 and 2020 reveals what is referred to as the "canopy churn" over a period of time i.e. the individual canopy losses and growth that contribute to the overall cumulative tree canopy change results.



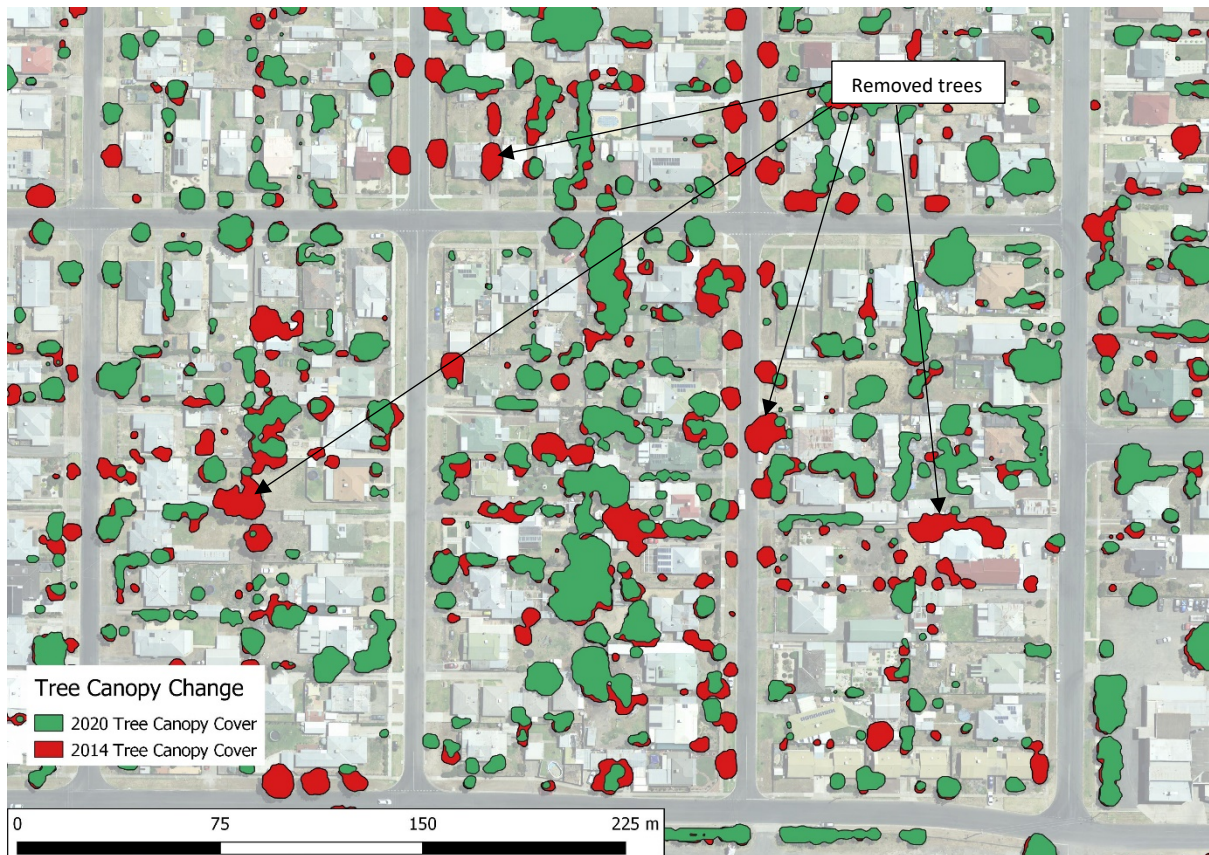


Image 10: Change in tree canopy over Horsham North. Source: Nearmaps, 2021.

Image 10 provides detail of a section of Horsham North where there has been both significant tree removal since 2014 (as shown in red) but also canopy growth (sections of green over red). Large canopies have been removed on private land (i.e. within the blocks of residential housing) and not along the street. Although Council has removed trees from streets, many have been replaced as part of a future strategic planting plan. Because the trees are young and small they have not appeared on the mapping. Trees removed from private property currently have no mandate to be replaced. A further detailed assessment would help understand the reasons behind these removals, whether it is for development, ageing trees that need to be removed or just personal preferences of residents.

This image reveals how the decision making for individual trees can impact on the cumulative tree canopy cover for an area.



Existing canopy cover for the CAD is very low at 6.04% and has been decreasing since 2014.

It is likely that tree removals were for development or to mitigate risk factors, however the exact reasons for the loss still need to be analysed and understood. Canopy cover over the CAD's public roads is higher at 9.9%.

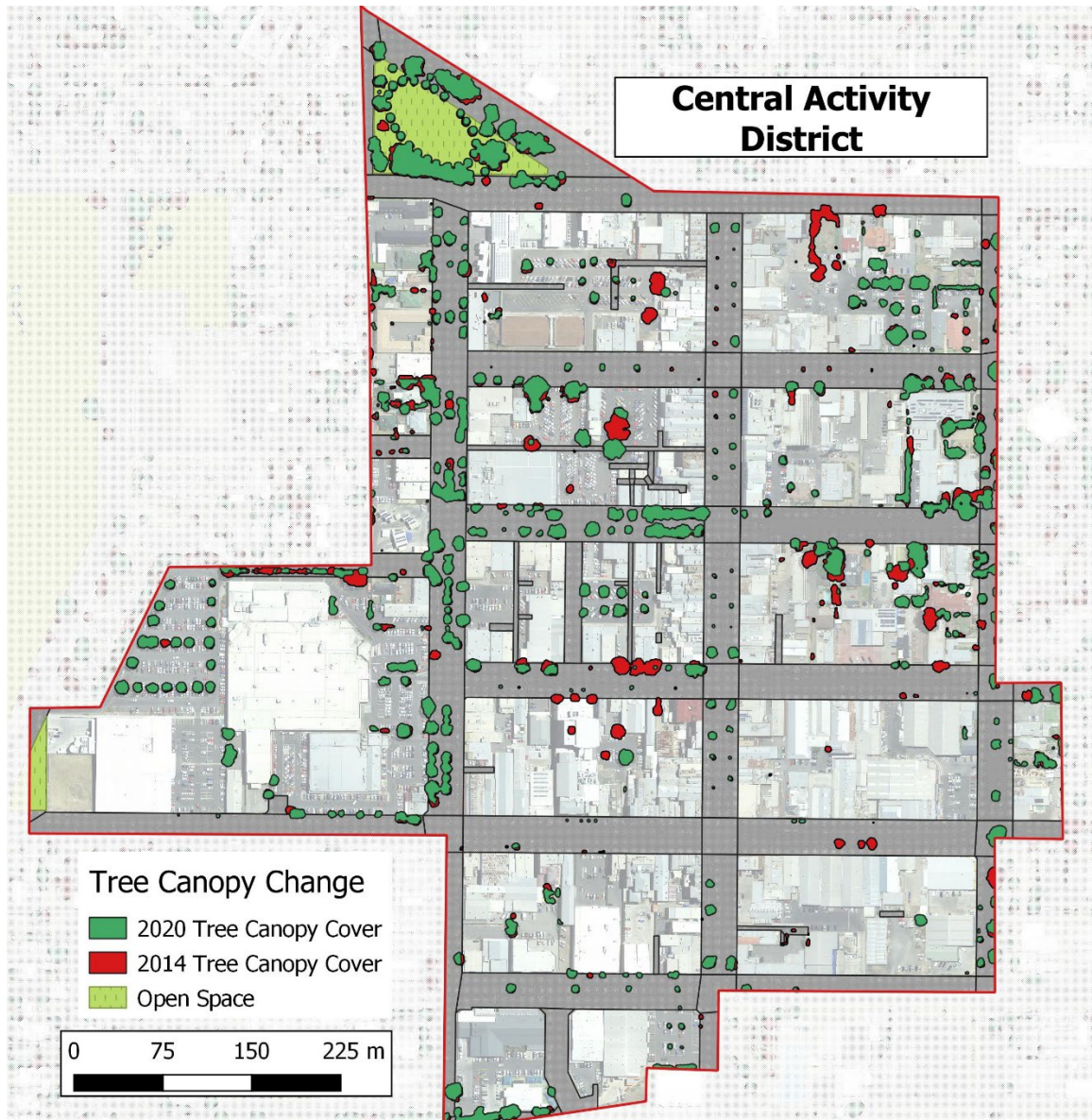


Image 11: Tree canopy cover change over Horsham's Central Activity District. Source: Nearmaps 2021.

Much of the existing canopy cover within the CAD is within public road reserves, over carparks or in May Park. The loss of canopy in the CAD from 2014 to 2020 can be seen by the canopies coloured in red which occur in both street areas and on private land.

Carparks and roads are significant sources of stored heat during summer and during periods of extreme heat pose significant health and wellbeing risks. Additional planting in these areas will reverse the trend in canopy decline in the CAD, increase natural shade in the urban area and reduce heat stored during hot weather, helping the city adapt to climate change.

## Street trees

There are an estimated 15,000 street trees within Horsham township, and an unknown amount in the other townships within the municipality.

The number of trees along rural roadsides is also unknown.

Approximately one third of Horsham's 15,000 street trees have been audited and data recorded on them. Of these trees:

- 4,798 have been spatially mapped and genus and species recorded
- 1,198 vacant tree planting sites have been mapped.

### 20 Most Common Street Trees:

Species	Common Name	No of trees	% of pop
<i>Pyrus calleryana</i>	Chanticleer Pear	420	8.8%
<i>Eucalyptus camaldulensis</i>	River Red Gum	395	8.2%
<i>Eucalyptus microcarpa</i>	Grey Box	269	5.6%
<i>Lagerstroemia indica</i>	Crepe Myrtle	215	4.5%
<i>Ulmus parvifolia</i>	Chinese Elm Todd	214	4.5%
<i>Pistacia chinensis</i>	Chinese Pistachio	208	4.3%
<i>Pyrus calleryana</i>	Bradford Pear	205	4.3%
<i>Syzygium australe</i>	Pinnacle	155	3.2%
<i>Eucalyptus sideroxylon</i>	Red Ironbark	153	3.2%
<i>Eucalyptus torquate</i>	Coral Gum	148	3.1%
<i>Fraxinus angustifolia</i>	Desert Ash	138	2.9%
<i>Gleditsia triacanthos</i>	Honey Locust	137	2.9%
<i>Callistemon viminalis</i>	Weeping Bottlebrush	126	2.6%
<i>Eucalyptus cladocalyx</i>	Sugar Gum	123	2.6%
<i>Corymbia citriodora</i>	Lemon Scented Gum	121	2.5%
<i>Agonis flexuosa</i>	Willow Myrtle	106	2.2%
<i>Eucalyptus largiflorens</i>	Black Box	95	2.0%
<i>Eucalyptus leucoxydon</i>	Yellow Gum	88	1.8%
<i>Callistemon "Kings Park Special"</i>	Kings Park Bottlebrush	83	1.7%
<i>Pyrus calleryana</i>	Manchurian Pear	79	1.6%

Table 3: 20 most common street trees in Horsham

Research suggests that no single species should represent more than between 5-10% of an urban tree population, depending on the geographic region, rainfall and predominant land use types. This is to ensure adequate diversity to minimise the risks associated with monocultures or low diversity.

Of the 4,798 street trees with species recorded, the most commonly planted in streetscapes is *Pyrus calleryana*, the Chanticleer Ornamental Pear. There are multiple sub-types of this species planted throughout streetscapes representing a combined total of 14.5% of the audited tree population.



The top 20 species make up almost 75% of the tree population. Subject to information collected when the remaining two-thirds of trees are audited, the available data suggests there may be issues with species diversity.

The selection of the *Pyrus* species is a common occurrence in many regional Victorian cities and is due to a number of reasons:

1. *Pyrus calleryana* and their sub species are proven to be highly desirable street trees. They have good structure, canopies are not too large, they are deciduous (shade in summer and allow sunlight in during winter) and are fairly robust under extreme weather conditions,
2. Community members and developers often prefer their autumnal colours and deciduous nature over natives,
3. They are readily available in nurseries and in large quantities making purchasing easy.

As a result, an over-dominance of this species has been observed, particularly in new developments around regional and rural townships in Victoria, where whole subdivisions have been planted with only the one species.

This increases the risk of detrimental landscape impacts if events such as pest and disease incursions, extreme weather or wholesale tree structure defects occur. Usually, the trees are also all of the same age, increasing the risk of landscape impact when large areas of trees age and need to be replaced at the same time.

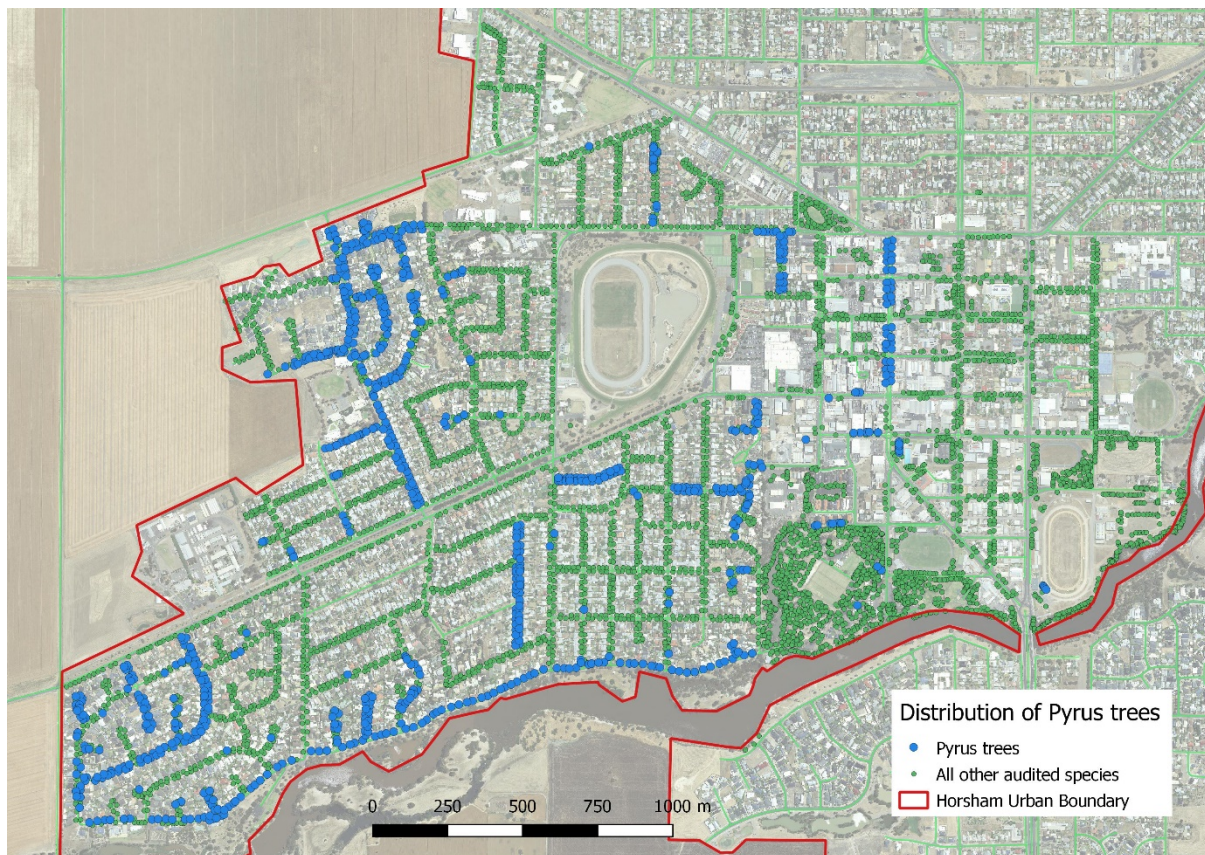


Image 12: Distribution of *Pyrus* trees (Ornamental Pears) across West Horsham

As seen in Image 12, Council's distribution of Ornamental Pears over Horsham West covers entire street/road lengths (blue dots).

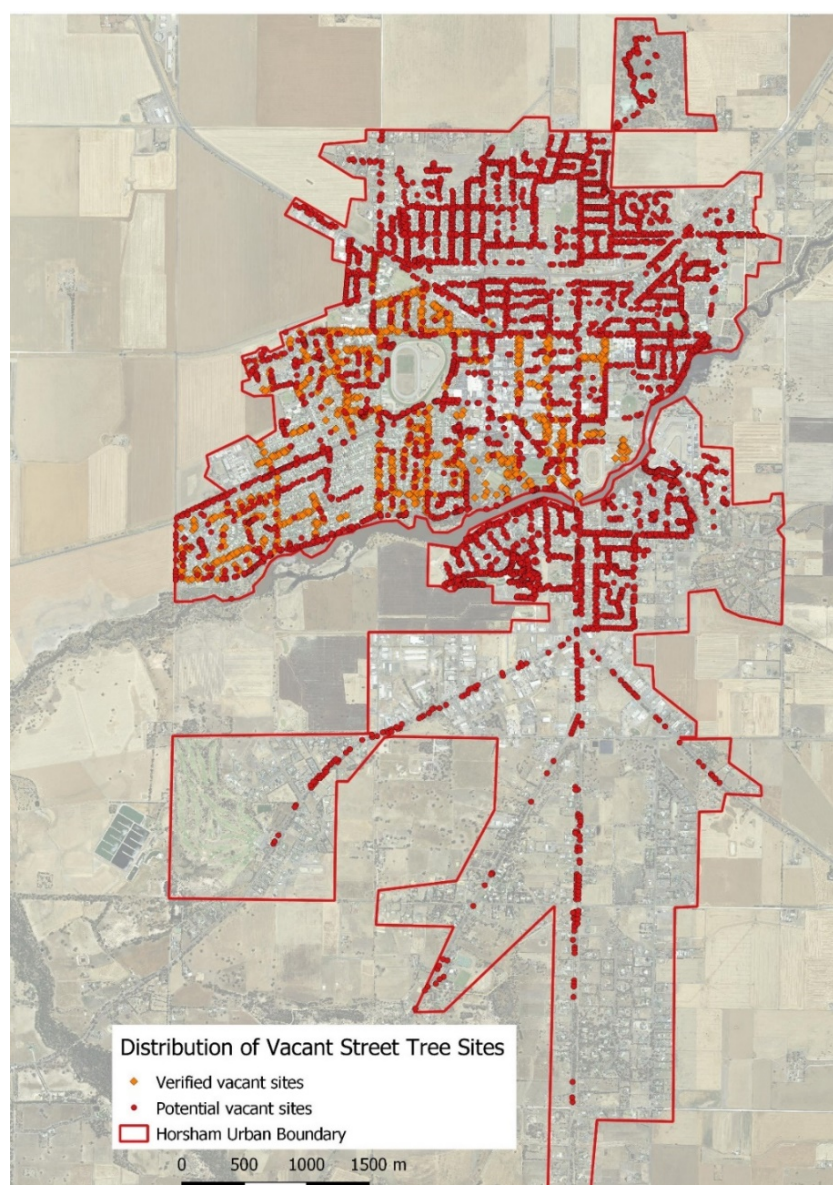
### Tree planting sites

A total of 5,698 street tree planting sites have been identified for possible planting (Image 13).

Council has assessed 1,198 of these sites (in orange) and the sites are ready to be planted. The remaining 4,500 sites (in red) have been identified through a desktop study using aerial imagery but need to be verified to determine the feasibility of planting.

Haven's tree planting sites have only been identified along the major roads. There are likely to be more sites along Haven's secondary roads. Horsham North contains approximately 1,158 vacant tree sites and has previously been identified as an area of declining tree canopy cover. As a result, in 2020, Council has begun planting street trees in Horsham North to address this shortfall. A low provision of open space has also contributed to a low presence of trees in Horsham North and Horsham West, (as evidenced in Image 12)

These figures suggest there is significant scope to plant more trees within the urban area of Horsham, validates the recent targeting of this area for Council's tree planting program. The tree inventory audit will be able to geo-locate exactly where these new trees have been planted.





*Image 13: Distribution of vacant street tree planting sites across Horsham*

## Review of Council's tree management program

Trees are managed by the Council's Operations' team through both in-house works crews and contractors.

Council is currently in the process of developing a Tree Management Policy that will provide a framework for consistent decision making regarding tree planting, tree management and tree removal.

### Tree planting and species selection

Council plants 700-1000 urban trees per year in streets and parks and takes on approximately 100 street trees from developers each year. Species are usually selected based on stock availability in nurseries. Species are chosen to suit the identified planting sites and meet the required landscape function or value such as pedestrian walkways or biodiversity corridors.

Procuring quality stock is a challenge, due to the lack of local suppliers.

The annual tree planting plan, in part, is based on known vacant sites and customer requests. Council has been on a pathway to achieving change and has been undertaking whole street tree renewals by removing poorly performing species, especially those under powerlines and replanting the whole street to create avenues. Approximately six streets each year are completed through this whole of street approach.

*To improve tree planting and species selection Council will:*

- *continue to plant trees through a two-year rolling tree planting and renewal program that considers:*
  - a. *Appropriate species selection for the site and future climate viability, including trialling of new species. Seeking to diversify away from the use of Pyrus*
  - b. *Contract growing these trees to improve access to quality nursery stock*
  - c. *Improving the underground growing conditions e.g. passive infiltration of stormwater, trenching, mulching, access to adequate soil volumes where possible*
  - d. *Aligning and integrating with infrastructure planning works*
  - e. *Formal establishment program including formative pruning*
  - f. *Reducing the number of vacant sites to zero by 2031 by planting 560 more trees per year than are removed*
  - g. *Enhancing biodiversity outcomes along waterway corridors by focussing on indigenous species*
  - h. *Targeting areas that have been prioritised for tree planting*
- *Audit tree stock delivered from nursery so that it conforms to AS2303 - Tree Stock for Landscape Use*

## Tree Protection

Public trees are protected where possible during Council infrastructure works such as road upgrades, footpath repairs and drainage works. Some trees are also damaged by pests and disease, including damage done by corellas. Council's arborists provide advice regarding root pruning, tree protection, tree removal and tree replanting.

Council trees are subject to tree protection during private development works but trees in subdivision developments can be damaged by contractors when new housing is built. Damaged trees are removed but not always replaced, depending on whether it is specified in the landscape plan. Council does not currently place a monetary or asset value on its trees nor use protection bonds as an incentive to protect trees during development. There is also a lack of resources that prevents tree protection measures from being enforced properly.

*To improve overall tree protection Council will:*

- *Develop a Tree Management Policy that outlines protection measures to be taken*
- *Seek to develop and endorse a tree valuation method for Horsham Enhance protection of street trees through the implementation of a bond over street or park trees that may be impacted by private development*
- *Seek additional resourcing to enforce the protection of Council trees from development works*
- *Prepare a Conservation Management Plan for the Botanical Gardens and apply the heritage overlay to ensure its protection*

### Trees in new developments

Development over time is likely to have resulted in impacts to tree canopy cover in Horsham. Improved landscape design for new developments and greater availability of resources for developers can support increased tree canopy cover for emerging neighbourhoods and intensifying areas. Preserving existing trees where possible and planting new trees in new developments increases a development's attractiveness, monetary value and marketability by providing aesthetic and functional values.

*To improve canopy cover in new developments Council will:*

- *Provide education, guidance, incentives and best practice material for builders and developers to retain and protect existing trees in new developments, including early engagement at the concept stage.*
- *Develop landscape and /or subdivision design guidelines that become a key resource for developers who need to submit a landscape plan with a planning application. This will provide information and guidance on what needs to be submitted and landscape requirements, including tree protection and planting, which are in accordance with accepted industry and best practice standards. The guidelines should be tailored to the local climate and conditions and will also become a guide for Council staff on specifications that Council is willing to accept and/or approve at handover.*
- *Ensure permit applications for new developments are referred to all relevant units including Engineering, Recreation & Open Space, Statutory Planning and Strategic Planning.*

### Tree establishment

Newly planted trees are watered for three-years until established. Some formative pruning occurs but is not conducted on a scheduled, proactive basis. This means some trees are likely to develop structural issues requiring ongoing maintenance.

*To improve tree establishment Council will:*

- *Develop and deliver rotational proactive tree maintenance program that includes formative pruning and establishment*

### Tree removal

Council removes approximately 100 trees per year. This is in response to community requests but is also part of an approach to remove undesirable species, in particular under power lines. There is currently no clear guideline or policy identifying a tree removal protocol and as a result, tree removal occurs on an ad-hoc basis.

*To improve tree removal Council will:*

- *Develop a Tree Management policy with clear tree protection measures and guidelines for tree removal requests from the public and Council tree removals.*

### Tree maintenance

Maintenance of Horsham's street and park trees has historically occurred as a result of customer requests or through Council's annual inspection program of trees in high pedestrian or traffic areas. With no commensurate increase in the maintenance budget to reflect increased tree plantings, tree maintenance is based on customer requests and is reactive in nature. This exposes Council to risks of not proactively managing its assets.

Requests for rural roadside tree pruning are increasing, also without a commensurate increase in resources or funding. Farm machinery is increasing in size, requiring clearances along rural roads to be enlarged.

*To improve tree maintenance Council will:*

- *Develop and deliver rotational proactive tree maintenance program that includes formative pruning and establishment*
- *Review and update the Roadside Vegetation Management Plan*

### Powerline clearance

Under the Electricity Safety (Electric Line Clearance) Regulations 2020 (Vic), Council is obligated to ensure that tree pruning provides adequate clearance for the safe operation of powerlines.

Council undertakes inspections and pruning works in the declared area of Horsham township. Council has also been undertaking a program of tree removals of inappropriate trees under powerlines and replacing trees with more appropriate species that will not conflict with the powerlines.

*To improve powerline clearance outcomes Council will:*

- *Continue to select the right species for each location*
- *Continue to remove and replace inappropriate species underneath powerlines*

### Tree data

Only about a third of trees in the Horsham township are listed on a spatial tree inventory and of those, only some contain any specific data about the trees. As a result, Council does not have a comprehensive understanding of the extent or quality of its tree assets. A proactive maintenance program will be possible when a full audit of trees has occurred.

*To improve the quality of tree data Council will:*

- *Undertake a tree inventory for all street and park trees in Horsham, Haven and Natimuk by a suitably qualified arborist*

### Trees as assets

Council does not currently apply a financial value to each tree asset.

Many other Council's including Bendigo, Geelong, Shepparton and Wodonga utilise an amenity and/or environmental value to accurately inform costs for removal and replacement of trees. By attributing a dollar value to each tree asset, trees can form part of the cost benefit analysis for works designs and planning. A bond system can also be introduced as an incentive to protect trees during development or construction works.

*To improve recognition that trees are assets Council will:*

- *Seek to develop and endorse a tree valuation method for Horsham*
- *Implement the use of a bond over street or park trees to protect from development*
- *Include the tree inventory on Council's asset management system*

## Water

Very few of Council's street and park trees are irrigated. There is capacity to improve conditions for trees, particularly in the Central Activity District by introducing irrigation and making better use of rainfall where it occurs, (e.g. through permeable pavement and local stormwater harvesting).

A variety of water options are available to support tree health and viability.

Some open spaces are irrigated using water stored in the network of wetlands located within the open spaces. This water storage has capacity to irrigate other areas. Extensions of Council's existing stormwater reuse systems should be included in Council's City to River planning, including extending an irrigation supply along Firebrace St.

GWM Water operates a recycled water facility but currently this is not connected to the Horsham township.

Council is licensed to extract water from the river and is currently not using the full water entitlement. These entitlements are subject to seasonal variability and drought. Water quality from the Wimmera River can also be problematic, with high salinity a factor that limits utilisation of this source in some years.

*To improve availability of irrigation water for trees Council will:*

- *Explore use of alternative water sources (stormwater, river or recycled water) to irrigate high profile open space and associated trees*

## Capital and asset infrastructure works

Council's Capital Works and Road Renewal teams consider tree protection during their works. If an opportunity to remove and replace poor tree specimens exists, the Operations Team will undertake the work.

Council projects are guided by an Infrastructure Design Manual that provides specifications for the construction of roads, footpaths, drainage works, and other works. Existing manuals do not provide guidance regarding the placement and installation of street trees or water sensitive urban design as part of the infrastructure works.

*To improve capital and infrastructure works Council will:*

- *Develop technical drawings for tree planting typologies relevant to Horsham, including water sensitive urban design reflecting Horsham's climate*
- *Review Council Infrastructure Design Manual and seek to update HRCC standard drawings to include space and consideration for street trees*
- *Ensure tree canopy targets are embedded in capital works and infrastructure renewal works*

### Biodiversity plantings

Tree plantings for biodiversity occur along the river corridor and as part of Landcare revegetation activities on rural lands.

A significant level of work has been undertaken by the Wimmera River Improvement Committee, which is affiliated with Landcare. This volunteer group has undertaken many tree and understorey plantings along the Wimmera River frontage and the Police Paddock.

There is a significant opportunity to identify exact sites (e.g. open spaces and road networks) that could act as biodiversity corridors to support existing biodiversity areas such as the Wimmera River. The Wimmera Catchment Management Authority, (WCMA) Department of Environment, Land, Water and Planning (DELWP) as well as the significant Habitat 141 project all have capacity to partner and collaborate with Council to identify sites where biodiversity plantings could be prioritised.

*To improve biodiversity outcomes Council will:*

- *Identify potential sites within townships and along rural roads that could be planted with indigenous species to support the outcomes of the Habitat 141 project. These should then feed into the two-year rolling tree planting program*
- *Collaborate with Wimmera CMA for revegetation projects along waterways (Wimmera River) and include appropriate site preparation and irrigation of trees to improve tree survival and biodiversity connectivity.*

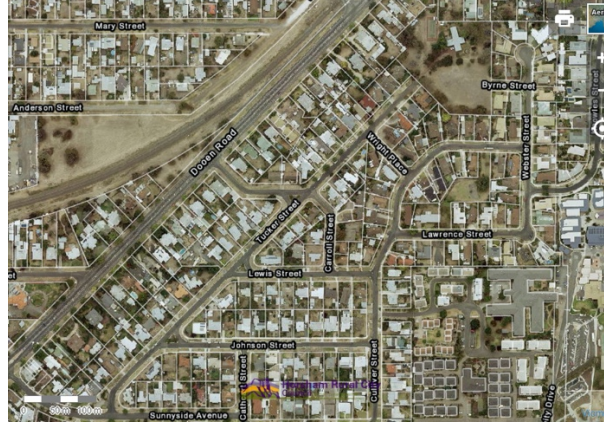
### Tree removal, protection and planting on private land

Council currently does not impose any regulation or Local Laws to protect trees or require the planting of trees on private property.

Council recognises that private land contributes a significant proportion of tree canopy cover across the urban areas of Horsham and its townships and therefore contributes to the targets we have set. Aerial imagery reveals that canopy cover has been decreasing, particularly over private land.



1993



2021

It is important to identify ways we can protect and enhance our private trees, especially those large healthy canopy trees that have taken decades to establish.

As a community we can assist Council in achieving canopy targets by:

- Protecting and caring for existing trees,
- Planting new trees.

The regulation of tree protection and tree planting on private land has not been a focus for Council and we will need to explore a range of options if we are to address climate change and improve the amenity and liveability of our community. Council has a role in undertaking various analytical and strategic pieces of work to determine the best way forward for protecting and enhancing our private urban trees.

Potential mechanisms for Council to explore include:

#### 1. Protecting canopy and significant trees

We recognise the huge contribution that our larger, healthy trees make to the landscape, particularly those that also provide scientific, social, historical and aesthetic benefits. Many other Victorian Councils have defined these Canopy and Significant Trees, identified their location on a register and sought to protect them through Local Laws or planning overlays.

#### 2. Documenting Neighbourhood and Landscape Character

Trees and vegetation contribute to neighbourhood character values within the urban areas of Horsham. Tree canopy along streetscapes within the front and rear yards of properties makes a significant contribution to the amenity of neighbourhoods.



Council is about to undertake the development of a Housing Strategy, under which a Neighbourhood Character study will be undertaken. These documents will identify the current and future contribution that trees and canopy cover will make to neighbourhood character, and in doing so, provide an evidence base for planning changes to the protection and enhancement of trees in certain areas.

### **3. Tree Planting regulations in New Development and Subdivisions**

New development and subdivisions present opportunities and challenges for trees in terms of their retention and protection, but also their replacement or introduction. There are already some requirements in the planning scheme requiring the retention or provision of trees in new development proposals, however there are opportunities to be more precise about canopy targets, reducing urban heat impacts associated with an increase in impervious surfaces and balancing built development with open public space requirements.

Horsham is experiencing relatively strong demand for new residential development, and this is expected to continue in the medium term. The Horsham Planning Scheme is currently being reviewed to identify gaps such as subdivision design and Environmentally Sustainable Design (ESD), particularly as a response to the increasing impacts of climate change.

Increased best practice tree planting in developments can be addressed through the following sections of the Horsham Planning Scheme, for example:

- Subdivision Design
- Environmentally Sustainable Design – yet to be implemented by state government
- Neighbourhood Character
- Schedules to the Residential Zones
- Tree protection overlays such as the Environmental Significance Overlay, the Vegetation Protection Overlay and the Significant Landscape Overlay which all currently apply to some areas of Horsham.

Many Councils have modified their planning schedules to residential zones to specify a number of requirements in relation to landscaping, canopy tree provision, permeability, soil volume, etc. which assist in ensuring adequate tree retention and provision when development occurs.

In determining Council's commitment to progressing tree protection and enhancement in the private realm, it is acknowledged that the on-ground implementation of this Strategy and associated policy will focus on public land owned or managed by Council.

This Strategy however provides the basic platform to raise these issues and explore further work reviewing the appropriate mechanisms (e.g. Local Laws and the Horsham Planning Scheme) to address tree canopy retention and protections on private land. The work will be undertaken by Council's Strategic Planning Team. The work will assist the municipality to not only meet tree canopy targets more quickly but also more fully realise the potential public health, wellbeing, environmental, social and economic benefits from a holistic approach to Council's urban tree canopy targets.

*Council will explore the protection and enhancement of trees on private land by:*

- *Further analysing the high-resolution tree canopy data to quantify the losses of tree cover on private land and seek to understand the main causes and solutions*
- *Encouraging private landholders to protect existing trees and plant new ones on their land*
- *Developing an appropriate policy to address the protection of significant and canopy trees on private land and explore appropriate regulatory mechanisms to enforce the policy*
- *Exploring the feasibility of creating a Significant Tree Register and associated protections*
- *Undertaking strategic work such as the Neighbourhood Character Assessment*
- *Investigating as part of the Planning Scheme Review the shortfalls of the Planning Scheme in terms of tree provision and protection and undertake the strategic work to inform local planning policy and planning scheme requirements to ensure new developments protect existing large trees and where lacking establish new canopy trees, strengthening the tree canopy provision in the private realm.*
- *Developing a suite of education, guidance and best practice material for builders and developers to retain and protect existing trees in new developments, including early engagement at the concept stage*

### Culturally significant trees

Horsham is home to an array of culturally significant trees. There is currently insufficient information regarding their location, health status and the absence of a framework to adequately protect trees of significance.

*To improve outcomes for culturally significant trees Council will:*

- *Map culturally significant trees on Council owned land for planning and internal purposes. This work would need to be undertaken in consultation with BGLC ensuring cultural sensitivity is respected and maintained and to ensure greater protection and management practices are implemented in Horsham's Planning Scheme, where appropriate*
- *Where appropriate, include these trees in a Significant Tree Register that is protected through appropriate regulation*
- *Partner with BGLC for tree planning along waterways, an area of sensitivity for Traditional Owners and around other key sites*

(Note: input into this section is being sought from BGLC and will be re-edited once this input is provided)

## Challenges and opportunities

Council has identified some key challenges facing its urban and rural roadside trees and the way in which they are currently managed. To achieve our vision and targets, we need to understand and overcome these challenges.

### Climate change

Climate change will impact on the health and wellbeing of Horsham's community, and the health of our urban and rural roadside trees in a number of ways. Annual average temperatures will increase, the frequency of heatwaves will increase, and there will be more extreme weather events and lower average rainfall.

The impacts of climate change on our urban and rural roadside trees include:

- The susceptibility of vegetation to increasing and emerging pests and diseases, challenging their ability to withstand and recover from these outbreaks,
- Extreme weather events such as storms, drought, bushfire and floods, leading to a reduction and overall decline in health of canopy cover,
- Lower rainfall will increase the frequency of tree death in many species and contribute to overall tree health decline,
- A number of the existing species that have been planted may not be tolerant of increased heat and will die or fail to thrive e.g. some of the exotic species planted in the Botanic Gardens.

Species selection for a changing climate will be critical to ensure the ongoing health and viability of urban trees so they maximise their benefits into the future. Council is already trialling new species that are likely to thrive under climate change and will continue to adapt its planting palette to ensure only resilient species are planted.

This list will continue to be utilised by Council, developers, other government agencies and community groups.



*Image 14: Some of the mature specimens in the Horsham Botanic Gardens were planted last century and are showing signs of stress and senescence such as the mature stand of Elm trees. Climate change requires Council to choose species which will be suitable for replanting into the future while acknowledging the existing aesthetic and character of high value species*

*To overcome the challenges of climate change, Council will:*

- *Ensure appropriate species selection for each site and future climate viability, including trialling of new species*
- *Improve the underground growing conditions for newly planted trees where possible e.g. passive infiltration of stormwater, trenching, mulching, access to adequate soil volumes*
- *Develop technical drawings for tree planting typologies relevant to Horsham, including water sensitive urban design*
- *Consider Water Sensitive Urban Design (WSUD) treatments as standard practice*

## Urban heat

The urban heat island effect increases the overall temperature of urban areas that have an abundance of hard surfaces. The effect is exacerbated during heat waves when night-time temperatures remain high and hard surfaces cannot cool down. Trees and vegetation mitigate this effect by cooling the urban environment through a process called evapotranspiration. Supplying water to vegetation increases their cooling potential, especially for trees.

Planting more trees and vegetation across the urban areas of Horsham and irrigating through either alternative sources or passive stormwater infiltration will provide a cooler urban environment, particularly during summer. This canopy shade should also be prioritised for areas of need where social vulnerability to heat is greatest.

Horsham's township is expected to grow over time, increasing impervious surfaces such as buildings, roads and other infrastructure and increasing urban heat impacts. It is essential that we consider stronger development requirements for the retention of established trees and the provision of new trees to help mitigate this heat and reduce the impact on liveability and human health.

*To overcome the challenges of urban heat impacts Council will:*

- *Explore use of alternative water sources (stormwater, river or recycled water) to irrigate high profile open space and associated trees*
- *Increase supplementary irrigation to CAD trees to improve overall health and growth*
- *Collaborate with WCMA for revegetation projects along waterways (Wimmera River) and other areas and irrigate the trees to improve biodiversity connectivity*
- *Develop technical drawings for tree planting typologies relevant to Horsham, including water sensitive urban design*
- *Continue to plant trees through a two-year rolling tree planting and renewal program*
- *Educate the community and encourage property owners to plant trees in order to increase the overall canopy cover of Horsham*
- *Advocate for changes to Clause 56 to ensure climate responsive landscape design to support the provision of canopy trees and help reduce the impact of urban heat in the public realm*



## Data and IT issues

Council does not have a comprehensive tree inventory nor a fit for purpose tree asset database system. The absence of data and an effective electronic management system prevents the opportunity to view trees as an asset, appropriately manage their risk profile, place a value on trees or adequately budget for their sustainable management. Investing in an evidence-based tree asset dataset and housing it within a functional database system will enable new data capture, analysis of existing data, recording works and integrating activity relating to trees and their management across different work areas.

Tree data could also be integrated with other Council asset data and programming to help prioritise areas for tree planting, tree protection and maintenance.

*To overcome data and IT issues Council will:*

- *Undertake a tree inventory for all street and park trees in Horsham, Haven and Natimuk*
- *Explore an alternative tree asset database system that is fit for purpose*
- *Develop cost benefit analysis for street and park trees and include in asset planning. Showcase the value of trees as an appreciating asset*
- *Ensure tree planning to align with road reconstruction works*

## Reactive asset management

Because of the volume of customer requests and existing budgets and resources, the tree maintenance program is largely reactive. The Local Government Act (2020) requires Local Government Authorities (LGAs) to develop an Asset Management Plan documenting information specifying the activities, resources and timescales required for an individual asset or a grouping of assets. Council does not currently treat trees as assets and hence, does not have a tree asset management plan.

In 2011, the Municipal Association of Victoria's (MAV) insurance arm reviewed the status of Horsham Rural City Council's tree management program. The MAV concluded that Council should, at a minimum:

1. Formalise the reactive (customer request) maintenance program
2. Review the street tree policy and include a detailed ongoing strategy for programmed maintenance, planting and allocation of resources with consideration of risk.
3. Prioritise proactive inspections and maintenance
4. Develop a tree inventory

As of mid-2021, none of the MAV recommendations have been implemented.

Coroners' inquests into tree related deaths reinforce the need for LGAs to have an appropriate understanding and management of risk in relation to their tree assets.

While there is no legal requirement to do so, a transition towards a proactive tree management program that better manages risk as well as improving the overall health, vigour and structure of the tree population will bring a wealth of benefits including better management of asset risk while reducing the amount and cost of reactive maintenance over time.

*To overcome reactive management issues Council will:*

- *Analyse the tree inventory once captured to identify the extent of maintenance works required to minimise known risks*
- *Develop and deliver a rotational proactive tree maintenance program that includes formative pruning and establishment. This will require an increase in resources and budget however the outcome of this initial investment will be a strategically and proactively managed tree asset requiring less ongoing maintenance and reduced budget over the lifetime of each tree.*
- *Implement a formal establishment program including formative pruning as part of the tree planting program*

## Perception of trees

Interaction with the community on tree matters is varied and highly emotive.

From vandalism of young trees and culturally significant trees through to backlash about the removal of large trees, concerns regarding trees generate a significant number of complaints from the community to Council. There is an acknowledgement that Council could improve its communication regarding plans for large tree removals and replacements.

Council also has an opportunity to improve the education and awareness within the community about the benefits of our trees.

A range of communication methods, materials and protocols can be adopted to raise awareness of the benefits of urban trees. They could also identify appropriate species for the Horsham region, describe how to look after newly planted trees and detail the processes for tree protection and tree removal, including enforcement measures. Improved communication strategies could be used within Council and the wider community and be available to developers and contractors.

Community engagement methods being used by other Councils include:

- Tree tags on newly planted trees explaining the role of the individual tree in contributing to the broader tree population.
- Developing precinct plans in collaboration with the community to identify where and what species of tree should be planted over a 10-year period.
- Developing on open-source data platform for the community to see the tree and canopy cover data relevant to their area
- Community tree planting days and tree giveaways.



*To increase positive perceptions of trees Council will:*

- *Develop a community engagement program to increase access to knowledge and information in partnership with BGLC*
- *Run community tree planting days with youth and community groups*
- *Explore the possibility of reinstating the Walking Trees tour developed by the community.*
- *Develop clear messaging about the benefits of the tree assets and provide to works crews who interact with the community*
- *Develop and make available best practice guides and case studies for developers*

### Infrastructure conflict

As a result of historical poor species selection and traditional streetscape design, Horsham is managing a legacy of conflicts between infrastructure and trees.

Powerline clearance requirements and the physical impact on drainage and road infrastructure leads to tree removals and infrastructure repair and reconstruction. Trees are replaced where possible, but because of existing infrastructure issues, replacement of trees is not consistent.

As the need increases for our public realm to provide many functions, engineered and designed solutions for dealing with these conflicts are increasingly being developed and applied.

Integrated streetscape design solutions can improve the below and above ground conditions for healthy tree growth and can limit conflict between trees and grey infrastructure such as roads, footpaths, kerb and channel, drainage, buildings etc. Solutions include permeable paving, water sensitive urban design, structural cells, structural soils, trenching and passively irrigated kerb outstands amongst others.

Utilising contemporary industry knowledge to trial relevant solutions for Horsham will significantly improve tree health, stormwater quality and reduction of urban heat.



A row of tall lemon-scented gums have been planted in Urquhart Street in Horsham's Central Activity District. However, the road cut outs are inadequately small with asphalt almost to the trunk of the trees. The tree roots are lifting the asphalt and remediation work will soon be required.

By implementing innovative and integrated solutions, the asphalted medium could be pulled up, gravel trenching laid between each tree and then covered either in a vegetated median or permeable paving. This would direct the roots along the trench and away from the roadway, reduce the amount of heat storing asphalt, improve the amenity of the street and most importantly retain these majestic trees.

*Image 15: Existing conflicts between the road surface and these beautiful healthy lemon scented gum trees should be prioritised for urban design solutions e.g. creation of a median strip with underground trenching to direct stormwater and tree roots*

*To overcome infrastructure conflict issues Council will:*

- *Develop technical drawings for tree planting typologies relevant to Horsham, including water sensitive urban design*
- *Develop pilot projects within the CAD Revitalisation project that showcase use of innovative design solutions e.g. trenching, water sensitive urban design, permeable paving*
- *Develop a framework for resolving claims of tree damage to private infrastructure*
- *Identify all opportunities to plant trees in road reserve instead of back of kerb*
- *Utilise masterplans, streetscape plans, structure plans or urban design frameworks, to ensure canopy trees are strategically planted to increase shade and amenity along walking routes and identified public spaces*
- *Engage with servicing authorities at the concept stage and planning permit stage of new developments to plan for the consolidation of existing / planned assets that will enable sufficient space for the planting of canopy trees in new subdivisions.*

## Integrated planning and development

Urban regeneration and development create change that not only impacts on existing trees but also creates opportunities to increase greening and liveability.

Currently in Horsham, trees are generally not viewed as integral elements of the urban landscape, leading to lost opportunities for creating shade and improving the urban character.

Trees need to be regarded as a fundamental and valuable public asset, as roads and footpaths are, to be considered and incorporated into the planning stages for all works undertaken by Council or resulting from development or major infrastructure projects. This involves incorporating trees into Council's asset register with trees being valued according to their contribution to the landscape and to community health and wellbeing. Trees must also be recognised as an appreciating asset that delivers multi-functional environmental, social and economic benefits that increase in value over time.

*To overcome the lack of integrated planning Council will:*

- *Review Council Infrastructure Design Manual and seek to update Council's standard drawings to include space and consideration for street trees*
- *Engage early with developers at the concept stage to encourage tree planting and the integration of existing trees in new subdivisions*
- *Develop Council landscape guidelines that address street trees, lineal paths, public open space and urban forests in new development and ensure these guidelines are adopted and actively used by the relevant Council units.*
- *Provide education and guidance for builders and developers to retain and protect existing trees in new developments*
- *Seek opportunities for Water Sensitive Urban Design (WSUD) to passively irrigate trees within the context of Horsham's climate*
- *Develop guidelines for developers to provide the detail on how trees should be selected, planted and maintained in subdivisions. Implementation should include:*
  - *Street Tree Planting process and species list*
  - *Maintenance Standards and Responsibility,*
  - *Public Open Space landscape standards*
  - *Tree Protection standards*
- *Ensure any Council led work whether plans, capital works or development projects embed and support the tree canopy targets*
- *Develop cost benefit analysis for street and park trees and include in asset planning.*
- *Ensure tree planting is an integral component of road reconstruction works*
- *Establish internal processes for responding to planning referrals that should be directed to Recreation & Open Space and Infrastructure Services'*



## Strategically planting trees in areas of need

Currently, trees are planted as a result of customer requests, in line with the road rehabilitation program or where Council has undertaken strategic re-planting, e.g. removal of inappropriate species under power lines.

While whole street plantings make maintenance more efficient and streamlined, there are areas of Horsham where priority tree plantings are needed to improve shade cover for pedestrians, local amenity, reduce urban heat impacts and buffer areas of biodiverse value. With more than 5,600 vacant tree planting sites currently available and Council's current capacity limited to planting approximately 700-900 trees each year, it is important to prioritise tree planting.

Without comprehensive and accurate data available, it is difficult to develop an evidence-based tree planting plan. Council is currently developing a number of documents and projects that will inform priority tree planting locations. When these are finalised and priority locations are identified, the plans will directly inform the rolling two-year tree planting plan.

Using the spatial mapping provided via analytical tools (Nearmap), consultation with Council staff currently developing urban design frameworks and precinct plans, and advice from external agencies including the Wimmera Catchment Management Authority, the following areas of Horsham have been identified as broad priority areas for tree planting:

1. Horsham North (currently already the target area for the tree planting program)
2. Open space/parks generally
3. Streets leading to open space
4. Gateway roads
5. Central Activity District
6. River Corridor

The development of a detailed tree inventory and associated data sets such as social census-based social vulnerability data or biodiversity information along with further strategic work will further inform future priority planting locations throughout the municipality.

*To plant strategically Council will:*

- *Assess existing vacant sites and identify tree planting sites in all smaller townships such as Natimuk, Pimpinio, Jung, Dooen, Haven, Quantong, Riverside and Laharum*
- *Continue to plant trees through a two-year rolling tree planting and renewal program that considers:*
  - a. *Appropriate species selection for the site and future climate viability, including trialling of new species. Seeking to diversify away from the over-use of Pyrus*
  - b. *Contract growing these trees to improve access to quality nursery stock*
  - c. *Improving the underground growing conditions e.g. passive infiltration of stormwater, trenching, mulching, access to adequate soil volumes where possible*
  - d. *Aligning and integrating with infrastructure planning works*
  - e. *Formal establishment program including formative pruning*
  - f. *Reducing the number of vacant sites to zero by 2031 by planting 560 more trees per year than are removed*
  - g. *Enhancing biodiversity outcomes along waterway corridors by focussing on indigenous species*
  - h. *Targeting areas that have been prioritised for tree planting*
  - i. *Allocating additional resources to ensure delivery of this program*
- *Continue to identify priority tree planting areas such as walking and cycling routes as and when strategic work is developed*
- *Utilise masterplans, streetscape plans, structure plans or urban design frameworks, to ensure canopy trees are strategically planted to increase shade and amenity along walking routes and identified public spaces.*
- *Ensure the CAD Revitalisation project prioritises the planting of trees in high pedestrian areas based on an urban design analysis of the study area*
- *Explore opportunities to plant trees within Horsham North railway reserve, adjacent streets and public realm, including those areas near the current underpasses*

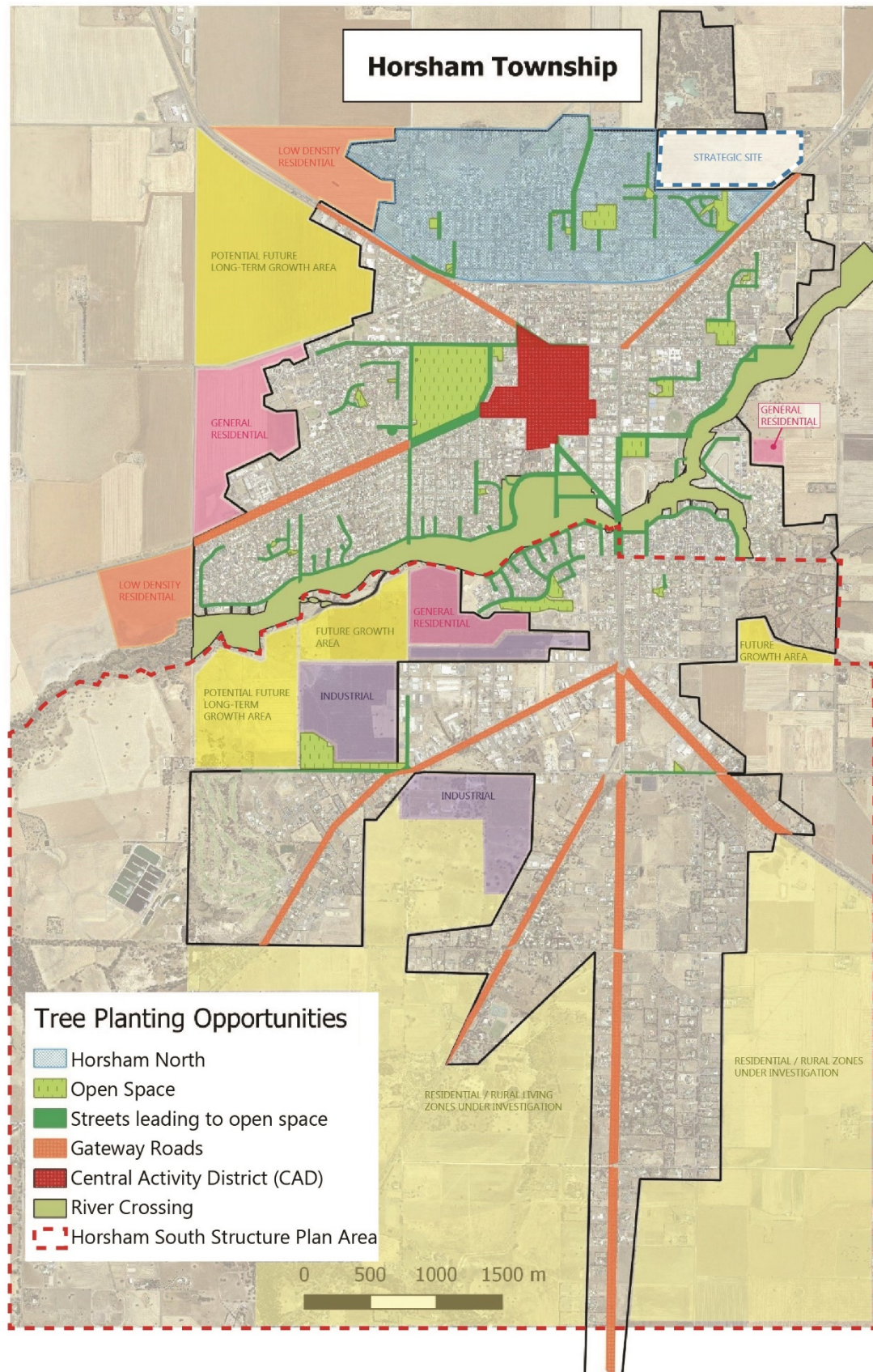


Image 16: Priority areas to consider for the annual tree planting program

## Implementation

A series of actions, including six headline actions have been identified to guide investment towards Council's trees. The actions reflect the key objectives of our tree management program:

1. Protect and Enhance
2. Increase Tree Canopy
3. Improve character and biodiversity
4. Educate and engage
5. Deliver best practice
6. Celebrate cultural heritage

## Headline Actions

1. Undertake a detailed inventory of all street and park trees within Horsham, Haven and Natimuk.
2. Develop a 5-year program of proactive tree maintenance works that seeks to improve the overall health, structure and viability of all existing trees.
3. Continue to plant trees through a two-year rolling tree planting and renewal program that considers:
  - a. Appropriate species selection for the site and future climate viability, including trialling of new species. Seeking to diversify away from the use of *Pyrus*,
  - b. Contract growing these trees to improve access to quality nursery stock,
  - c. Improving the underground growing conditions e.g. passive infiltration of stormwater, trenching, mulching, access to adequate soil volumes where possible,
  - d. Aligning and integrating with infrastructure planning works,
  - e. Formal establishment program including formative pruning,
  - f. Reducing the number of vacant sites to zero by 2031 by planting 560 more trees per year than are removed ,
  - g. Enhancing biodiversity outcomes along waterway corridors by focussing on indigenous species,
  - h. Targeting areas that have been prioritised for tree planting.
4. Improve the way in which Council interacts with the community regarding trees: improve access to knowledge and information, improve transparency of programs, collaborate with groups seeking to be involved, encourage private landholders to care for and plant more trees on their own land
5. Ensure that the upcoming Planning Scheme Review reflects the issues identified in the Tree Strategy, particularly the role that private trees play and how we can better protect and enhance them:

- a. Explore the development of a Significant Tree Register, identify Council trees that require enhanced protection and identify the most appropriate regulatory mechanism for their protection,
- b. Investigate measures to protect trees on private land from unnecessary removal and ensure that trees are planted (or replaced) during the appropriate stages of subdivision and/or development,
- c. Require that additional trees are planted in new development to enhance neighbourhood character and contribute to a more abundant canopy cover in the future,
- d. Investigate the river corridor and ensure that appropriate planning controls protect trees and vegetation along the river corridor, and
- e. Ensure that areas of significant vegetation and biodiversity are protected under the Planning Scheme.

Implementation Actions						
Objective			Outcome	Timeframe	Budget	Responsibility
<b>1. Protect and Enhance</b>	1.1	Undertake tree inventory for all street and park trees in Horsham, Haven and Natimuk	Detailed data on the tree asset	Short	\$\$\$	Parks and Gardens, Rec and Open Space
	1.2	Develop Tree Management policy with clear tree protection measures and guidelines for tree removal from customer requests, development and Council works	Better protected trees	Short	\$	Parks and Gardens, Rec and Open Space
	1.3	Develop and deliver rotational proactive tree maintenance program that includes formative pruning and establishment	Increased health, ULE and structure of tree asset	Short/Medium	\$\$\$	Parks and Gardens
	1.4	Review and update the Roadside Vegetation Management Plan	Documented protocols	Short/Medium	\$	Parks and Gardens
	1.5	Review nature strip guidelines and seek to remove landscape types that hinder street tree growth	Better growing conditions for street trees	Short/Medium	\$	Parks and Gardens
	1.6	Explore the creation of a Significant Tree Register that seeks to protect trees of identified significance and consider the most appropriate regulatory protection mechanisms. Utilise tree inventory results to identify significant trees on public land	Significant Tree Register	Short/Medium	\$	Strategic Planning/ Parks and Gardens
	1.7	Seek to develop and endorse a street and park tree valuation method for Horsham	Trees are given financial values	Medium	\$	Assets/ Finance
	1.8	Enhance protection of street trees through the implementation of a bond over street or park trees that may be impacted by private development	Trees are valued assets	Medium	\$\$	Statutory Planning
	1.9	Seek additional resourcing to enforce the protection of trees and the planting of trees on development sites and new subdivisions.	Trees are protected	Short	\$\$	Parks and Gardens and Asset Management Team



1.10	Develop a protocol for the timing of tree planting and ongoing protection of subdivision trees during construction. Explore the use of construction management and/or landscape plans.	Better survival rates for trees in development	Short	\$\$	Parks and Gardens /Strategic Planning
1.11	Provide education and guidance for builders and developers to retain and protect existing trees in new developments (including early engagement at the concept stage)	Trees better considered in developments	Short	\$	Strategic Planning/Stat Planning/Infrastructure services/Rec and Open Space
1.12	Develop Council landscape/ subdivision guidelines that address subdivision design, trees on private land, street trees and vegetation, lineal paths, public open space and water sensitive urban design in new development in accordance with the Infrastructure Design Manual. Educate staff on its application.	Consistency of advice for trees in development	Short-Medium	\$	Rec and Open Space /Strategic Planning/Infrastructure Services/Statutory Planning
1.13	Ensure planning conditions reflect tree planting requirements in accordance with the landscape/ subdivision guidelines.	Better outcomes in development	Short-Medium	Nil	Statutory Planning
1.14	Develop an internal process for referring planning applications and landscape plans to the Strategic Planning and Urban Design; Recreation and Open Space and Infrastructure Services units.	Stronger inter-departmental collaboration.	Short	Nil	Rec and Open Space /Strategic Planning/Infrastructure Services/Statutory Planning
1.15	Develop an appropriate policy to address the protection of significant and canopy trees on private land and explore appropriate regulatory mechanisms to enforce the policy	Significant trees and canopy trees are recognised	Short	Nil	Strategic Planning
1.16	Further analyse the high-resolution tree canopy data to quantify the losses of tree cover on private land and seek to understand the main causes and solutions	Build the evidence base for planning reform	Medium	Nil	Strategic planning
1.17	Investigate as part of the Planning Scheme Review the shortfalls of the Planning Scheme in terms of tree provision and protection and undertake the strategic work to inform local planning policy and planning scheme requirements to ensure new developments protect existing large trees and where lacking establish new canopy trees, strengthening the tree canopy provision in the private realm.	Build the evidence base for planning reform	Short-Medium	\$\$	Strategic Planning

	1.18	Advocate for changes to Clause 56 to ensure climate responsive landscape design to support the provision of canopy trees and help reduce the impact of urban heat in the public realm	Strengthen Horsham Planning Scheme	Medium	\$\$	Strategic Planning
	1.19	Engage with servicing authorities at the concept stage and planning permit stage of new developments to plan for the consolidation of existing / planned assets that will enable sufficient space for the planting of canopy trees in new subdivisions.	Improved collaboration for the planning of trees.	Short	Nil	External partners & stakeholders
	1.20	Prepare a Conservation Management Plan for the Botanical Gardens and apply the heritage overlay to ensure its protection	Protection for Botanical Gardens	Short	\$\$	Parks & Gardens/Strategic Planning
	1.21	Seek funding opportunities to restore / enhance avenues of honour.	Renewal of heritage landscapes	Medium	\$\$ (grant)	Parks & Gardens/Strategic Planning
	1.22	Consider planning mechanisms best suited for the protection and retention of existing woodland trees in Haven that contribute to the liveability and character of the area	Significant trees and canopy trees are recognised	Medium	Nil	Strategic Planning
<b>2. Increase tree canopy cover</b>	2.1	Ground truth existing vacant sites and identify tree planting sites in all smaller townships such as Natimuk, Pimpinio, Jung, Dooen, Haven, Quantong, Riverside and Laharum	Tree planting opportunities identified	Short	Existing	Parks and Gardens
	2.2	Continue to identify priority tree planting areas such as walking and cycling routes as and when strategic work is developed	Priority tree planting sites identified	Short	\$\$	Rec and Open Space / Statutory Planning
	2.3	Develop a 2-year rolling tree planting and renewal program	Trees planted and renewed for the next 10 years	Ongoing	Existing	Parks and Gardens
	2.4	Utilise masterplans, streetscape plans, structure plans and/or urban design frameworks to ensure canopy trees are strategically planted to increase shade and amenity along walking routes and identified public spaces	Increased shade	Short/Medium	Include d in project works	Rec and Open Space / Parks and Gardens

	2.5	Ensure CAD revitalisation prioritises the planting of trees in high pedestrian areas and seeks to increase supplementary irrigation to newly planted trees in streets	More tree shade in the CAD	Short/Medium	Existing	Rec and Open Space / Parks and Gardens
	2.6	Explore opportunities to plant trees within North Horsham railway reserve	Increase open space tree canopy	Medium	\$	Strategic Planning / Parks and Gardens
	2.7	Identify all opportunities to plant trees in road reserve instead of back of kerb	Reduced infrastructure conflicts	Ongoing	Existing	Parks and Gardens / Infrastructure
	2.8	Improve the underground growing conditions for newly planted trees where possible e.g. passive infiltration of stormwater, trenching, mulching, access to adequate soil volumes	Improved growing conditions	Ongoing	Existing	Parks and Gardens
	2.9	Explore use of alternative water sources (stormwater, river or recycled water) to irrigate high profile open space and associated trees	Trees that have access to soil moisture	Short/Medium	\$\$\$	Parks and Gardens / Infrastructure
	2.10	Develop guidelines for developers to provide the detail on how trees should be selected, planted and maintained in subdivisions.	More trees in new developments	Ongoing	Existing	Strategic Planning
	2.11	Planners to ensure that adequate space is defined for new trees in developments by requiring adequate information to accompany permit applications (landscape plans that detail tree planting schedules).	Space provision for trees in new developments	Ongoing	Existing	Strategic Planning / Statutory Planning
	2.12	Contract grow and negotiate with local nurseries for tree planting program	High quality tree stock	Ongoing	\$	Parks and Gardens
	2.13	Encourage private landholders to protect existing trees and plant new ones on their land	More trees on privately owned land	Ongoing	\$	Strategic Planning / Rec and Open Space
<b>3. Improve character and biodiversity</b>	3.1	Ensure Precinct Planning for Horsham North includes objectives for increased tree canopy cover, including around the Dudley Cornell reserve, identified walking and cycling routes, and public realm opportunities close to the rail corridor.	More trees in areas of need	Short/Medium	Existing	Rec and Open Space
	3.2	Ensure any climate change, environmental or sustainability strategy or planning work identifies the clear climate change	Integrated, multi-outcome Council strategy	Short/Medium	Existing	Waste & Sustainability

		adaptation benefits of trees and provides implementation actions for tree planting to increase canopy cover.				
	3.3	Develop pilot projects within the CAD Revitalisation project that showcase use of innovative design solutions e.g. trenching, water sensitive urban design, permeable paving	Trial sites	Short	\$\$	Urban design consultants / Parks and Gardens / Infrastructure
	3.4	Seek to increase supplementary irrigation to CAD trees to improve overall health and growth	Healthier CAD trees, cooler environment	Short/Medium	\$\$	Urban Design consultants / Infrastructure
	3.5	Seek to map culturally significant trees on Council owned land for planning and internal purposes. This work would need to be undertaken in consultation with BGLC ensuring cultural sensitivity is respected and maintained and to ensure greater protection and management practices are implemented in Horsham's Planning Scheme, where appropriate	Culturally significant trees register	Medium	\$	Strategic Planning
	3.6	Collaborate with WCMA and /or BGLC for revegetation projects along waterways (Wimmera River) and irrigate the trees to improve biodiversity connectivity	Collaborative revegetation projects	Short/Medium	\$\$	Rec and Open Space
	3.7	Identify potential sites within townships and along rural roads that could be planted with indigenous species to support the outcomes of the Habitat 141 project	Enhancement of biodiversity corridors	Short/Medium	Existing	Rec and Open Space / Parks and Gardens
<b>4. Educate and engage</b>	4.1	Develop a community engagement program to increase access to knowledge and information with input from BGLC	A more informed community	Ongoing	\$	Parks and Gardens, / Rec and Open Space
	4.2	Run community tree planting days with youth and community groups	Greater stewardship by community	Ongoing	\$	Parks and Gardens / Rec and Open Space
	4.3	Develop community engagement standard protocol including messaging and touch points for all parks works	Defined community messaging, greater awareness	Short	\$	Parks and Gardens
	4.4	Apply for appropriate government grants to help fund the tree management program	Additional funding	Ongoing	Existing	Rec and Open Space
	4.5	Continue to work with Powercor and VicRoads on ways to better protect trees and plant suitable ones on land managed by these agencies	Partner with other State agencies and utility providers	Ongoing	Existing	Parks and Gardens, / Rec and Open Space

	4.6	Explore the possibility of reinstating the Walking Trees tour developed for Art Wimmera	Educational community engagement tool	Medium	\$	Rec and Open Space
	4.7	Develop clear messaging about the benefits of the tree assets and provide to works crews who interact with the community	Clear community messaging for use in all Council works/programs	Short	Existing	Parks and Gardens / Rec and Open Space
	4.8	Communicate with the community about annual tree planting and maintenance programs	Transparency around Council's tree programs	Ongoing	Existing	Parks and Gardens / Rec and Open Space
	4.9	Educate the community and encourage property owners to plant trees in order to increase the overall canopy cover of Horsham	More trees on privately owned land	Ongoing	Existing	Parks and Gardens / Rec and Open Space
	4.10	Utilise the Precinct Plans engagement process to include community preferences for trees, shade and improved landscape amenity	Community understanding the importance of trees	Ongoing	Existing	Rec and Open Space
	4.11	Utilise the City to River masterplan engagement process to raise awareness and understanding about the importance of trees for shade and amenity	Community understanding the importance of trees	Short/Medium	Existing	Rec and Open Space
	4.12	Continue to engage with State Government regarding investment in blue green infrastructure and biodiversity	Opportunities for co-funded projects	Ongoing	Existing	Parks and Gardens
<b>5. Deliver best practice</b>	5.1	Develop technical drawings for tree planting typologies relevant to Horsham, including water sensitive urban design	Increase staff knowledge and capacity	Short	\$	Infrastructure / Parks and Gardens
	5.2	Review Council Infrastructure Design Manual and seek to update COUNCIL standard drawings to include space and consideration for street trees	Integrated standard drawings that include considerations for street trees	Short	\$\$	Infrastructure
	5.3	Analyse the tree inventory once captured to identify the extent of maintenance works required to minimise known risk	Evidence based maintenance schedule	Short	\$	Parks and Gardens



	5.4	Implement a formal establishment program including formative pruning as part of the tree planting program	Establishment program	Short	\$	Parks and Gardens
	5.5	Ensure tree canopy targets are embedded in capital works and infrastructure renewal works	Strong incentive to plant trees as part of other works	Short	Existing	Infrastructure
	5.6	Develop cost benefit analysis for street and park trees and include in asset planning. Showcase the value of trees as appreciating asset	Trees are valued assets	Short	Existing	Parks and Gardens / Infrastructure
	5.7	Develop clear guidelines for Tree Removal	Tree Removal Policy	Short	\$	Rec and Open Space
	5.8	Tree planning to align with road reconstruction works	integrated asset and tree planning	Short	Existing	Parks and Gardens / Infrastructure
	5.9	Explore alternative tree asset database system that is fit for purpose	Tree asset system that integrates with other Council systems	Short	Existing	Parks and Gardens / Operations / Asset Management
	5.10	Include the tree inventory onto Council's asset management system	Trees documented as a Council asset	Medium	Existing	Assets
	5.11	Audit tree stock delivered from nursery so that it conforms to AS2303 - Tree Stock for Landscape Use	Tree stock that is fit for purpose	Short	Existing	Parks and Gardens
	5.12	Measure tree canopy cover every 5 years to determine progress towards canopy targets	Evaluation of progress towards canopy targets	Ongoing	\$	Rec and Open Space
	5.13	Evaluate status of actions within this Strategy every 2 years to determine progress towards vision, objectives and targets	Evaluation of Strategy progress	Ongoing	Existing	Parks and Gardens / Rec and Open Space
<b>6. Celebrating cultural heritage</b>	6.1	Seek to internally map culturally significant trees on Council managed land to ensure greater protection and management practices and include in a separate register that is protected through appropriate regulation	Culturally significant trees identified and protected	Short	Existing	Strategic Planning
	6.2	Partner with BGLC for tree planning along waterways	Building partnerships	Medium	\$	Parks and Gardens / Strategic Planning

**\*Budget:**

\$ = up to \$10,000

\$\$ = up to \$100,000

\$\$\$ = over \$100,000

## Glossary

**Biodiversity** - the variety of plant and animal life in the world or in a particular habitat

**Climate change adaptation** - taking deliberate and considered actions to avoid, manage or reduce the consequences of a hotter, drier and more extreme climate and to take advantage of the opportunities that such changes may generate.

**Climate resilience** - the ability to anticipate, prepare for, and respond to hazardous events, trends, or disturbances related to climate

**Culturally significant trees** – are commonly the last vestiges of former natural and cultural landscapes. These trees retain exceptional values in terms of their contribution to our urban environment. They have a recognisable range of values– natural, cultural, aesthetic, visual, social and historic. These trees can be symbols of great spiritual power, they may have associations with individual people and communities or tell stories of other times and places, or the historic development of a place, trade routes, connections and communications. Significant trees often visually dominate a place by their sheer size, scale and visual impact. Remnant trees from former natural ecological communities may retain valuable habitat and faunal corridors for other endangered and dependent species. These trees also offer a valuable gene pool for future scientific research, conservation and restoration.

**Urban Tree Canopy Cover** - refers to the layer of tree leaves, branches, and stems that provide tree coverage of the ground when viewed from above

**Water Sensitive Urban Design** - uses better urban planning and design to reuse stormwater, stopping it from reaching our waterways by mimicking the natural water cycle as closely as possible.

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## Greening Greater Horsham - a Municipal Tree Strategy Community Engagement Plan

### Background:

Prior to the completion of the current Draft 'Greening Greater Horsham' Strategy, the Recreation and Open Space (ROSP) team participated in the Expo at Jubilee Hall (24-27 June 2021).

At the event there was opportunity to discuss with the community their concerns and desires for the management of trees across the municipality. Our community told us they:

- Overwhelmingly want more trees
- Want consideration into the choice of tree (appropriate habitat, scale and lifespan)
- Don't want more Ornamental Pears
- Need appropriate pruning and management of trees.

Concerns and desires expressed by visitors to the Expo reflect the goals and action plan of the draft Strategy.

### Current Situation:

We now have a Draft *Greening Greater Horsham* (Strategy) that has been developed with on-going and widespread input from a broad cross-section of HRCC departments and external stakeholders.

When approved for release by Council, the draft Strategy will be shared with our community for their input and feedback. The consultation process has been developed to be accessible and interesting to a broad range of interest groups and individuals as well as external stakeholders.

### Purpose

The two main outcomes of this period of community engagement are to:

- Receive feedback from community and key stakeholders regarding the Strategy, with a focus on key themes and actions identified in the Strategy;
- Share with our community key benefits of trees and the role 'Greening Greater Horsham' will have improving the comfort and attractiveness of our streets, parks and built environment.

### Engagement tools

The tables below identify the different ways we will engage with our community regarding the Greening Greater Horsham strategy.

A wide variety of options have been selected to enable as many people as possible to respond to the Strategy.

A four-week timeframe provides the balance between gaining and holding the attention of our community, resourcing and providing opportunities and time for feedback to occur. If required, the proposed timeframe can be extended to six weeks.

**All face to face engagement will be subject to COVID restrictions.**

Tool	Detail	Proposed Frequency
Face to Face engagement	<p>A schedule of pop-ups will be planned to engage with community members face to face. This will allow for more detail to be shared and questions to be answered by Council staff responsible for the Strategy.</p> <p>Proposed locations will be targeted during high traffic times and include:</p> <ul style="list-style-type: none"> <li>- Horsham Plaza</li> <li>- Roberts Avenue Pop-up Parklet</li> <li>- Local Markets (Haven, Jung)</li> <li>-</li> </ul>	<ul style="list-style-type: none"> <li>- Weekly pop-ups – combination of weekends and weekdays (COVID dependent)</li> </ul>
Stakeholder Engagement	<p>Particular stakeholders will be directly invited to respond to the Strategy, with the approach varying between stakeholders and their needs.</p> <p>Potential Stakeholders include:</p> <ul style="list-style-type: none"> <li>- Horsham Landcare, Natimuk Landcare, Wimmera River Improvement Committee, Grampians Wimmera Mallee Water, Wimmera Catchment Management Authority, Barengi Gadjin Land Council Aboriginal Corporation, PowerCor</li> <li>-</li> </ul>	<ul style="list-style-type: none"> <li>- Individual meetings aimed to be held in the first three weeks of engagement</li> </ul>
Print Media	<p>Informative material will be graphically designed with key summary points and QR links to the project webpage and survey to be distributed through:</p> <ul style="list-style-type: none"> <li>- Public notices within local newspapers</li> <li>- Outdoor Posters in high traffic areas</li> </ul>	<ul style="list-style-type: none"> <li>- Necessary material will be prepared to be posted and available for the duration of engagement.</li> <li>- Two occurrences within community notices</li> </ul>
Radio	<p>Radio to reach a wide range of Horsham residents with opportunities to promote giving feedback and providing information.</p> <ul style="list-style-type: none"> <li>- Radio advertisements</li> <li>- Potential interview on ABC Wimmera</li> </ul>	<ul style="list-style-type: none"> <li>- Two occurrences timed with community notices</li> </ul>
Digital and online	<p>Online tools to complement other approaches</p> <p>Tools include:</p> <ul style="list-style-type: none"> <li>- Social Media (i.e HRCC Facebook Page, Horsham Youth Instagram)</li> <li>- A Project page on Council's website with details and survey</li> <li>- Q&amp;A Webinar with recordings shared through other platforms</li> <li>- The HRCC email newsletter with over 400 subscribers</li> </ul>	<ul style="list-style-type: none"> <li>- Social media promotion of events as well to as encourage online feedback</li> <li>- Cross promotion opportunities with key partners</li> <li>- Survey open for the duration of engagement</li> <li>- One Q&amp;A webinar to respond to questions mid-way through engagement</li> </ul>

### Engagement timing

Please refer to the table above for details of each of the activities.

Scheduling has been designed for a four week period of community consultation (as indicated in the preceding table). The consultation period can be extended for six weeks if required.

Activity	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6
Face to Face engagement						
Stakeholder Engagement						
Print Media (Community notices)						
Posters						
Radio ads and interviews						
Social media posts						
Online Survey						
Q&A webinar						
HRCC Newsletter						

### Next Steps:

Following the community engagement process, feedback will be summarized and provided to the community via:

- Emails to people who have provided contact details
- Social media postings: Facebook
- Information with link via Council's Public Notice page of local printed media

Summarised feedback will also be provided to the Internal Working Group for consideration. The draft strategy will be amended or updated as required then will be forwarded to the Executive Management team (EMT) and Council for consideration and endorsement.

## Summary

Clause	Considered at submission	Any change
PART 1		
Preliminaries		
8	78 and 79	At Council Meeting of 22 November 2021 consider an amendment to omit clause 8
9	78 and 79	At Council Meeting of 22 November 2021 consider an amendment to clause 9 c. and d. to say–  c. any code of practice, however called, under the <i>Prevention of Cruelty to Animals Act 1986</i> or <i>Domestic Animals Act 1994</i> , as formulated, issued, prescribed or published from time to time for the keeping of domestic animals
10		
<b>local nuisance</b>	78	At Council Meeting of 22 November 2021 consider an amendment to move the definition of <i>local nuisance</i> to clause 57
<b>security</b>		At Council Meeting of 22 November 2021 consider an amendment to paragraph c. in the definition of <i>security</i> to say–  c. any Council policy that applies to the matter;
<b>road</b> and <b>road related area</b>	79	At Council Meeting of 22 November 2021 consider an amendment to the definition of road and road related area–  <b>road</b> and <b>road related area</b> have the same meaning as in the <i>Road Safety Act 1986</i>  where the road and where the road related area are under the control or management of Council for the relevant matter in this local law
<b>street party</b>	78	At Council Meeting of 22 November 2021 consider an amendment to move the definition of <i>street party</i> to clause 52
<b>urban area</b>	6 and 78	No change
PART 2		
Procedural		
Applications		
15	3	No change
Impounding		
21 to 24	78 and 79	At Council Meeting of 22 November 2021 consider an amendment to clause 21 to say–  21. If an authorised officer believes on reasonable grounds that a thing has been used so as to contravene this local law or are otherwise goods that have been abandoned on a road related area, waterway managed by Council or Council land–

Clause	Considered at submission	Any change
		<p>a. an authorised officer may seize and impound the thing or abandoned goods (impounded item)</p> <p>b. for the purpose of impoundment an authorised officer may seize the impounded item–</p> <p>i. from a public place</p> <p>ii. from premises that are not a public place with the consent of the owner or occupier of the premises</p> <p>c. if the impounded item is perishable, or in the opinion of the authorised office so damaged or insanitary as to be valueless, the impounded item may be disposed of immediately.</p> <p><b>Example</b></p> <p>Camping equipment and associated foodstuffs other than in a prescribed area for camping, shopping trolley in any waterway managed by Council or Council land.</p> <p>At Council Meeting of 22 November 2021 consider an amendment to clauses 22, 23 and 24 to omit the words “animal, item or thing” and substitute the words “impounded item”.</p>
Fees, charges and security		
25 to 28	78	<p>At Council Meeting of 22 November 2021 consider an amendment to clause 25 a. to remove the typographical error –</p> <p>a. from time to time, by resolution determine– <b>!</b></p> <p>At Council Meeting of 22 November 2021 consider an amendment to clauses 26, 27 and 28 to say–</p> <p>26. If –</p> <p>a. a permit holder has provided security to Council;</p> <p>b. application by the permit holder is received by Council within 12 months of the expiry or earlier determination of the permit, Council will return to the permit holder so much of the security remaining after deducting –</p> <p>i. any administration, inspection or processing fee or charge;</p> <p>ii. the cost to remedy any damage or adverse impacts;</p> <p>c. application by the permit holder is not received by Council within 12 months of the expiry or earlier determination of the permit, any security that is a sum of money will be held by Council as unclaimed money for the <i>Unclaimed Money Act 2008</i>.</p>
Enforcement		
Penalties		
29	79	No change
30	78	No change
Notices to comply		



Clause	Considered at submission	Any change
32	79	No change
33	79	No change
Infringement notices		
36	78	It is recommended– <ul style="list-style-type: none"> <li>that infringement notice penalties in clause 36 of proposed Community Local Law 2021 be reconsidered by the Technical Reference Group for the Local Law Review Project</li> <li>any amendment to infringement notice penalties in clause 36 be considered by Council at the Council Meeting on 22 November 2021.</li> </ul>
Internal review		
38	78	At Council Meeting of 22 November 2021 consider an amendment to omit clause 38.
Delegations		
39	78	At Council Meeting of 22 November 2021 consider an amendment to omit clause 39 i.
PART 3		
Council controlled or managed places		
40	78	No change
41	7, 78 and 79	No change
42	72, 78 and 79	No change
43	79	No change
46	79	No change
47	78	No change
49	78 and 79	No change
50	71	No change
52	79	At Council Meeting of 22 November 2021 consider an amendment to omit the definition of <b>street party</b> from clause 10.  At Council Meeting of 22 November 2021 consider an amendment to include the definition of street party at the end of clause 52 of proposed Community Local Law 2021–  52. Without an approval or other authority under an Act or permit a person must not on a road, road, related area or Council land–  ...  i. conduct or hold a concert, festival, show, public gathering, rally, street party, circus, carnival, performance or other similar activity;  ...

Clause	Considered at submission	Any change
		In this clause <i>street party</i> means an organised social gathering of people from one or several adjacent roads that is held on a road or road related area.
53	3, 78 and 79	No change
54	79	No change
55	78	At Council Meeting of 22 November 2021 consider an amendment to replace the semi-colon at the end of clause 55 b with a comma
Safety and amenity		
57	1, 72, 74, 78 and 79	<p>At Council Meeting of 22 November 2021 consider an amendment to amend clause 57 to say—</p> <p>57. The owner or occupier of premises must, in accordance with a direction by an authorised officer or notice to comply, cease an activity or change any condition on the premises that, in the opinion of the authorised officer is causing local nuisance.</p> <p>In this clause, local nuisance is—</p> <p>a. any adverse effect on amenity that is caused by—</p> <ul style="list-style-type: none"> <li>i. light, noise, vibration, odour, smoke, fumes, aerosols or particles (including without limitation dust, fly-ash or cinders); or</li> <li>ii. any other agent or class of agent prescribed by Council; and</li> </ul> <p>in the opinion of an authorised officer based on the officer's senses the nature, intensity, extent, density, colour, texture or other characteristic of the agent or the time frequency and duration of occurrence unreasonably interferes with or is likely to interfere unreasonably with the peace, comfort, convenience or enjoyment of the area by persons occupying or lawfully resorting to the area; or</p> <p>b. insanitary conditions on premises that unreasonably interfere with or are likely to interfere unreasonably with the enjoyment of premises occupied by persons in the vicinity; or</p> <p>c. unsightly or unsafe conditions on premises caused by human activity, misuse or ageing, a lack of effective maintenance or a failure to act that involves—</p> <ul style="list-style-type: none"> <li>i. bracken, grass or weeds in excess of 300mm in height;</li> <li>ii. excessive or unconstrained disused or derelict items or material not usually associated with the maintenance of the land that a reasonable person would consider to be rubbish or waste in the circumstances (including without limitation paper, cloth, packaging, bottles, metal, timber, building materials, building refuse and rubble, excavation material, spoil, derelict parts machinery or vehicles);</li> </ul>

Clause	Considered at submission	Any change
		<p>iii. more than 2 unregistered motor vehicles;</p> <p>iv. buildings structures or fences on the land in a dilapidated state or in a state of disrepair or general neglect or that have been damaged or defaced (including without limitation where windows or doors in a building have been broken or removed and the building cannot be secured, where guttering downpipes or drains are not in a good state of repair or clean and free from obstruction);</p> <p>v. incomplete construction work for two hundred and forty (240) days or more from the expiry or earlier determination of the relevant approval;</p> <p>vi. an unfenced or unsecured hole or excavation;</p> <p>vii. keeping or storage of temporary buildings or relocated or removable houses,</p> <p>and in the opinion of an authorised officer are out of conformity with the general appearance and amenity of the surrounding area.</p> <p><b>Example</b></p> <p>Use of a chimney on residential premises, open air fire (unless approved under an Act), chemical, mechanical or manual process, use of a recreational vehicle, musical instrument or any electrical amplified sound, keeping of animals, construction activity</p>
58	7, 72 and 78	<p>At Council Meeting of 22 November 2021 consider an amendment to amend clause 58 to say–</p> <p>58. Unless approved under an Act or otherwise prescribed by Council a person may only light a fire in the open air in either of–</p> <p>(a) the urban area;</p> <p>(b) on Council land,</p> <p>for the purpose of meal preparation or personal comfort and to accord with the conditions in section 38A(1)(a) of the Country Fire Authority Act 1958 and on Council land where a properly constructed fireplace is provided.</p> <p>In this clause <i>in the open air</i> has the meaning in section 34A of the <i>Country Fire Authority Act 1958</i>.</p>
60	79	No change
61	74, 78 and 79	No change
65	2 and 79	No change
Animals		
66	5, 72, 78 and 79	No change
67	79	No change
68	9 to 69	No change

Clause	Considered at submission	Any change
70 to 75	4, 6, 7, 9 to 69, 70, 72, 73 and 79	<p>At Council Meeting of 22 November 2021 consider an amendment to amend clauses 70 to 75 to say –</p> <p>70. This clause does not apply where the keeping of a particular type of animal or bird is permitted under the Horsham Planning Scheme or a planning permit applicable to the land.</p> <p>a. In the urban area an owner or occupier of land must not allow, cause or suffer to be kept –</p> <ul style="list-style-type: none"> <li>i. more than 2 domestic animals and 5 domestic fowl;</li> <li>ii. livestock (other than domestic fowl);</li> <li>iii. free flying pigeons;</li> <li>iv. any rooster;</li> <li>v. any bird more than 30cm length.</li> </ul> <p>b. In the Farming Zone under the Horsham Planning Scheme an owner or occupier of land must not allow, cause or suffer to be kept more than 5 domestic animals.</p> <p>c. A person keeping any domestic animal must comply with any code of practice, however called under an Act, for the keeping of domestic animals.</p> <p>d. In this clause–</p> <ul style="list-style-type: none"> <li>i. <b>domestic fowl</b> has the same meaning as the <i>Prevention of Cruelty to Animals (Domestic Fowl) Regulations 2016</i>;</li> <li>ii. a domestic animal is an animal over 3 months old.</li> </ul>
79	79	At Council Meeting of 22 November 2021 consider an amendment to correct the numbering of sub-paragraphs of clause 79 in conjunction with re-numbering the whole of proposed Community Local Law 2021 for amendments.
81	72	No change

## Considerations

### Submissions 1 to 76

No.	Submission	Clause	Considerations	Recommended
1.	<p>I'm a little annoyed with neighbours brining their motor-bikes onto their property and riding round and round for hours at a time. I have spoken to this particular neighbour however, things of this nature just don't seem to go down well.</p> <p>My concern is the noise and dust is encroaching on our right to enjoy our property in a safe manner - without constant interference. Neighbours of course have a right to use, in this case, a motor bike however, rural property is not a motor cross track nor is it a place to create a make shift dirt bike track.</p> <p>IF this is something outside councils ability to enforce the peaceful use and enjoyment of land, I would like to put forward a submission to council, to restrict the use of motor-bikes on private land.</p> <p>What is the process for submitting a proposal for council to hear and endorse as part of 'local laws'? I do wish to remain anonymous throughout this process for obvious reasons.</p> <p>I note with interest, a similar concern has surfaced within the Golden Plains shire. Obviously residents in that shire are quite fed-up and are experiencing similar complaints with regard to motor-bike noise / dust issues.</p> <p>Golden Plains shire draft:  <a href="https://www.goldenplains.vic.gov.au/consultations/draft-local-law-no-2">https://www.goldenplains.vic.gov.au/consultations/draft-local-law-no-2</a>  <a href="https://www.goldenplains.vic.gov.au/consultations/draft-local-law-no-2">https://www.goldenplains.vic.gov.au/consultations/draft-local-law-no-2</a></p> <p>Could you please follow this up for me. If nothing can be done due to lack of local laws in this space then please provide the process for submitting a proposal to do so. A good place to start would be to mimic the Golden Plains Shire draft proposal.</p>		<p>In addition to being received as a complaint, the complainant was advised the complaint will be treated as a submission for proposed Community Local Law 2021.</p> <p>The relevant officer for the review of the Golden Plains local law said noise was the subject of many of the submissions about the draft.</p> <p>Proposed Community Local Law 2021 manages noise complaints as a local nuisance under clause 57.</p> <p>Clause 57 has been amended in response to another submission.</p>	The amendment to clause 57 is set out in another part of this document.
2.	<p>The submission asks for an amendment to proposed Clause 65 Local Law Update pertaining to the Horsham Aerodrome:</p> <p>Our club operates gliders on the aerodrome. We also host an annual Coaching Week for cross country glider pilots and the Horsham Week Cross Country Soaring Competition. This is a major event on the Gliding Australia Events Calendar. Geelong Gliding Club has also flown from the Horsham aerodrome during their recent camp. It is likely that more gliding camps may be held here in the future. These gliding activities bring substantial revenue to the city.</p> <p>The nature of operating sailplanes is such that additional crew is required to be present for ground handling, supporting passengers, launching, timekeeping, observation and aircraft recovery from the runway.</p> <p>As these necessary functions are not specifically included in the current proposal we put forward the following additional clause:</p> <p>e. A person participating in, or supporting gliding operations.</p>	<p>65. A person must not enter or remain on the prescribed aerodrome movement area other than—</p> <p>a. a pilot or crew member of an aircraft;</p> <p>b. an employee or agent of the Council, the Civil Aviation Safety Authority or an emergency service in performance of their duties;</p> <p>c. a person who is a passenger either in an aircraft or in the process of entering or leaving an aircraft;</p> <p>d. a person lawfully involved in the refuelling or servicing of an aircraft; or</p> <p>e. any other person authorised by the aerodrome manager and acting in accordance with that authority.</p>	<p>Clause 65 is about control of airside access and is about aviation safety. Clause 65 allows for persons airside including passengers, pilots, crew and persons for the refuelling or servicing of aircraft.</p> <p>Council as aerodrome manager is obliged to update the aerodrome manual in the near future to comply with the requirements of the regulatory body, the Civil Aviation Safety Authority. The manual is required to include airside access and aviation safety matters.</p> <p>Until that time the request for additional crew airside (required to be present for ground handling, supporting passengers, launching, timekeeping, observation and aircraft recovery from the runway) can be dealt with under proposed clause 65 e.</p>	No change to clause 65.
3.	<p>Please view the attached permit I have received for fireworks this Sunday in Horsham.</p> <p>I do get the feeling a lot of these conditions are just lumped in, and I doubt anyone could explain to me how or who has made</p>	<p>53. Without a permit obtained the prescribed number of days before the event, a person must not in the urban area, on a road, road related area, any</p>	<p>As part of consultation with external stakeholders a submission was received about Council conditions for a firework permit.</p>	<p>No change to clauses 15 and 53.</p> <p>The submitter be advised –</p>




No.	Submission	Clause	Considerations	Recommended
	<p>these determinations. As an operator I'm in the position where I want to do the right thing and not breach any of these permit conditions, however if I was to run my business to these conditions on all occasions, instead of the Explosive Regs which cover pyrotechnics, I'd soon be out of business.</p> <p>3. The Permit holder must contact the Relevant Fire Authority and notify them of your intention to conduct a Fireworks Display, unless you have a valid Permit issued by the Relevant fire Authority.</p> <p>This is a redundant statement. During the fire danger period we MUST apply for a schedule 14 or section 40 fire permit to conduct a fireworks display. At all other times if we 'contact the relevant fire authority' which is now <a href="https://firepermits.vic.gov.au/">https://firepermits.vic.gov.au/</a> we will receive an error saying 'outside of fire danger period, no need to apply'</p> <p>Are we then being instructed to contact the local Horsham CFA station? In the middle of winter? If so, why? Are Horsham CFA requesting this?</p> <p>4. The Permit holder must contact Victoria Police and notify them of your intention to conduct a Fireworks Display.</p> <p>WorkSafe notification for section 7. Notification of other relevant authorities <a href="https://www.worksafe.vic.gov.au/resources/notification-intention-discharge-fireworks-form">https://www.worksafe.vic.gov.au/resources/notification-intention-discharge-fireworks-form</a></p> <p>This does not include police.</p> <p>From my experience, police aren't interested. Recently I emailed a local police station as a courtesy for close proximity pyro at a movie shoot. Police received a noise complaint and attended. They were completely unaware of my email notice sent a week prior.</p> <p>Has this request come from Horsham police? If so fine, however I have previously emailed Horsham police directly and never received even an acknowledgement.</p> <p>5. An advertisement providing the time, date, and location of the fireworks display is to be placed in a newspaper circulating generally in the municipality no more than twenty-one days and no less than three days prior to the event.</p> <p>This is an outdated approach and not a business friendly timeframe. As with this display I received the request from our client right on 7 days for this weekend. I called Jason in local laws and received confirmation that it would be approved anyway.</p> <p>Preferably should be changed to something like, reasonable steps should be taken to notify the community of the event, such as via social media or other forms of advertisement for the event.</p> <p>7. Before commencing the fireworks display, a fire break of no less than three (3) metres cleared of all flammable material must be prepared around the perimeter of the area to be where the fireworks will be discharged.</p> <p>This is usually stipulated in fire permits issued by CFA and I suspect that's where it's come from, so doubling up and not relevant to council permit.</p> <p>Why is this a council condition and why does this apply in the middle of winter? Most importantly, why isn't the responsibility to</p>	<p>waterway managed by Council or Council land discharge display fireworks, Chinese firecrackers or theatrical fireworks.</p> <p>Other affected clause—</p> <p>15. A permit may be subject to conditions including without limitation—</p> <p>a. the payment of a fee or charge including without limitation an occupation charge;</p> <p>b. lodging or payment of security;</p> <p>c. a time limit specifying the duration, commencement or completion date;</p> <p>d. the happening of an event;</p> <p>e. the rectification, remedying or restoration of a situation or circumstance;</p> <p>f. when the applicant is not the owner of the subject property, the consent of the owner is required;</p> <p>g. the granting of some other approval or authorisation; and</p> <p>h. the requirements of any incorporated document.</p>	<p>Clause 53 is a local law for section 146 of the <i>Dangerous Goods (Explosives) Interim Regulations 2021</i> which says—</p> <p><b>146 Pyrotechnicians to notify authorities of intended fireworks</b></p> <p>(3) A <del>pyrotechnician</del> must not discharge display fireworks, Chinese firecrackers or theatrical fireworks unless the <del>pyrotechnician</del> gives the municipal council for the municipal district in which the fireworks are to be discharged written notice (in a form approved by the Authority) at least 7 days before the date of the proposed display.</p> <p>(4) <del>Subregulation (3) does not apply if a local law applying in the municipal district requires a person to give the relevant municipal council greater notice of an intention to discharge fireworks.</del></p> <p>Section 146 contemplates that Council may need more than 7 days notice. Also, the pyrotechnician may need other permissions from Council, such as a permit to use Council controlled land.</p> <p>Clause 53 allows Council to prescribe a number of days to suit changes in the business systems and processes of Council over the life of proposed Community Local Law 2021 (if and when it is made).</p> <p>Clause 15 is about any conditions of a permit. Specific conditions are not included in proposed Community Local Law 2021 as conditions must respond to the facts and circumstances of each permit application.</p> <p>The submission says conditions of a recent permit do not respond to the facts and circumstances of the permit application. Conditions of a permit can be the subject of internal review.</p> <p>Internal review is now addressed by the <i>Local Government Act 2020</i> which says—</p> <p><b>107 Complaints policy</b></p> <p>(1) A Council must develop and maintain a complaints policy that includes—</p> <p>(a) <del>a process for dealing with complaints made to the Council;</del> and</p>	<ul style="list-style-type: none"> <li>the comments on conditions of a permit issued to the submitter has been referred to relevant officers for consideration</li> <li>an application can be made for internal review of the conditions of a local law permit.</li> </ul>

No.	Submission	Clause	Considerations	Recommended
	<p>ensure the conditions for the display to proceed safely determined by me, the licensed operator? What's the point in holding a WorkSafe issued license if your working conditions are dictated to you by council.</p> <p>8. The Permit holder is solely responsible for any damage, litter, or nuisance that occurs as a consequence of the fireworks display.</p> <p>Is this a condition or just a statement of the obvious? How would this be up for dispute without it being stated?</p> <p>9. Fireworks display prohibited to proceed if the wind speed is 15 km/h or greater</p> <p>This is probably my biggest gripe. Sometimes during the fire danger period this condition appears on our fire permit issued by CFA and again I suspect this is where it has come from. Again, doubling up and no context.</p> <p>To make this a blanket permit condition is absurd. Especially during winter.</p> <p>We conduct fireworks displays all year round in conditions with winds in excess of 15km/h. Again, this needs to form part of the risk assessment determined by the pyrotechnician. If we were to operate to this condition, probably 50% of all our work would be cancelled!</p> <p>Wind is a concern where space is very tight, as debris can land outside of the normal exclusion zone, however part of our set up will allow for our fall out zone through angling firework into the prevailing wind and sometimes changing our firing point to allow for this. Again, this is why we hold a licence with relevant experience to make these determinations and not have it dictated to us by councils with no understanding of our operations.</p> <p>Wind is absolutely a fire risk during the fire danger period. However this is open to review. The local district fire chief amended my fire permit conditions to allow our display to proceed with winds up to 20 km/h for our Australia day display in January last year. Who has the authority? Council or the fire authority??</p> <p>The solution here is to maybe change the condition to "the permit holder must comply with any fire permit conditions issued by the relevant fire authority" simple! - stating the obvious though.</p>		<p>(b) a process for reviewing any action, decision or service in respect of which the complaint is made; and</p> <p>(c) a discretion for the Council to refuse to deal with a complaint which is otherwise subject to statutory review; and</p> <p>(d) the prescribed processes for dealing with complaints about the Council; and</p> <p>(e) the prescribed processes for internal review of complaints made to a Council; and</p> <p>(f) the prescribed processes for exercising the discretion referred to in paragraph (c); and</p> <p>(g) any other matter prescribed by the regulations.</p> <p>(2) A review process must provide for a review that is independent of—</p> <p>(a) the person who took the action; and</p> <p>(b) the person who made the decision; and</p> <p>(c) the person who provided the service.</p> <p>(3) For the purposes of the complaints policy, <b>complaint</b> includes the communication, whether orally or in writing, to the Council by a person of their dissatisfaction with—</p> <p>(a) the quality of an action taken, decision made or service provided by a member of Council staff or a contractor engaged by the Council; or</p> <p>(b) the delay by a member of Council staff or a contractor engaged by the Council in taking an action, making a decision or providing a service; or</p> <p>(c) a policy or decision made by a Council or a member of Council staff or a contractor.</p>	
4.	<p><b>Roads</b> Yes, narrow streets often don't allow for the safe passage of vechiles to drive safely down the centre of parked vechiles particularly if they are parked on both sides of the road unless the vechiles are parked with the wheels on the nature strip. I've also found backing out of my driveway difficult and have backed into vechiles parked on the opposite side of the street unless the vechiles is parked on the nature strip. How do you propose to deal with this issue are you going to make my streets wider to allow it easier to back out of my driveway and also get through parked vechiles ? Without causing damage.</p>		<p>Proposed Community Local Law 2021 does not regulate parking on nature strips or other parts of roads. Parking on nature strips and roads is regulated by the <i>Road Safety Road Rules 2017</i>. The VicRoads webpage A-Z of Road Rules says –</p> <p>You are not allowed to park, stop or leave your vehicle:</p> <ul style="list-style-type: none"> <li>• fully or partially across a driveway except for 2 minutes to pick up or drop off passengers (there is no defined measurement for parking near a driveway)</li> <li>• if there is fewer than 3 metres of clear road left for other traffic</li> <li>• on a footpath, nature strip or reservation (unless the vehicle is a motorcycle or bicycle)</li> <li>• across a footpath, bicycle path or passageway or footpath ramp, unless a sign allows it</li> </ul>	No change required.

No.	Submission	Clause	Considerations	Recommended
			<p>You are allowed to park or leave your vehicle:</p> <ul style="list-style-type: none"> <li>opposite a driveway as long as you leave 3 metres beside your vehicle</li> <li>anywhere in a street where parking is permitted including in front of other homes or businesses.</li> </ul>	
	Nuisance No			
	Council Managed Land No			
	<p><b>Animals</b> Yes, some people like to have birds as pets and there should be more limits than 2 birds</p>	<p><u>Animals</u></p> <p>71. Without an approval or authority under an Act or permit, an owner or occupier of land must not allow, cause or suffer to be kept–</p> <p>a. more than 2 cats;</p> <p>b. in the urban area–</p> <p>i. more than 2 dogs,...</p> <p>ii. more than 5 domestic fowl (excluding roosters)</p> <p>iii. 2 caged birds</p> <p>iv. more than 4 pets and 5 domestic fowl</p> <p>In this clause–</p> <p><i>domestic fowl</i> has the same meaning as the <i>Prevention of Cruelty to Animals (Domestic Fowl) Regulations 2016</i>;</p> <p><i>pets</i> means any animal referred to in paragraph (c) of the definition of pet shop in the <i>Domestic Animals Act 1994</i>;</p> <p>73. Without an approval or authority under an Act or permit an owner or occupier of farm land must not allow, cause or suffer to be kept more than 4 dogs (excluding farm working dogs).</p>	<p>The keeping of pets (domestic animals) has been considered on more than one occasion by Victorian courts.</p> <p>The leading authority is the decision of the Court of Appeal in <i>Vu Ho v Greater Dandenong City Council</i> [2013] VSCA 168.</p> <p><i>Vu Ho</i> kept a pet sheep on either of 2 properties, one of which he occupied. Each property was less than half a hectare in area.</p> <p>The Court of Appeal said –</p> <ul style="list-style-type: none"> <li>a local law prohibiting an occupier of land of limited area from keeping livestock on land is directed at the preservation of amenity within a municipal district</li> <li>the local law was valid and should be upheld and enforced by the Court</li> <li>a local law was not inconsistent with a planning scheme because the local law regulated an ancillary activity, such as the keeping of pets</li> <li>each of the 2 controls must be satisfied if the keeping of a pet is to lawfully proceed</li> <li>the particular local law contained an inbuilt safeguard against inconsistency with the planning scheme because it provided the clause did not apply where the keeping of a particular type of animal or bird is permitted under the planning scheme or a planning permit is applicable for the land.</li> </ul> <p>Other decisions of Victorian courts are about ancillary uses (ancillary activities). For example, the planning scheme provisions that limited breeding or boarding to 5 dogs were a relevant consideration in a decision that keeping 12 dogs as pets was not ancillary – <i>Peterson v Ararat Rural City Council</i> [2003] VCAT 219.</p> <p>More recently the Horsham Planning Scheme has been amended for changes to land use terms in the Victorian Planning Provisions.</p> <ul style="list-style-type: none"> <li>The land use term ‘Domestic animal husbandry’ is the use of land to keep, breed, board or train domestic animals.</li> <li>The land use term ‘Domestic animal husbandry’ includes ‘Dog breeding’ and ‘Domestic animal boarding’.</li> <li>The relevant clauses of proposed Community Local Law 2021 are about keeping domestic animals. This means the land use terms ‘Dog breeding’ and ‘Domestic animal boarding’ are not considered here. Only that aspect of the land use term ‘Domestic animal husbandry’ that is about keeping of domestic animals is considered here.</li> </ul> <p>‘Domestic animal’ is not defined for the Horsham Planning Scheme. The Victorian courts have previously said–</p>	<p>At Council Meeting of 22 November 2021 consider an amendment to clauses 70 to 75 to say –</p> <p>70. This clause does not apply where the keeping of a particular type of animal or bird is permitted under the Horsham Planning Scheme or a planning permit applicable to the land.</p> <p>a. In the urban area an owner or occupier of land must not allow, cause or suffer to be kept –</p> <p>i. more than 2 domestic animals and 5 domestic fowl;</p> <p>ii. livestock (other than domestic fowl);</p> <p>iii. free flying pigeons;</p> <p>iv. any rooster;</p> <p>v. any bird more than 30cm length.</p> <p>b. In the Farming Zone under the Horsham Planning Scheme an owner or occupier of land must not allow, cause or suffer to be kept more than 5 domestic animals.</p> <p>c. A person keeping any domestic animal must comply with any code of practice, however called under an Act, for the keeping of domestic animals.</p> <p>d. In this clause–</p> <p>i. <b>domestic fowl</b> has the same meaning as the <i>Prevention of Cruelty to Animals (Domestic Fowl) Regulations 2016</i>;</p> <p>ii. a domestic animal is an animal over 3 months old.</p>

No.	Submission	Clause	Considerations	Recommended
			<ul style="list-style-type: none"> <li>Cats and dogs are common pets. It is just that pigs and tortoises and carpet snakes are less common as pets, though they may or may not be pets.</li> <li>Most farm animals may be kept as 'domestic pets'...it is not uncommon for lambs, kids, and other offspring of farm animals to be so kept.</li> <li>Dogs, cats, rabbits, monkeys, guinea pigs, rats, mice, turtles, fish, caged birds or other creatures kept as pets can be ancillary to residential use</li> <li>The notion of 'domestic pets' requires the keeping of the animals to be undertaken in conjunction with residence on land. It contemplates that the keeping of the animals is an adjunct to or incident of domestic life.</li> </ul> <p>The change to the Horsham Planning Scheme for the land use term 'Domestic animal husbandry' does not change the starting point of keeping of domestic pets / animals as an adjunct to or incident of domestic life.</p> <p>The Horsham Planning Scheme says at clause 71.03 Operation of Zones –</p> <ul style="list-style-type: none"> <li>Section 1 uses A use in Section 1 does not require a permit. Any condition opposite the use must be met. If the condition is not met, the use is in Section 2 and requires a permit unless the use is specifically included in Section 3 as a use that does not meet the Section 1 condition.</li> <li>Section 2 uses A use in Section 2 requires a permit. Any condition opposite the use must be met. If the condition is not met, the use is prohibited.</li> </ul> <p>The conditions opposite the use of Domestic animal husbandry are a relevant consideration in a decision about the number of domestic animals / pets that are ancillary to residential use of land. This means–</p> <ul style="list-style-type: none"> <li>2 domestic animals in the Residential Zones and the Rural Living Zone, where more than 5 animals are prohibited</li> <li>5 domestic animals in the Farming Zone</li> <li>Domestic animals will be ancillary in the Industrial Zones if a planning permit for Caretaker's house applies to the land.</li> <li>Domestic animals will be ancillary in the Commercial 1 Zone where the land is used for Accommodation; and domestic animals will be ancillary in the Commercial 2 Zone if a planning permit for Caretaker's house or Residential hotel applies to the land.</li> </ul>	
	<b>Other</b> I think it's it's old and outdated and not up with current trends and or meets the needs of our local community, this is just going along with a general consensus that has been made by another service no individual for the Horsham community.		The Ministerial Guidelines for Local Laws Manual says –	No change required.

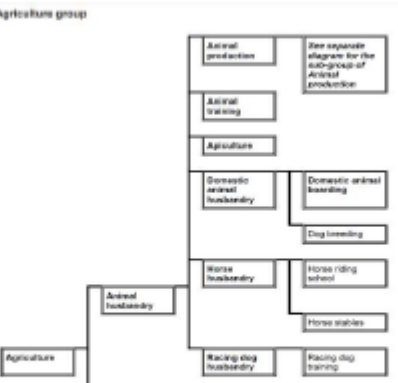
No.	Submission	Clause	Considerations	Recommended
			<p><b>4.18 Reviewing the draft – Neighbouring and like Councils</b></p> <p> Council should compare its proposed Local Law with those of its neighbouring and 'like' Councils.</p> <p><b>4.18.1 Issues</b></p> <p>Councils routinely compare their Local Laws with those of neighbouring Councils and, if the neighbours do not share similar characteristics, with 'like' Councils.</p> <p>There is no legislative requirement that Councils compare their Local Law with neighbouring and like Councils. However, as it is good practice, that should be followed.</p> <p>All clauses in proposed Community Local Law 2021 have been compared to local laws of other councils made in the period 2017 to 2021. In some circumstances local laws made after current Community Local Law 2011 were also referred to.</p>	
5.	Roads No			
	Nuisance No			
	Council Managed Land No			
	<p><b>Animals</b> Could you clarify what law gives a council officer the authority to "Demand" that a member of the public shows a poo bag.</p> <p>My understanding is no such power has been granted to demand any such thing. Police would even require a search warrant for such a request.</p>	<p><u>Animals</u></p> <p>66. The owner of an animal on a road, road related area or Council land must—</p> <p>a. carry and produce upon demand by an authorised officer, a bag or other suitable container for the collection and lawful disposal of any faeces that the animal may deposit;</p> <p>b. remove and hygienically dispose of faeces deposited by the animal;</p>	<p>The <i>Domestic Animals Act 1994</i> includes general enforcement powers of authorised officers and says—</p> <p><b>Division 2—General enforcement powers of authorised officers</b></p> <p><b>74 Entry, search and other powers of authorised officers for some purposes</b></p> <p>(1B) A Council authorised officer may take any reasonable action that is necessary to find out whether the provisions of—</p> <p>(a) this Act; or</p> <p>(b) the regulations; or</p> <p>(c) any local law made under this Act by a Council; or</p> <p>(ca) a notice to comply issued under this Act—</p> <p>are being complied with.</p>	No change required.
	Other No			
6.	Roads			
	Council Managed Land			
	Nuisance			
	<p><b>Animals</b> Can you propose a diagram on how your light pole to light pole and house distance explanation works. It doesn't read well at</p>	<p><u>Definitions</u></p>	<p>The definition of "urban area" is based on the definition of "built-up area" used to limit speed to 50kmh unless otherwise signed.</p>	No change to the definition of <i>urban area</i> .



No.	Submission	Clause	Considerations	Recommended
	<p>all and very confusing. People will understand it more if they can visualise it and not try and work it out for themselves. If you were a good council (as you always say you are) then you will provide this.</p> <p>Also where is the evidence or advise for the 2 horses per 4 hectare? Did you just pull this out of thin air or is there an evidence based approach to this new law? It would be good if you are transparent about this instead of stating it and moving on without further information.</p> <p>I look forward to seeing if you do actually read and listen to this feedback or if it's just some and mirrors that make the local rate payer feel like they are having their say. Balls in your court! HRCC</p>	<p>10. In this local law–</p> <p><i>urban area</i> means an area in which either of the following is present for a distance of at least 500 metres, or if the length of road is shorter than 500 metres, for the whole road –</p> <p>a. buildings, not over 100 metres apart, on land next to the road;</p> <p>b. street lights not over 100 metres apart;</p> <p><u>Animals</u></p> <p>72. Without an approval or authority under an Act or permit, an owner or occupier of land outside of the urban area must not allow, cause or suffer to be kept more than 2 horses on less than 4 hectares.</p>	<p>The definition is a way of saying the area is more closely settled. Because the area is more closely settled it can be expected that there will be greater management of matters of safety, amenity and fair use. In proposed Community Local Law 2021 the clauses using the definition “urban area” are–</p> <ul style="list-style-type: none"> <li>• Clause 58 and 59 about open air fires and incinerators in the urban area</li> <li>• Clause 61 that a freight container in an urban area must be approved under an Act</li> <li>• Clause 68 that a horse must not be on a footpath or nature strip in the urban area</li> <li>• Clause 70 that livestock, roosters and free flying pigeons are not to be kept in the urban area</li> <li>• Clause 71 to limit the number of domestic pets that can be kept in the urban area</li> <li>• Clause 75 to prevent illegal dumping of deceased animals in the urban area</li> <li>• Clause 77, 78 and 79 to prevent droving in the urban area.</li> </ul> <p>Another submission proposes the use of the Township Zone instead of the definition of urban area in those parts under the Horsham Planning Scheme zoned Township Zone. This use of the Township Zone in addition to the urban area of the city of Horsham is considered in another part of this document.</p> <p>Because of another submission about the land use term Horse husbandry in the Horsham Planning Scheme clause 72 will be omitted.</p> <p>Submissions about proposed Community Local Law 2021 are made under s223(1)(d)(i) of the <i>Local Government Act 1989</i> which says Council must–</p> <p>(ii) notify in writing, each person who has made a separate submission, and in the case of a submission made on behalf of a number of persons, one of those persons, of the decision and the reasons for that decision.</p>	At Council Meeting of 22 November 2021 consider an amendment to omit clause 72.
	Other			
7.	<b>Roads</b> Motorised bicycles being ridden on cycling/walking paths is an on-going issue		<p>Proposed Community Local Law 2021 does not regulate power assisted bicycles. Power assisted bicycles are regulated by the <i>Road Safety Road Rules 2017</i>. The VicRoads webpage A-Z of Road Rules says–</p> <p>Definition of a power assisted bicycle</p> <p>A power assisted bicycle is identical to a pedal powered bicycle, except it has an auxiliary motor. Power assisted bicycles have two definitions in Victoria:</p> <ul style="list-style-type: none"> <li>• A bicycle with one or more auxiliary motors attached which has a combined maximum ungoverned continuous rated power output not exceeding 200 watts.</li> <li>• An electrically power-assisted cycle (EPAC). These are pedal cycles with an electric motor that has a maximum continued rated power of 250 watts. The power-assistance</li> </ul>	No change required.

No.	Submission	Clause	Considerations	Recommended
			<p>progressively reduces as the speed increases and cuts off once a top speed of 25 kilometres per hour is reached. EPACs require the rider to pedal to access the power.</p> <p>Power assisted bicycles that meet the above definition are allowed to be ridden in Victoria as they are classed as bicycles.</p>	
	<b>Nuisance</b> It doesn't mention them directly, but more and more people now have a 'Fire Pit' for cooking and warmth. I hope this is still ok...if not, it should be.	<p>58. Unless approved under an Act or otherwise prescribed by Council a person may only light a fire in the open air in either of–</p> <p>(a) the urban area;</p> <p>(b) on Council land,</p> <p>for the purpose of meal preparation or personal comfort and to accord with the conditions in section 38A(1)(a) of the <i>Country Fire Authority Act 1958</i> and on Council land where a properly constructed fireplace is provided.</p>	A backyard fire pit in the open air for the purpose of meal preparation or comfort is not prohibited under proposed Community Local Law 2021.	No change required.
	<b>Council Managed Land</b> Does/should the Local Law mention Street Trees on nature strips and their care and maintenance. Council could be a little more 'positive' with their Local Law Signage. The perfect example is the entry sign at the Police Paddock Reserve. Listing all the things that you 'can't' do there. Maybe some encouragement for visitors with some tips on what they 'can' do there.	<p><u>Council controlled or managed places</u></p> <p>41. Without an approval or authority under an Act or permit a person must not allow, cause or suffer in respect of road, road related area, or Council land (in this clause called the land)–</p> <p>e. ... interference with vegetation on the land or removal of vegetation from the land;</p>	<p>Clause 41 is about the protection of Council assets including landscaping such as street trees.</p> <p>The submission about signage at Police Paddock Reserve was referred to the Technical Reference Group for the Local Law Review Project.</p> <p>It is understood Council asset managers are aware of branding and consistency for signage and some months ago changes to signs commenced. These changes included using positive language to encourage people to enjoy places and facilities in a respectful way.</p>	No change required.
	<b>Animals</b> Not sure, but if the laws are changing for the ownership of pigeons in the urban area, this will affect some older residents. A five year 'sunset' rule would be better and fairer.	<p><u>Animals</u></p> <p>70. In the urban area a person must not allow, cause or suffer to be kept–</p> <p>...</p> <p>b. free flying pigeons;</p>	<p>The decision of the Court of Appeal decision in Vu Ho is considered in another part of this document.</p> <p>To comply with Vu Ho, clause 70 be amended to give primacy to the planning scheme.</p>	Amendments to the animal keeping clauses are set out in another part of this document.
	<b>Other</b> While the upgrades and changes to the Local Law seem fair enough, the value of having such laws is in the enforcement. I could not find the process articulated for enforcement.....eg notification/warning/prosecution etc. Golf Course Rd fire damaged Units and Heavy vehicles in Old Hamilton Road are examples where Council needs to act.....in everyone's interest.	<p><u>Enforcement</u></p> <p>Clauses 29 to 36 set out penalties, powers for notices to comply, the giving of directions and warnings and infringement notices.</p>		No change required.
8.	<b>Roads</b> No			
	<b>Nuisance</b> No			
	<b>Council Managed Land</b> No			
	<b>Animals</b> The community has not been consulted properly		The Council Report addresses community engagement.	No change required.
	<b>Other</b> You need to speak with the community about any changes that will affect them before drafting your proposed law			

No.	Submission	Clause	Considerations	Recommended
9. – 69.	<p>Division 3 of Part 3 of the Local Government Act 2020 relates to the making of local laws. Part 72 (b) specifically states:</p> <p><i>"a local law must not duplicate or be inconsistent with a planning scheme that is in force in the municipal district..."</i></p> <p>Part 72 (f-g) (Local Government Act 2020) also state:</p> <p><i>"(ff) a local law must be expressed as clearly and unambiguously as is reasonably possible;</i>  <i>(g) unless there is clear and express power to do so under this Act or any other authorising Act, a local law must not—</i>  <i>(i) seek to have a retrospective effect; or</i>  <i>(ii) impose any tax, fee, fine, imprisonment or other penalty; or</i>  <i>(iii) authorise the sub-delegation of powers delegated under the local law... "</i></p> <p>In particular – the following clauses of the draft local law raise concern:</p> <p><b>Proposed Local Law: Cl. 68. A person must not ride or lead a horse–</b>  <b>a. in the urban area on any footpath or nature strip;</b>  <b>b. on Council land except in an area prescribed for that purpose.</b></p>		<p>The submission by a planning professional is for 61 named submitters. Each named submitter is to be treated as an individual submission.</p> <p>Clause 68 is partly about asset protection and partly about community safety. No change is required.</p> <p>Since August 2019, Horse husbandry, including Horse stables and Horse riding school are under the Horsham Planning Scheme. This means –</p> <p>In the Residential Zones–</p> <ul style="list-style-type: none"> <li>A permit is required for Horse husbandry under – <ul style="list-style-type: none"> <li>the Low Density Residential Zone</li> <li>the Mixed Use Zone</li> <li>the Township Zone</li> </ul> </li> <li>Horse husbandry is prohibited under the General Residential Zone.</li> </ul> <p>In the Rural Zones–</p> <ul style="list-style-type: none"> <li>A permit is required for Horse husbandry under the Rural Living Zone</li> <li>A permit is <b>not</b> required for Horse husbandry under the Farming Zone.</li> </ul> <p>A permit is required for Horse husbandry in the Industrial Zones.</p> <p>Horse husbandry is prohibited under the Commercial Zones.</p> <p>In the Special Use Zone–</p> <ul style="list-style-type: none"> <li>Schedule 1 – Horsham Golf Course a permit is <b>not</b> required for Horse husbandry</li> <li>Schedule 2 – Horsham Airport a permit is required for Horse husbandry</li> <li>Schedule 3 – Dooen Freight Hub Horse husbandry is prohibited</li> <li>Schedule 4 – Horsham Showgrounds– <ul style="list-style-type: none"> <li>Horse stables does not require a permit</li> <li>A permit is required for Horse husbandry</li> </ul> </li> <li>Schedule 5 – Wimmera Events Centre a permit is required for Horse husbandry</li> <li>Schedule 6 – Earth and Energy Resources Industry <ul style="list-style-type: none"> <li>a permit is required for Horse husbandry (excluding Horse stables)</li> <li>Horse stables are prohibited</li> </ul> </li> <li>Schedule 7 – there is no Schedule 7</li> <li>Schedule 8 – Horsham artist in residence Horse Husbandry is prohibited</li> <li>Schedule 9 – Wimmera Intermodal Freight Terminal Precinct - A permit is required for Horse husbandry</li> </ul>	<p>No change to clause 68.</p> <p>At Council Meeting of 22 November 2021 consider an amendment to omit clause 72.</p>

No.	Submission	Clause	Considerations	Recommended
	<p>Comment: Roads were originally designed to cater for horses, bullock teams and the like. Why is Council considering a local law that will prohibit one of humanity's original forms of transport? Shouldn't horses take precedence over automobiles / trucks and the like? Isn't the safety of any mode of transport (including horses) a matter for the police? This appears to be acting or done beyond Council's legal power or authority (ultra vires). It is understood that Council can determine what type of traffic utilises its road network, however, a matter of precedence exists here, and other road users must consider this when driving any other form of motorised vehicle. I strongly argue that horses have pre-existing use rights over other forms of motorised traffic.</p> <p>Further questions may be raised by such a local law, such as:</p> <ul style="list-style-type: none"> <li>Will they apply to the military and police? i.e., Anzac Day parades, and mounted police utilisation of any road.</li> <li>Tourism – trail rides, carriage rides etc.</li> </ul> <p><b>Proposed Community Local Law 2021 Cl. 72. Without an approval or authority under an Act or permit, an owner or occupier of land outside of the urban area must not allow, cause or suffer to be kept more than 2 horses on less than 4 hectares.</b></p> <p>[DEF: urban area means an area in which either of the following is present for a distance of at least 500 metres, or if the length of road is shorter than 500 metres, for the whole road – Public notice 29Jun2021 proposed Community Local Law 2021 4 a. buildings, not over 100 metres apart, on land next to the road; b. street lights not over 100 metres apart].</p> <p>Comment: This is perhaps the most contentious clause which causes serious concern and grievance to the parties I represent. The keeping of horses is specifically identified within the Horsham Planning Scheme as 'horse husbandry', which is included within the animal husbandry definition, which is included within agriculture (refer Cl. 73.04-2 – Horsham Planning Scheme).</p>  <p>Other zones within the Planning Scheme regulate the keeping of animals and the types and ways of keeping animals, and this is contained within the planning scheme. It is strongly contended therefore, that any Local Law made under any act, does not, and cannot, regulate the keeping of animals as prescribed under any planning scheme within the State of Victoria – the primary purpose</p>		<p>A permit is required for Horse husbandry in the Urban Floodway Zone.</p>	

No.	Submission	Clause	Considerations	Recommended
	<p>of planning schemes being to regulate land use. In other words – the planning scheme takes precedence over any local law.</p> <p>The serious concerns of horse owners include (but are not limited to):</p> <ul style="list-style-type: none"> <li>Having to obtain permits under local laws, where planning presides. If planning permission is required? Then that permission is the overarching permit which deals with amenity and the environment. This raises the issue of Council acting outside its power and authority, and any ambit of discretion (<i>ultra vires</i>). For example – the management of animals in Urban zones (Commercial / residential / industrial zones and the like), is completely understandable. The keeping of horses in an area zoned General Residential raises issues of amenity. This, however, should not be applicable in any Rural Zone.</li> <li>Horses are 'herd' animals, and seek to exist together in such groups. To attempt to legislate this via a local law not only may cause distress in general to not only a herd of horses, but imposes further regulatory (and subsequent financial distress) on the owners of horses, where it simply isn't required.</li> </ul> <p>Densities and the overall care of horses are implied by the Code of practice for the welfare of horses in Victoria, Refer: <a href="https://agriculture.vic.gov.au/livestock-and-animals/animal-welfare-victoria/pocta-act-1986/victorian-codes-of-practice-for-animal-welfare/code-of-practice-for-the-welfare-of-horses-revision-1">https://agriculture.vic.gov.au/livestock-and-animals/animal-welfare-victoria/pocta-act-1986/victorian-codes-of-practice-for-animal-welfare/code-of-practice-for-the-welfare-of-horses-revision-1</a>.</p> <p>The proposed local law may cause offense to the owners of horses by the insinuation that horse owners aren't already abiding by pre-existing laws created by the State.</p> <p>In summary, it is asserted that these two clauses within the proposed Community Local Law are "<i>ultra vires</i>" – laws already exist to deal with the concerns of Council via the Planning Scheme, and other State Laws. Asking a person to apply for a permit under a local law, when one may not be required is in my opinion, acting outside of Council's ambit of discretion. It calls into question the capability of responsible horse owners, and merely seeks to address an immediate political need.</p> <p>Further questions are raised in the ability of a Council to enforce compliance via a permit system which already exists. Ratepayers should not be required to be placed under any more financial, emotional or other distress during these times. Horse owners, and the horse owning community in general, rely upon horses as a method to recreate, socialise, move, and maintain a general state of mental and emotional wellbeing.</p> <p>The Horsham Planning Scheme already regulates the use of land having regard to horses and other animals, and is referenced through relevant zoning controls. Any breach of this can be dealt with through the provisions of the Planning and Environment Act 1987, and other relevant acts (Animal Welfare, Road Safety Act etc).</p>			
70.	Roads No			
	Nuisance No			
	Council Managed Land No			
	<p><b>Animals</b> Definition of animals needs to be broader (eg only fowl permitted appears to be chickens and not ducks for example). Floor requirements are inflexible (eg law states 7.5 metres of flooring which must be a rectangle of 1.5 x 5 metres (therefore a 2x4 m rectangle wouldn't be acceptable),</p>		<p>For consistency with the Horsham Planning Scheme, proposed Community Local Law 2021 now refers to domestic animals.</p> <p>'Domestic animal' is not defined for the Horsham Planning Scheme. The Victorian courts have previously said–</p> <ul style="list-style-type: none"> <li>Cats and dogs are common pets. It is just that pigs and tortoises and carpet snakes are less common as pets, though they may or may not be pets.</li> <li>Most farm animals may be kept as 'domestic pets'...it is not uncommon for lambs, kids, and other offspring of farm animals to be so kept.</li> <li>Dogs, cats, rabbits, monkeys, guinea pigs, rats, mice, turtles, fish, caged birds or other creatures kept as pets can be ancillary to residential use.</li> <li>The notion of 'domestic pets' requires the keeping of the animals to be undertaken in conjunction with residence on</li> </ul>	Amendments to the animal keeping clauses are set out in another part of this document.

No.	Submission	Clause	Considerations	Recommended
			land. It contemplates that the keeping of the animals is an adjunct to or incident of domestic life.  The change to the Horsham Planning Scheme for the land use term 'Domestic animal husbandry' does not change the starting point of keeping of domestic pets / animals as an adjunct to or incident of domestic life. The keeping of domestic animals for the Horsham Planning Scheme is considered in another part of this document.  The Court of Appeal in Vu Ho, considered in another part of this document, says any local law for the ancillary keeping of domestic animals / pets must give primacy to the planning scheme.	
	Other No			
71.	<b>Roads</b>			
	<b>Nuisance</b> I'm wondering what the exact local law will be for boat noise at the lakes listed, wasn't specified.	50. A person must not, while aboard a vessel on any waterway managed by Council interfere with the reasonable use and enjoyment by another person of the waterway or nearby land.		No change required.
	<b>Council Managed Land</b>			
	<b>Animals</b>			
	<b>Other</b>			
72.	<b>Roads</b> "42. A person must not– a. drive a motor vehicle or other machinery over a kerb, nature strip or footpath at a place other than a vehicle crossover;"  Does this mean private residents and guests may not park on the nature strip out the front of their houses? Roads can be narrow and corners dangerous. Parking on the nature strip is safer and provides better flow of traffic. It's not possible to park somewhere without also driving over it.		Parking on nature strips has been considered in another part of this document.	No change required.
	<b>Nuisance</b> "57. A person must if directed or given written notice by an authorised officer, cause an activity to cease, or remove from premises owned or occupied by the person any substance, material or thing that, in the opinion of the authorised officer, is causing local nuisance."  This is far to broad. By the letter of this law an authorised officer could decide my house is a nuisance and demand it be removed from my property and I would legally be required to comply. You can say "but they wouldn't" but you don't know who will be enforcing laws in the future. You must write laws as if someone with a grudge against you will be enforcing them, because unfortunately that can happen to innocent people. It needs a clause like "and which reasonable person would deem to be a nuisance"		Compliance and enforcement for proposed Community Local Law 2021 together with amendments to local nuisance in clause 57 have been considered in another part of this document.	The amendment to clause 57 is set out in another part of this document.
	<b>Council Managed Land</b> "58. Unless approved under an Act or otherwise prescribed by Council a person may only light a fire in the open air in either of– (a) the urban area; (b) on Council land,  for the purpose of meal preparation or personal comfort and to accord with the conditions in section 38A(1)(a) of the Country Fire	<u>Safety and amenity</u>  58. Unless approved under an Act or otherwise prescribed by Council a person may only light a fire in the open air in either of– (a) the urban area; (b) on Council land,	Clause 58 of proposed Community Local Law 2021 is about fire in the open air. This is about safety, about government air quality standards and about changes to municipal waste collection for food and organic waste.  The meaning of 'in the open air' is in s34A of the <i>Country Fire Authority Act 1958</i> which says–	At Council Meeting of 22 November 2021 consider an amendment to clause 58 to say–  58. Unless approved under an Act or otherwise prescribed by Council a person may only light a fire in the open air in either of– (a) the urban area; (b) on Council land,



No.	Submission	Clause	Considerations	Recommended
	<p>Authority Act 1958 and on Council land where a properly constructed fireplace is provided."</p> <p>This implies that a person who lives within the urban area can't burn weeds in their backyard, no matter how minor or inoffensive. It would also ban lighting a candle or oil burner on your back verandah. Too broad!</p>	for the purpose of meal preparation or personal comfort and to accord with the conditions in section 38A(1)(a) of the <i>Country Fire Authority Act 1958</i> and on Council land where a properly constructed fireplace is provided.	<p><b>34A Meaning of in the open air</b></p> <p>(1) For the purposes of this Division, a fire is in the open air if it is in any place other than within a permanent structure.</p> <p>(2) In this section <i>permanent structure</i>—</p> <p>(a) means a structure of a permanent kind consisting of a roof and fully enclosed on all sides;</p> <p>(b) includes a caravan; and</p> <p>(c) does not include a tent.</p>	<p>for the purpose of meal preparation or personal comfort and to accord with the conditions in section 38A(1)(a) of the <i>Country Fire Authority Act 1958</i> and on Council land where a properly constructed fireplace is provided.</p> <p>In this clause <i>in the open air</i> has the meaning in section 34A of the <i>Country Fire Authority Act 1958</i>.</p>
	<p><b>Animals</b> 66a and b - does this apply to outdoor cats? Seems to indicate that outdoor cats are against the law, which i am in favour of but should be explicitly stated.</p> <p>70. 5 hens and no roosters is a very hard limit for such a rural area. This should be increased. suggestions is 10 hens and 1 rooster, with the rooster being contingent on lack of complaints.</p> <p>71. B) IV: This clause sets a maximum of 4 "pets". So if you have 4 mice you can't have one dog? This is ABSURD.</p> <p>Local laws should only be set where one persons actions impact another, and should allow the maximum possible amount of freedom. Law related to animals should be for the purpose of animal welfare and neighbourly cohesion. This is simply meddling with no purpose! I DON'T CARE IF MY NEIGHBOURS HAVE A DOZEN GUINEA PIGS! and neither should you, as long as they're taken care off.</p> <p>72. This is stupid and more meddling. Most horse owners provide supplemental feed. What is thi! s rule for? Laws should be welfare based, not arbitrary and massive limits on land.</p> <p>75. "an area designated for the purpose" appears to disallow backyard burial of even a goldfish. Include "or prive property".</p> <p>81. "81. An owner or occupier of land on which livestock or pets are kept must ensure the land has secure fencing so that the animals cannot get over, under or through the fence." this is impractical and again outlaws outdoor cats. sometimes animals get out. Theyre clever and its not always the owners fault. Iclude an "every practical effort must be made" clause</p>		Keeping of domestic animals / pets has been considered in another part of this document.	Amendments to the animal keeping clauses are set out in another part of this document.
	<b>Other</b>			
73.	<b>Roads</b>			
	<b>Nuisance</b>			
	<b>Council Managed Land</b>			
	<p><b>Animals</b> This is horrible. Whoever has proposed this obviously does NOT own chooks, horses etc.</p> <p>So people who spend hundreds of dollars a week/month etc to take care of their animals they love so much, will simply have them ripped away from them, their hearts broken, animals put in distress simply because someONE thinks it's a good idea? Who most likely has no experience with horses, chooks, whatever else?</p> <p>Horsham has many, many chook and horse owners and NO ONE who doesn't live in town will sit by and just let their animals be</p>		Keeping of domestic animals / pets has been considered in another part of this document.	Amendments to the animal keeping clauses are set out in another part of this document.

No.	Submission	Clause	Considerations	Recommended
	<p>taken from them just because someone can't stand the thought of anyone having a lot of animals that they CAN ACTUALLY TAKE CARE OF.</p> <p>What about the people that breed chooks and horses? Their livelihoods and loves just taken away because someone else said so? Everyone's had a bad enough time in this pandemic as it is and now someone wants to take away as many of our animals as they can?</p> <p>That's sick. I assume any animals taken away from us will either be destroyed or sold on- sorry, I mean "adopted" out? And I bet they won't be "adopted" out for cheap either. Funny that.</p> <p>This is a greedy, arrogant, horrible, disgusting proposal of a law. I understand if someone's not taking care of/abusing animals, but to take away what we love and are given more than we give ourself JUST because that's what someone else wants? Sick in every form of the word.</p> <p>Don't be surprised by the uproar and utter hatred if you actually pass this. My animals are what have helped keep me alive, and now I have to worry about my chooks that I've bred, raised, and loved since they've hatched being taken away? Makes me want to vomit. Good! luck on what this will do to those of us with mental illness whose animals are their rock and are treated better than people. What an awesome town to live in.</p>			
	<b>Other</b>			
74.	<b>Roads No</b>			
	<b>Nuisance</b> I believe that the nuisance laws are way too prescriptive and have the capacity to cause a huge amount of stress particularly to our elderly, disabled and low income residents. I also have a problem with 61 b. I think that a container which already exists on a property in the urban area ( 1 only container). Should be allowed to remain.		Freight containers have been considered in another part of this document.	
	<b>Council Managed Land</b>			
	<b>Animals</b>			
	<b>Other</b> Most of what is presented in the local laws document, I agree with and would be happy to see adopted except for clause 61b and except for parts of the definition of local nuisance. Those two areas could need more discussion I feel.		Local nuisance has been considered in another part of this document. Also, the definition of <i>local nuisance</i> is moved from clause 10 to clause 57.	
	<b>Do you wish to appear in person, or to be represented by a person, at a meeting for section 223 of the Local Government Act so as to be heard in support of your submission?</b> Yes			
75.	<b>Roads</b>			
	<b>Nuisance</b>			
	<b>Council Managed Land</b>			
	<b>Animals</b>			
	<b>Other</b> If so it will be addressed along with the above issues of concern at the meeting noted below by either myself or my representative – (name redacted). This is still to be determined.			
	<b>Do you wish to appear in person, or to be represented by a person, at a meeting for section 223 of the Local Government Act so as to be heard in support of your submission?</b> Yes			

No.	Submission	Clause	Considerations	Recommended
	<b>If you wish to be represented please name your representative</b> Name redacted			
76.	<p><b>Submission part 1</b></p> <p>Herewith protest that the by laws do not account for all the material facts adequately and the delegation of powers impacts residents unfairly and unjustly in some instances allowing off lead dog area via delegation without review re all issues and facts.</p> <p>Note well Dudley park appeared after the majority of houses appeared. It first had i.e. Cricket or Football events. The council then encouraged other uses to Dudley to bring users from City Oval to Dudley oval i.e. Little athletics and schools sports. City oval had no residential homes backing the oval. Unlike Dudley with residential properties backing the oval. Dudley is a landlocked Oval.</p> <p>Signs are useful to inform users. There are speed and traffic signs that help inform the community how to act. No signs mean people may contravene good behaviors that impacts people in the community.</p> <p>Concerns relate to a. failure of council to enforce by laws where a sign has been erected i.e.: dogs on lead to Dudley Park. Photos submitted in the past to council re dogs off lead that should be on lead. Additionally playing golf at the oval. Photos placed re dogs off lead and council ask how often the patrols happen to Dudley - NO ANSWERS. Council is a disappointment.</p> <p>Concerns also relate to failure re to enforce keeping nature strips to keep clear re cars. Some reserves have i.e. car parked for 3 or more months.</p> <p>Herewith hope council applies the regulation 43. A person must not on road, road related area or Council land allow, cause or suffer -a. to remain a motor vehicle, caravan (or similar), trailer, boat, damaged or dilapidated motor vehicle - i. for more than seven (7) days; or ii. for the purpose of sale.</p> <p>Concerns relate to inconsistent approach re signs by Council to provide reasonableness and fairness. Previously Dudley Park had signs i.e. no dogs, no camping, no horse riding, no shooting, no golf and no motor bikes. The signs alerted the public to correct behaviors The signs helped people understand what they could or could not do. The signs were there for many years. Copy of some of the removed signs with council have been submitted in the past. The signs were removed. The Dudley oval has i.e. 25 houses backing the oval. The houses were there first. Images have been placed with council re golf. M Kirsopp is aware that camping had occurred. No shooting sign in the past because air guns had been used. And no dogs in the past because children were to the oval. Unfairly the council allowed the signs to be removed impacting the community. Police paddock has signs to control issues like city garden and city oval signs. Inconsistent issues because city oval says no dogs. Dudley was no dogs. And became dogs on lead. There are residential homes abutting Dudley oval. Council are responsible if people are attacked re dogs off lead. We have had golf balls hit the back fence. Please stop the double standards. The CBD has signs to control issues see signs near Trev's.</p>		<p>The attachments to the submission are included at the end of this document.</p> <p>Compliance and enforcement of proposed Community Local Law 2021 has been considered in another part of this document.</p> <p>The use of signs has been considered in another part of this document.</p> <p>Council specifies a dog off leash by resolution under the <i>Domestic Animals Act 1994</i>. Because the Act says this must be a Council resolution, this power cannot be delegated.</p> <p>Parking has been addressed in another part of this document.</p> <p>The parts of the submission that are a complaint have been referred to relevant officers at Council.</p>	No change required.

No.	Submission	Clause	Considerations	Recommended
	<p>Council or EPA are to control noise. Council with their signs encourages noise to the oval and their booking sheet. Council brought i.e. schools from city oval to Dudley park oval. There are instances where users play music not consistent with EPA guide lines. EPA Guidelines mean to assemble people etc. Not to entertain. The residents are impacted re noise by the PA systems re Dudley.</p> <p>Read the detail from EPA. Please refer to the EPA details. Noise control guidelines Publication 1254.1 * December 2020</p> <p>See below details re PA from EPA document 13. Public address systems Public address (PA) systems are commonly used in conjunction with outdoor entertainment and sporting activities and can cause annoyance if used inappropriately.</p> <p>Low-power systems for event control These are usually small systems such as are used for controlling competitors in events like BMX bike races and go-kart races. Where such systems may cause noise annoyance, the following criteria should be applied:</p> <ul style="list-style-type: none"> <li>• The public address system must only be used to control the event, not for giving commentaries, advertising or playing music.</li> <li>• Speakers may only be installed in the essential control areas, such as marshalling sites.</li> <li>• Speakers should be small, low-power horn units no more than 20 cm across the horn opening and operated by an amplifier of no more than 30 watts.</li> <li>• Horn units are to incline downwards at an angle of approximately 45°, point in the appropriate direction and be mounted on poles approximately three metres tall, in such a way that the speaker is held firmly and cannot be rotated.</li> <li>• A sound level limiting circuit should be incorporated in the amplifier to control the signal amplitude to a fixed level, regardless of the loudness of the operator's voice.</li> </ul> <p>Additionally Council encourages use of the oval re amplification of music to late times. If council are to encourage use of music equipment to an oval that has residential homes abutting the oval that house pre existed the oval - council should ensure the music is amplified in an area that is sound proof. The pavilion to i.e. Dudley is not sound proof. The nuisance noise is unwanted. Council needs to underline that music should not occur loudly or long into the evening re their booking sheets.</p> <p>Read the detail from EPA. Please refer to the EPA details. Noise control guidelines Publication 1254.1 * December 2020</p> <p>Re scare guns and EPA Guidelines for the control of noise from scare guns • A scare gun must not be used if the distance between the scare gun and any complainant's house is less than 300 m (See Note 2). and The total time of operation of a scare gun must not exceed 12 hours in any one day. However, the time of operation may be divided into two separate periods, provided the interval between blasts is not less than six minutes.</p> <ul style="list-style-type: none"> <li>• The scare gun must be located as far away as possible from any complainant's house.</li> <li>• Wherever possible, the use of the scare gun shall be minimised</li> </ul> <p>Re the use of starter guns re Little athletics re Dudley. Council bought the group from city oval. No backing houses to city oval. Around 25 houses pre existed Dudley Oval. Noise impacts the residents. There have been instances i.e. 39 explosions re starter gun in one hour. Not an isolated instance. Council created the issue. Council needed to considers the impact re starter guns to existing residents to the Dudley oval. No issue to city oval because no residents. Little athletics need to minimize the use re starter guns i.e. 39 in one hour is a big number</p>			

No.	Submission	Clause	Considerations	Recommended
	<p>The EPA does not have details re starter guns. The EPA guide notes scare guns. EPA indicates to refer to scare guns as a guide.</p> <p>Note well there are instances i.e. school sports use start gun i.e. 9 am to 3 PM and then Little athletics have there turn i.e. 4-30 to 7 PM.</p> <p>Please discourage the noise nuisance.</p> <p>Please encourage the little athletics to use a flag to begin races.</p> <p>Houses would be between 100 and 200 metres from where the nuisance of starter guns happens.</p> <p>Re the by laws details from council</p> <p>local nuisance is-</p> <p>a. any adverse effect on amenity that is caused by- i. light, noise, vibration, odour, smoke, fumes, aerosols or particles (including without limitation dust, fly-ash or cinders); or ii. any other agent or class of agent prescribed by Council; and in the opinion of an authorised officer based on the officer's senses the nature, intensity, extent, density, colour, texture or other characteristic of the agent or the time frequency and duration of occurrence unreasonably interferes with or is likely to interfere unreasonably with the peace, comfort, convenience or enjoyment of the area by persons occupying or lawfully resorting to the area; or</p> <p>29. A person who-</p> <p>a. contravenes or fails to comply with any provision under this local law; b. causes, suffers or allows an activity without a current permit under this local law; c. contravenes or fails to comply with any condition contained in a permit or condition of any exemption under this local law; d. contravenes or fails to comply with a notice to comply; e. fails to comply with a direction of an authorised officer; f. fails to comply with a sign erected by Council;</p> <p>Re the following section 39. Council delegates to the Chief Executive Officer and to each member of council staff who has management responsibilities and reports directly to the Chief Executive Officer and to any other person for the time being acting for such persons all the powers, discretions, authorities and considerations of Council under this local law including the powers, discretions, authorities and considerations to- ... or to do any act, matter or thing necessary or incidental to the exercise of any function or power by Council under this local law. The section makes the point re make any dog off-leash area...</p> <p>Dudley Park was no dogs. It became on lead wherein council removed all signs re no dogs, no horse riding, no camping, no golf, no motor bikes and no shooting.</p> <p>Unfairly and unjustly the by law gives to council the power to delegate and create off lead areas. Residents abutting Dudley park were not consulted re going to on lead. Fairness and reasonableness have not happened in the past. We have been impacted unfairly and unjustly already with golf happening here re lack of signs and camping. And a failure to monitor on lead.</p> <p>The by law needs to remove the section re to make any off lead please re delegations.</p> <p>If any off lead happens council should have i.e. CCTV or a set number of visits to the area to monitor issues please.</p> <p>And require that 60 days consultation happen instead of delegating wide powers to council officers.</p> <p>The detail being extensive re delegating it means that broadly council could with their staff do many actions without fairness or reasonableness and no consultations as the powers are broad and extensive such as to unfairly and unjustly impact some in the community.</p> <p>The community maybe impacted with broad sweeping powers.</p> <p>Processes appear unfair and excessive re the above 39 proposed laws.</p> <p>Council staff need to monitor issues or to provide reasonableness and fairness.</p> <p>The by laws underline issues re parking in the by laws and parking.</p> <p>The council allows parking in some locations without accounting for all material facts.</p> <p>When Dudley park was first created it had one oval. The second oval was where parking of vehicles occurred. A second oval was created.</p> <p>Council then encouraged nuisance in the abutting streets as vehicles turn these areas into one way. Vehicles parking on both sides of the road. Council created problems by failing to create adequate parking on their land i.e. Dudley park. Council needs to address their problems instead of creating problems. Council hires Dudley to schools with i.e. 500 students and has limited parking to their oval. Council fail a duty of care to create parking and then allows the excess vehicles to impact near residential streets. Council need to review the parking by laws. Council needs to create parking on their own land. Or refuse bookings for groups that have the potential to bring large numbers a school with 500 students would poetically mean an influx to the area of 200 vehicles. Provide the spaces on their land.</p> <p>Stop turning streets to one way. Or refuse the bookings and return the sport i.e. to city oval.</p>			


Appendix: Consideration of submissions  
Proposed Community Local Law 2021 public notice from 29 June 2021

No.	Submission	Clause	Considerations	Recommended
	<div>Attach-</div> <ul style="list-style-type: none"><li>Victoria Environment Protection Authority (December 2020) <i>Publication 1254.1* Noise control guidelines to replace 1254 issued October 2008</i></li><li>HRCC Conditions of Hire updated 7 February 2021</li><li>Image 0632</li><li>Image 0728</li><li>Image 0881</li><li>Image doublestandards</li><li>Image of previous signs</li></ul> <div>Submission part 2</div> <div>View of city oval that stops dogs above.</div> <div>View of signs help public near trev's.</div>			



## Submissions 77 and 78

No.	Submission	Clause	Considerations	Recommended
77.	<p>The submission is in 3 parts–</p> <ul style="list-style-type: none"> <li>annotated proposed Community Local Law 2021</li> <li>notes for meeting at Council on 29 July 2021</li> <li>oral submissions made at the meeting at Council on 29 July 2021</li> </ul> <p>and is identical to the following submission.</p>			
78.	<p>The submission is in 3 parts–</p> <ul style="list-style-type: none"> <li>annotated proposed Community Local Law 2021</li> <li>notes for meeting at Council on 29 July 2021</li> <li>oral submissions made at the meeting at Council on 29 July 2021</li> </ul> <p>In addition to the written submission, an oral submission was made objecting to the inclusion of guidelines as an incorporated document including because guidelines may be changed more frequently and such changes have to be published. The written submission commented on other parts of clauses 8 and 9 in proposed Community Local Law 2021.</p>	<p><u>Clause 8</u></p> <p>Council may from time to time make guidelines for this local law. Such guidelines may be amended from time to time and are incorporated documents for this law.</p> <p><u>Clause 9</u></p> <p>Other incorporated documents for this local law are–</p> <ol style="list-style-type: none"> <li>the Apiary Code of Practice;</li> <li>the Solid Waste Code;</li> <li>the Code of Practice for the Housing of Caged Birds;</li> <li>any code of practice, however called under the <i>Prevention of Cruelty to Animals Act 1986</i> or <i>Domestic Animals Act 1994</i> about the keeping of any pet, domestic fowl or horse, as formulated, issued, prescribed or published from time to time.</li> </ol> <p>Other affected clauses–</p> <p>69. An owner or occupier of a property must not allow, cause or suffer keep or allow to be kept any beehive on that property unless the person or one of them or another person permitted to use the property is a registered beekeeper and keeps the bees and hives in accordance with the Apiary Code of Practice.</p> <p>60. The occupier of every dwelling and other property to which Council provides a municipal waste collection service must comply with any incorporated document about municipal waste (currently Council's Solid Waste Code).</p> <p>71. Without an approval or authority under an Act or permit, an owner or occupier of land must not allow, cause or suffer to be kept–</p> <p>...</p> <ol style="list-style-type: none"> <li>in the urban area– <ol style="list-style-type: none"> <li>2 caged birds where a bird is up to 30 cm length or the equivalent calculated by cage size for smaller birds</li> </ol> </li> </ol>	<p>Section 112 of the <i>Local Government Act 1989</i> and s76 of the <i>Local Government Act 2020</i> provide for incorporated documents in local laws and publication of any amendments to those incorporated documents.</p> <p>The Ministerial Guidelines about the making of a local law say –</p> <p><b>4.8.1 What is 'incorporation by reference'?</b></p> <p><i>Incorporation by reference means making a document or part of a document binding as if it was part of the Local Law. An example is a Local Law that requires work to be done to the level specified in an Australian Standard.</i></p> <p><u>Clause 8</u></p> <p>The guidelines referred to in Clause 8 of the proposed Community Local Law 2021 are intended as an aid in the exercise of discretion by Council and officers, including for considering and deciding permit applications. The clause 8 guidelines are not intended to be binding. For this reason it is recommended that clause 8 be omitted.</p> <p><u>Clause 9</u></p> <ol style="list-style-type: none"> <li>the Apiary Code of Practice; <p>Agriculture Victoria says the main aim of the Apiary Code of Practice is to ensure that beekeeping including backyard beekeeping does not become a nuisance to other people.</p> <p>A person must not keep bees unless the person is registered as a beekeeper under the <i>Livestock Disease Control Act 1994</i>. The Act does not include provisions for managing nuisance.</p> <p>Clause 69 of proposed Community Local Law 2021 allows Council to manage beekeeping in the municipal district by reference to such things as standards for hive locations included in the Apiary Code of Practice.</p> </li> <li>the Solid Waste Code; <p>The Solid Waste Code is part of the current guidelines for the current Community Local Law 2011.</p> <p>Other councils have local laws prescribing the content of household bins. An incorporated document such as the Solid Waste Code provides for such detail to more efficiently and effectively updated for clause 60 of the proposed Community Local Law 2021. For example to reflect changes in the management of municipal waste by introducing a bin for food and organic waste.</p> </li> </ol>	<p>At Council Meeting of 22 November 2021 consider an amendment to omit clause 8.</p> <p>At Council Meeting of 22 November 2021 consider an amendment to clause 9 c. and d. to say–</p> <p>c. any code of practice, however called, under the <i>Prevention of Cruelty to Animals Act 1986</i> or <i>Domestic Animals Act 1994</i>, as formulated, issued, prescribed or published from time to time for the keeping of domestic animals</p>

No.	Submission	Clause	Considerations	Recommended
		<p>in the Code of Practice for the Housing of Caged Birds under the <i>Domestic Animals Act 1994</i>;</p> <p>iv. more than 4 pets and 5 domestic fowl where—</p> <p>A. 2 caged birds (a bird up to 30 cm length or the equivalent calculated by cage size for smaller birds in the Code of Practice for the Housing of Caged Birds under the <i>Domestic Animals Act 1994</i>) is counted as one pet;</p> <p>74. Any pet, domestic fowl or horse must be kept in accordance with any code of practice, however called under the <i>Prevention of Cruelty to Animals Act 1986</i> or <i>Domestic Animals Act 1994</i> or any replacement or re-enactment.</p>	<p>c. the Code of Practice for the Housing of Caged Birds;</p> <p>The Code defines the minimum standards of accommodation, management and care that are appropriate to various species of cage birds.</p> <p>Clauses 71(b)(iii) and (iv) and 74 of proposed Community Local Law 2021 allows Council to manage the keeping of caged birds by reference to such things as outdoor cage dimensions and inhibition of entry of pest included in the Code of Practice for the Housing of Caged Birds.</p> <p>d. any code of practice, however called under the <i>Prevention of Cruelty to Animals Act 1986</i> or <i>Domestic Animals Act 1994</i> about the keeping of any pet, domestic fowl or horse.</p> <p>The current codes of practice are for private keeping of cats, private keeping of dogs, horses, private keeping of reptiles and housing of caged birds. There are currently no codes for backyard chooks.</p> <p>The Victorian Animal Welfare Action Plan 2017 says –</p> <ul style="list-style-type: none"> <li>there will be a new regulatory framework including codes and these will be developed in consultation with the Victorian public</li> <li>this allows for continuous improvement in standards based on contemporary science and considering community expectations</li> <li>code review will occur in the long term and involve local government.</li> </ul> <p>Clause 74 of proposed Community Local Law 2021 allows Council to manage the keeping of domestic animals by reference to codes developed in consultation with the public.</p>	
	<p>Definitions – clause 10</p> <p>The submission says certain definitions should not be included in clause 10 as they are otherwise only used once in proposed Community Local Law 2021.</p> <p>The submission objects to substantive matter being included in the definition of <b>local nuisance</b>.</p>	<p>Definitions in Clause 10, particularly—</p> <p><b>local nuisance</b> is—</p> <p>a. any adverse effect on amenity that is caused by—</p> <p>i. light, noise, vibration, odour, smoke, fumes, aerosols or particles (including without limitation dust, fly-ash or cinders); or</p> <p>ii. any other agent or class of agent prescribed by Council; and</p> <p>in the opinion of an authorised officer based on the officer's senses the nature, intensity, extent, density, colour, texture or other characteristic of the agent or the time frequency and duration of occurrence unreasonably interferes with or is likely to interfere unreasonably with the peace, comfort, convenience or enjoyment of the area by persons occupying or lawfully resorting to the area; or</p> <p>b. insanitary conditions on premises that unreasonably interfere with or are likely to interfere unreasonably with</p>	<p>The Ministerial Guidelines say –</p> <p><b>4.1 Reference materials</b></p>  <ul style="list-style-type: none"> <li>Council must have regard to the <i>Interpretation of Legislation Act 1984</i> that has rules about how Local Laws will be interpreted, as well as the <i>Local Government Act 1989</i>.</li> <li>Council would be wise to refer to the Guidelines on Statutory Rules issued by the Office of the Chief Parliamentary Counsel.</li> </ul> <p>The Office of the Chief Parliamentary Counsel Victoria (2017) <i>Notes for Guidance on the preparation of statutory rules</i> say –</p> <p>Do not define terms that do not appear in the statutory rule or only appear once or twice.</p> <p>Do not include substantive matter in definitions.</p> <p>Apiary Code of Practice x 3</p> <p>Construction activity x 5</p> <p>Construction work x 5</p> <p>Council land x 28</p> <p>Emergency service x 5</p>	<p>At Council Meeting of 22 November 2021 consider an amendment to omit the definition of <b>local nuisance</b> from clause 10.</p> <p>At Council Meeting of 22 November 2021 consider an amendment to clause 57 of proposed Community Local Law 2021 to say –</p> <p>57. The owner or occupier of premises must, in accordance with a direction by an authorised officer or notice to comply, cease an activity or change any condition on the premises that, in the opinion of the authorised officer is causing local nuisance.</p> <p>In this clause, local nuisance is—</p> <p>a. any adverse effect on amenity that is caused by—</p> <p>i. light, noise, vibration, odour, smoke, fumes, aerosols or particles (including without limitation dust, fly-ash or cinders); or</p> <p>ii. any other agent or class of agent prescribed by Council; and</p> <p>in the opinion of an authorised officer based on the officer's senses the nature, intensity, extent, density, colour, texture or other characteristic of the agent or the time frequency and duration of occurrence unreasonably interferes with or is likely to interfere unreasonably with the peace, comfort, convenience or enjoyment of the area by persons occupying or lawfully resorting to the area; or</p> <p>b. insanitary conditions on premises that unreasonably interfere with or are likely to interfere unreasonably with</p>

No.	Submission	Clause	Considerations	Recommended
		<p>the enjoyment of premises occupied by persons in the vicinity; or</p> <p>c. unsightly or unsafe conditions on premises caused by human activity, misuse or ageing, a lack of effective maintenance or a failure to act that involves—</p> <p>i. bracken, grass or weeds in excess of 300mm in height;</p> <p>ii. excessive or unconstrained disused or derelict items or material not usually associated with the maintenance of the land that a reasonable person would consider to be rubbish or waste in the circumstances (including without limitation paper, cloth, packaging, bottles, metal, timber, building materials, building refuse and rubble, excavation material, spoil, derelict parts machinery or vehicles);</p> <p>iii. more than 2 unregistered motor vehicles;</p> <p>iv. buildings structures or fences on the land in a dilapidated state or in a state of disrepair or general neglect or that have been damaged or defaced (including without limitation where windows or doors in a building have been broken or removed and the building cannot be secured, where guttering downpipes or drains are not in a good state of repair or clean and free from obstruction);</p> <p>v. incomplete construction work for two hundred and forty (240) days or more from the expiry or earlier determination of the relevant approval;</p> <p>vi. an unfenced or unsecured hole or excavation;</p> <p>vii. keeping or storage of temporary buildings or relocated or removable houses,</p> <p>and in the opinion of an authorised officer are out of conformity with the general appearance and amenity of the surrounding area;</p> <p><b>street party</b> means an organised social gathering of people from one or several adjacent roads that is held on a road or road related area;</p> <p>Other affected clauses—</p>	<p>Farm land x 4</p> <p>Footpath x 7</p> <p>Freight container x 4</p> <p>Incorporated document x 4</p> <p>Livestock x 15</p> <p>Local nuisance x 2. Other than clause 10 where “local nuisance” is defined, the definition is only used in clause 57 of proposed Community Local Law 2021.</p> <p>Model aeroplane x 3</p> <p>Motor vehicle x 11</p> <p>Nature strip x 4</p> <p>Permit x 59</p> <p>Prescribe x 25</p> <p>Recreational vehicle x 3</p> <p>Road in excess of 22</p> <p>Road related area x 22</p> <p>Security x 22</p> <p>Street party x 2. Other than clause 10 where “street party” is defined, the definition is only used in clause 52 of proposed Community Local Law 2021.</p> <p>Urban area x 15</p> <p>Vehicle x 29</p> <p>Wheeled recreational device x 3</p>	<p>the enjoyment of premises occupied by persons in the vicinity; or</p> <p>c. unsightly or unsafe conditions on premises caused by human activity, misuse or ageing, a lack of effective maintenance or a failure to act that involves—</p> <p>i. bracken, grass or weeds in excess of 300mm in height;</p> <p>ii. excessive or unconstrained disused or derelict items or material not usually associated with the maintenance of the land that a reasonable person would consider to be rubbish or waste in the circumstances (including without limitation paper, cloth, packaging, bottles, metal, timber, building materials, building refuse and rubble, excavation material, spoil, derelict parts machinery or vehicles);</p> <p>iii. more than 2 unregistered motor vehicles;</p> <p>iv. buildings structures or fences on the land in a dilapidated state or in a state of disrepair or general neglect or that have been damaged or defaced (including without limitation where windows or doors in a building have been broken or removed and the building cannot be secured, where guttering downpipes or drains are not in a good state of repair or clean and free from obstruction);</p> <p>v. incomplete construction work for two hundred and forty (240) days or more from the expiry or earlier determination of the relevant approval;</p> <p>vi. an unfenced or unsecured hole or excavation;</p> <p>vii. keeping or storage of temporary buildings or relocated or removable houses,</p> <p>and in the opinion of an authorised officer are out of conformity with the general appearance and amenity of the surrounding area;</p> <p>Example</p> <p>Use of a chimney on residential premises, open air fire (unless approved under an Act), chemical, mechanical or manual process, use of a recreational vehicle, musical instrument or any electrical amplified sound, keeping of animals, construction activity</p> <p>At Council Meeting of 22 November 2021 consider an amendment to omit the definition of <b>street party</b> from clause 10.</p> <p>At Council Meeting of 22 November 2021 consider an amendment to include the definition of street party at the end of clause 52 of proposed Community Local Law 2021—</p> <p>52. Without an approval or other authority under an Act or permit a person must not on a road, road, related area or Council land—</p> <p>...</p> <p>i. conduct or hold a concert, festival, show, public gathering, rally, street party, circus, carnival, performance or other similar activity;</p> <p>...</p>

No.	Submission	Clause	Considerations	Recommended
		<p>52. Without an approval or other authority under an Act or permit a person must not on a road, road, related area or Council land–</p> <p>...</p> <p>i. conduct or hold a concert, festival, show, public gathering, rally, street party, circus, carnival, performance or other similar activity;</p> <p>57. A person must if directed or given written notice by an authorised officer, cause an activity to cease, or remove from premises owned or occupied by the person any substance, material or thing that, in the opinion of the authorised officer, is causing local nuisance.</p> <p>Example</p> <p>Use of a chimney on residential premises, open air fire (unless approved under an Act), chemical, mechanical or manual process, use of a recreational vehicle, musical instrument or any electrical amplified sound, keeping of animals, construction activity</p>		<p>In this clause street party means an organised social gathering of people from one or several adjacent roads that is held on a road or road related area.</p>
	<p>Impounding – clauses 21 – 24</p> <p>The submission says the description of “any animal, item or thing” is too broad and could include a family home.</p>	<p><u>Impounding</u></p> <p>21. An authorised officer may impound any animal, item or thing associated with a contravention of this local law.</p> <p>22. As soon as reasonably practical after impounding any animal, item or thing, an authorised officer must serve a notice of impounding on the owner or other person apparently responsible for the animal, item or thing setting out–</p> <p>a. any fees and charges payable in respect of the impounding;</p> <p>b. the time within which the impounded animal, item or thing must be claimed;</p> <p>c. that Council may dispose of the animal, item or thing if not claimed within the specified time.</p> <p>23. A notice of impounding will not be served where the authorised officer cannot, after making reasonable inquiries, identify or locate the owner or other person apparently responsible for the animal, item or thing.</p> <p>24. Council may sell, destroy, dispose of or give away the impounded animal, item of thing if the owner has not claimed and paid within the time specified in the notice of impounding.</p>	<p>The Ministerial Guidelines did not offer any assistance in respect of the drafting of clauses about the power to impound, other than to recognise that Council can have fees and charges for impounding.</p> <p>In accordance with the Ministerial Guidelines the clauses had been benchmarked against the local laws of other Councils prior to public notice of proposed Community Local Law 2021.</p> <p>To check the submitter concerns about the family home, powers to impound in several Acts of the Victorian Parliament were checked for the form of words and the steps to seize and impound. This means amendments to clause 21 are recommended.</p>	<p>At Council Meeting of 22 November 2021 consider an amendment to clause 21 to say–</p> <p>21. If an authorised officer believes on reasonable grounds that a thing has been used so as to contravene this local law or are otherwise goods that have been abandoned on a road related area, waterway managed by Council or Council land–</p> <p>a. an authorised officer may seize and impound the thing or abandoned goods (impounded item)</p> <p>b. for the purpose of impoundment an authorised officer may seize the impounded item–</p> <p>i. from a public place</p> <p>ii. from premises that are not a public place with the consent of the owner or occupier of the premises</p> <p>c. if the impounded item is perishable, or in the opinion of the authorised office so damaged or insanitary as to be valueless, the impounded item may be disposed of immediately.</p> <p>Example</p> <p>Camping equipment and associated foodstuffs other than in a prescribed area for camping, shopping trolley in any waterway managed by Council or Council land.</p> <p>At Council Meeting of 22 November 2021 consider an amendment to clauses 22, 23 and 24 to omit the words “animal, item or thing” and substitute the words “impounded item”.</p>


No.	Submission	Clause	Considerations	Recommended
	<p>Fees, charges and security – clauses 27 and 28</p> <p>The submission –</p> <ul style="list-style-type: none"> <li>asks how are fees, charges or security determined and notified to the public</li> <li>identifies a cross referencing error in clause 28 of proposed Community Local Law 2021</li> <li>asks what action will be taken to find the person who paid security to Council.</li> </ul>	<p><u>Fees, charges and security</u></p> <p>25. Council may–</p> <ol style="list-style-type: none"> <li>from time to time, by resolution determine– I               <ol style="list-style-type: none"> <li>fees, charges (including without limitation an occupation charge) or security for the purposes of this local law;</li> <li>an administration, inspection or processing fee or charge in addition to the fee, charge or security applying under this local law;</li> <li>establish a system or structure of fees and charges, including a minimum or maximum fee or charge;</li> </ol> </li> <li>reduce, waive or refund, in whole or in part a fee, charge or security with or without conditions.</li> </ol> <p>26. In the event that a person to whom a permit is issued breaches the permit conditions attached to the permit or this local law, Council may apply so much of the security as is necessary to remedy that breach and repair any damage caused by that breach.</p> <p>27. Upon expiry of a permit, Council must release any remaining security bond to the person who paid it.</p> <p>28. If, after 12 months from the date that the security would be released under clause 20.3, Council cannot locate a person entitled to the release of any security bond or remaining security bond, Council may, subject to law, retain the security bond or remaining security bond and pay the money into its general revenue.</p> <p>Other affected clause–</p> <p><u>Definitions</u></p> <p>10. In this local law–</p> <p>...</p> <p><b>security</b> means a sum of money, or other means of security prescribed by Council, the value of which has been determined by Council, after taking account of–</p> <ol style="list-style-type: none"> <li>the nature of proposed works or activities (matter) that may damage or adversely impact a road, road related area, waterway managed by Council or Council land;</li> </ol>	<p>The local law review commenced under Part 5 of the <i>Local Government Act 1989</i>. Part 5 says –</p> <p><b>113 Permits, licences, fees and charges</b></p> <p>(1) A local law may–</p> <p>(a) <del>provide that a Council may by resolution determine a fee, charge, fare or rent in relation to any property, undertaking, goods, service or other act, matter or thing; and</del></p> <p>The fees and charges are set as part of Council’s annual budget process and the community engagement for the budget.</p> <p>In the same way that construction contracts contain security provisions, security about the matters in a local law permit are aimed at ensuring that permit holders carry out the conditions of the permit such as removing rubbish at the end of an event or repairing damage to kerb and channel and vehicle crossovers.</p> <p>This means the amount of security will depend on the activities authorised by the permit and will depend on the type of Council assets that may be damaged by the permit holder. For example Council policy or local law guidelines may say how the security is to be determined for a 3 day sport carnival and say how security is to be determined for heavy equipment and vehicles crossing onto construction sites over Council kerb and channel.</p> <p>Council prescribes the amount of any security. This means Council may by resolution determine the amount of security. And this means Council can delegate this decision. Council cannot delegate the power for local law fees and charges as the Act says this must be a resolution of Council.</p> <p>The submitter asks what steps Council will take to find the owner of the security. This is dealt with by the <i>Unclaimed Money Act 2008</i>.</p> <p>The <i>Unclaimed Money Act 2008</i> says –</p> <p><b><i>business</i> means any person carrying on business in Victoria including—</b></p> <p>...</p> <p>(b) a Council within the meaning of the <b>Local Government Act 2020</b>;</p> <p><b><i>unclaimed money</i> means—</b></p> <p>(a) principal, interest, dividends, bonuses, profits, salaries, wages and any other sums of money that are legally payable to the owner and that have remained unpaid for not less than 12 months after that money became payable; or</p> <p>...</p> <p><b><i>unclaimed money register</i> means the unclaimed money register kept by the Registrar under section 28.</b></p>	<p>At Council Meeting of 22 November 2021 consider an amendment to paragraph c. in the definition of security in clause 10 to say–</p> <p>c. any Council policy that applies to the matter;</p> <p>At Council Meeting of 22 November 2021 consider an amendment to clause 25 a. to remove the typographical error –</p> <p>a. from time to time, by resolution determine– <del>I</del></p> <p>At Council Meeting of 22 November 2021 consider an amendment to clauses 26, 27 and 28 to say–</p> <p>26. If –</p> <ol style="list-style-type: none"> <li>a permit holder has provided security to Council;</li> <li>application by the permit holder is received by Council within 12 months of the expiry or earlier determination of the permit, Council will return to the permit holder so much of the security remaining after deducting –               <ol style="list-style-type: none"> <li>any administration, inspection or processing fee or charge;</li> <li>the cost to remedy any damage or adverse impacts;</li> </ol> </li> <li>application by the permit holder is not received by Council within 12 months of the expiry or earlier determination of the permit, any security that is a sum of money will be held by Council as unclaimed money for the <i>Unclaimed Money Act 2008</i>.</li> </ol>

No.	Submission	Clause	Considerations	Recommended
		<p>b. the likely cost to remedy any damage or adverse impacts;</p> <p>c. any incorporated document for this local law setting standards, guidelines or containing Council policy that apply to the matter;</p>	<p><b>11 Business to keep business register</b></p> <p>(1) A business that holds unclaimed money within the meaning of paragraph (a) of the definition of <i>unclaimed money</i> in section 3(1) must—</p> <p>(a) establish a business register of unclaimed money, in the prescribed form at, or readily accessible from, its principal office or place of business in Victoria; and</p> <p>(b) by 31 March each year, enter in the business register the prescribed details in relation to unclaimed money held as at 1 March in that year.</p> <p>(3) A business may deduct out of unclaimed money payable to an owner an amount in respect of the reasonable expenses of a business in holding unclaimed money and locating the owner.</p> <p>...</p> <p><b>12 Payment of unclaimed money to Registrar and lodgement of return</b></p> <p>(1) On or before 31 May each year (or the later date approved in writing by the Registrar in any particular case), a business that held unclaimed money on 1 March of that year must—</p> <p>(a) pay to the Registrar an amount equal to all amounts of unclaimed money held on that 1 March less any amounts that have been paid to the owner and any amounts deducted under subsection (3) or section 11(3); and</p> <p>(b) lodge a return with the Registrar in the form and manner determined by the Registrar.</p> <p>(4) On payment to the Registrar of an amount as required by this section, a business is discharged from further liability in respect of that amount.</p>	
	<p>Penalties</p> <p>The submission queries—</p> <ul style="list-style-type: none"> <li>clause 30 and says charging each of a corporation and any natural person who is concerned or takes part in the management of a corporation is a matter for the courts</li> <li>clause 36 infringement notice penalties.</li> </ul>	<p><u>Penalties</u></p> <p>30. If a corporation is—</p> <p>a. charged with an offence against this local law any natural person who is concerned or takes part in the management of the corporation may also be charged with the same offence;</p> <p>b. is convicted of an offence against this local law, a natural person charged with the same offence may also be convicted of that offence and is liable to the penalty for that offence unless that natural person proves that the act or omission constituting the offence took place without his or her knowledge or consent.</p>	<p>Proposed Community Local Law 2021 has two types of fines –</p> <ul style="list-style-type: none"> <li>Court fines: sentences imposed by a court after finding the defendant guilty of an offence. The maximum fine is provided for in clause 29 of proposed Community Local Law 2021.</li> <li>Infringement notice penalties: an administrative penalty allowing the defendant to ‘expiate’ (make amends for) the alleged offence by paying the fixed infringement penalty specified on the infringement notice. There is no need for a court hearing or a finding of guilt. The infringement notice penalties are provided for in clause 36.</li> </ul> <p>The <i>Sentencing Act 1991</i> says the court can also impose a fine on a director of a corporation (company)–</p>	<p>It is recommended –</p> <ul style="list-style-type: none"> <li>that infringement notice penalties in clause 36 of proposed Community Local Law 2021 be reconsidered by the Technical Reference Group for the Local Law Review Project</li> <li>any amendment to infringement notice penalties in clause 36 be considered by Council at the Council Meeting on 22 November 2021.</li> </ul>



No.	Submission	Clause	Considerations	Recommended
		<p>Other affected clauses–</p> <p>29. A person who–</p> <p>a. contravenes...</p> <p>b. causes, suffers or allows...</p> <p>...</p> <p>is guilty of an offence and subject to the following penalties–</p> <p>i. for a first offence a maximum of twenty (20) penalty units;</p> <p>j. a further penalty of two (2) penalty units for each day the contravention, failure or activity</p> <p>continues after conviction; and</p> <p>k. for a second or subsequent offence, a penalty of twenty (20) penalty units.</p> <p>Infringement notices</p> <p>35. As an alternative to prosecution, an authorised officer may serve an infringement notice on a person who has contravened this local law.</p> <p>36. Infringement notice penalties are–</p> <p>a. five (5) penalty units for a breach in relation to the matters in clauses 52, 53 and 54;</p> <p>b. two (2) penalty units for any other breach of this local law.</p>	<p><b>55 Liability of director if body corporate unable to pay fine</b></p> <p>(1) If the offender is a body corporate and the court is satisfied–</p> <p>(a) that the body will not be able to pay an appropriate fine; and</p> <p>(b) that immediately before the commission of the offence there were reasonable grounds to believe that the body would not be able to meet any liabilities that it incurred at that time–</p> <p>the court may, on the application of the informant or police prosecutor, declare that any person who was a director of the body corporate at the time of the commission of the offence is jointly and severally liable for the payment of the fine.</p> <p>A local law offence under proposed Community Local Law 2021 is an infringement offence for the <i>Infringements Act 2006</i> if a person is given an infringement notice. Amongst other things the <i>Infringements Act 2006</i> means a person given an infringement notice –</p> <ul style="list-style-type: none"> <li>• can apply for internal review</li> <li>• can elect to have the matter of the infringement notice heard and determined in the Magistrates’ Court.</li> </ul> <p>The <i>Infringements Act 2006</i> anticipates that corporations will be the subject of infringement notices and contains specific provisions regarding the enforcement of infringement penalties against corporations.</p> <p>At the commencement of public notice of proposed Community Local Law 2021, the <i>Sentencing Act 1991</i> said–</p> <p><b>110 Meaning of penalty units</b></p> <p>(1) If in an Act or subordinate instrument (except a local law made under Part 5 of the <b>Local Government Act 1989</b>) there is a statement of a number (whether whole, decimal or fractional) of what are called <i>penalty units</i>, that statement must, unless the context otherwise requires, be construed as stating a number of dollars equal to the product obtained by multiplying the number of penalty units by the amount fixed from time to time by the Treasurer under section 5(3) of the <b>Monetary Units Act 2004</b>.</p> <p>(2) If in a local law made under Part 5 of the <b>Local Government Act 1989</b> there is a statement of a number (whether whole, decimal or fractional) of what are called <i>penalty units</i>, that statement must, unless the context otherwise requires, be construed as stating a number of dollars equal to</p> <p>the product obtained by multiplying \$100 by that number of penalty units.</p> <p>Since then, the <i>Sentencing Act 1991</i> has been amended and says –</p>	

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			<p><b>110 Meaning of penalty units</b></p> <p>(1) If in an Act or subordinate instrument there is a statement of a number (whether whole, decimal or fractional) of what are called <i>penalty units</i>, that statement must, unless the context otherwise requires, be construed as stating a number of dollars equal to the product obtained by multiplying the number of penalty units by the amount fixed from time to time by the Treasurer under section 5(3) of the <b>Monetary Units Act 2004</b>.</p> <p>A local law is a subordinate instrument. Section 5(3) of the <i>Monetary Units Act 2004</i> says –</p> <p>(3) The Treasurer may, by notice published in the Government Gazette, fix once each financial year the amounts referred to in subsections (1) and (2).</p> <p>For the financial year 1 July 2021 to 30 June 2022 the value of a penalty unit is specified in Gazette S233 dated 20 May 2021. The information also appears on the relevant webpage of the Department of Treasury and Finance Victoria.</p> <p>Gazette S233 fixed the value of the penalty unit at \$181.74.</p> <p>A court sentencing a person guilty of a local law offence can consider a maximum of 20 penalty units under proposed Community Local Law 2021 and as permitted by s115 of the <i>Local Government Act 1989</i>.</p> <p>The Technical Reference Group considered 2 and 5 penalty units for infringement notice penalties in clause 36 –</p> <ul style="list-style-type: none"> <li>in accordance with the Ministerial Guidelines including by benchmarking to local laws of other councils</li> <li>to comply with the Attorney-General's <u>Guidelines to the Infringements Act 2006</u> which says–</li> </ul> <p>An infringement penalty should generally be approximately no more than 20 – 25% of the maximum penalty for the offence</p> <ul style="list-style-type: none"> <li>at a time when the value of a penalty unit was \$100 and was not subject to annual review</li> <li>where infringement notice penalties for activities that can be commercial in nature under clauses 52 (trading activities), 53 (fireworks displays) and 54 (construction) were fixed at 5 penalty units</li> <li>all other offences, such as excess animals or grass in excess of 300mm so as to be a fire hazard, were fixed at 2 penalty units.</li> </ul>	
	<p>Internal review</p> <p>The submission queries clause 38 for internal reviews.</p>	<p><u>Internal review</u></p> <p>38. Unless expressly excluded in a permit, notice to comply or direction within 28 days after a person receives a permit, notice to comply or direction the person may request a review of the decision and must support that request with a written submission. The person who makes a request under this clause</p>	<p>The Ministerial Guidelines say –</p>	<p>At Council Meeting of 22 November 2021 consider an amendment to omit clause 38.</p> <p>At Council Meeting of 22 November 2021 consider an amendment to omit clause 39 i.</p>

No.	Submission	Clause	Considerations	Recommended
		<p>is not relieved of their obligation to comply with the conditions of the permit, notice to comply or direction unless and until the review is determined.</p> <p>Other affected clause—</p> <p>39. Council delegates to the Chief Executive Officer...to—</p> <p>i. decide a request to review a decision...</p>	<p><b>3.13 Review and appeal provisions</b></p> <p> • If infringement notices are issued, the review provisions of the <i>Infringements Act 2006</i> are operative and need to be followed rigorously.</p> <p>• For other decisions of Council or officers, Local Laws need to provide review mechanisms that should be clear and transparent.</p> <p><b>3.13.2 Issues – non <i>Infringements Act 2006</i> reviews</b></p> <p>The legislation does not specifically require Local Laws to contain a provision for internal review of decisions made or actions taken under the Local Law. Notwithstanding this, actions by Councils under Local Laws should also be open to a review process. This is because, as previously noted, actions taken under Local Laws are otherwise not subject to practical review. The review process should include enforcement actions such as serving a notice to comply. It should also include administrative decisions made in relation to permits.</p> <p>Internal review is now addressed by the <i>Local Government Act 2020</i> which says—</p> <p><b>107 Complaints policy</b></p> <p>(1) A Council must develop and maintain a complaints policy that includes—</p> <p>(a) a process for dealing with complaints made to the Council; and</p>	

No.	Submission	Clause	Considerations	Recommended
			<p>(b) a process for reviewing any action, decision or service in respect of which the complaint is made; and</p> <p>(c) a discretion for the Council to refuse to deal with a complaint which is otherwise subject to statutory review; and</p> <p>(d) the prescribed processes for dealing with complaints about the Council; and</p> <p>(e) the prescribed processes for internal review of complaints made to a Council; and</p> <p>(f) the prescribed processes for exercising the discretion referred to in paragraph (c); and</p> <p>(g) any other matter prescribed by the regulations.</p> <p>(2) A review process must provide for a review that is independent of—</p> <p>(a) the person who took the action; and</p> <p>(b) the person who made the decision; and</p> <p>(c) the person who provided the service.</p> <p>(3) For the purposes of the complaints policy, <i>complaint</i> includes the communication, whether orally or in writing, to the Council by a person of their dissatisfaction with—</p> <p>(a) the quality of an action taken, decision made or service provided by a member of Council staff or a contractor engaged by the Council; or</p> <p>(b) the delay by a member of Council staff or a contractor engaged by the Council in taking an action, making a decision or providing a service; or</p> <p>(c) a policy or decision made by a Council or a member of Council staff or a contractor.</p>	
	<p>Delegations</p> <p>The submitter queries the delegation of the power to prescribe various things for proposed Community Local Law 2021.</p>	<p><u>Delegations</u></p> <p>Clause 39. Council delegates to the Chief Executive Officer and to each member of council staff who has management responsibilities and reports directly to the Chief Executive Officer and to any other person for the time being acting for such persons all the powers, discretions, authorities and considerations of Council under this local law including the powers, discretions, authorities and considerations to—</p> <p>a. prescribe any person or class of person as exempt from the requirement to obtain a permit, pay a fee or charge or lodge security;</p> <p>...</p> <p>c. prescribe an agent or class of agent adverse to amenity;</p>	<p>As part of the implementation guidance for the <i>Local Government Act 2020</i> the government published support materials for councils about delegations and also about the difference between a delegate and an authorised officer—</p> <p><b>Delegations and authorised officers explained</b></p> <p>How well a council deals with its delegations is fundamental to its efficiency to maximise opportunities and minimise risk. From a practical management perspective it is necessary in every council to devolve decision-making from the central source of authority downwards. This enables decisions to be made at the coal-face, by employees or committees with the required specialised knowledge, and in a timely way. However, decisions made without proper authority can put councils at financial and legal risk.</p> <p><b>What is a Delegation?</b></p> <p>Delegations empower employees and committees with the authority to make binding decisions on behalf of their council. Delegations are a function of administration expressed, in ordinary terms, as ‘who can do what’. In the context of local government, delegation is the giving of <b>decision-</b></p>	No change to clause 39.

No.	Submission	Clause	Considerations	Recommended
		<p>d. prescribe the means and determine the value of security;</p> <p>...</p> <p>k. prescribe–</p> <p>i. areas in which wheeled recreational devices must not be used;</p> <p>ii. any footpath to be an area where bicycles must not be ridden at any time or a prescribed time;</p> <p>iii. the case or class of vehicle or machine that must not be used on a road;</p> <p>iv. areas for recreational vehicles, camping, model aeroplanes or horses;</p> <p>v. conditions of entry;</p> <p>vi. a person to give a direction to leave a carpark or Council land;</p> <p>vii. times of the day, days or dates, a part of the municipal district, a case or class of case when a person must not have liquor in an open container on a road, road related area, or Council land;</p> <p>viii. the case or class of signs or activities requiring a permit on a road, road related area or Council land;</p> <p>ix. the number of days required by Council to receive and decide a firework permit;</p> <p>x. exceptions to the local law requirements for open air fires in the urban area or in a Council fireplace;</p> <p>xi. the aerodrome movement area;</p> <p>xii. any dog off-leash area,</p>	<p><b>making</b> power by Council and/or the CEO to members of Council staff. The reason for delegations being:</p> <ul style="list-style-type: none"><li>• It is not practical for Council and the CEO alone to exercise the many statutory powers given to Council.</li><li>• Delegation facilitates the achievement of good governance by empowering appropriate members of staff <b>to make decisions</b> on behalf of the Council and the CEO.</li></ul> <p><b>How is authority delegated?</b></p> <p>Many councils have delegation frameworks at varying levels of sophistication that consolidate and list delegations, enabling employees and the outside world to identify decision-makers and the extent of authority. Councils often subscribe to a law firm to provide advice regarding legislative requirements and the provision of template instruments in relation to powers of delegation, which are then tailored to organisational requirements.</p> <p>Legislation which confers an express power of delegation often requires that power to be exercised in writing, that is, by making a written instrument. An instrument of delegation most commonly specifies classes of position-holders to whom powers are delegated, removing the need to make a separate instrument for each and every person to whom those powers are delegated. Sometimes delegations are also made to named individuals or the holders of named positions.</p> <p><b>What is an Authorised Officer?</b></p> <p>An <i>authorised officer</i> is a person, other than a Councillor, appointed by council to carry out a compliance function or an enforcement function under legislation related to the functions and powers of the Council.</p> <p>Delegates are different in nature from authorised officers. The decision of a delegate of Council is "deemed" to be a decision by Council. The decision by a person appointed by Council to a statutory position - for example, an authorised officer - is not. Even though authorised officers are exercising statutory powers, they are doing so by virtue of and in accordance with their statutory position, rather than under a delegation. That person's powers and responsibilities are quite distinct from Council's.</p> <p>Delegations are about the exercise of a power – to decide or to do a thing. The power to prescribe can be delegated.</p> <p>Examples of the power to prescribe –</p> <ul style="list-style-type: none"><li>• A common example of the power to prescribe is the power to prescribe a form. The power to prescribe a form is a good example of a delegation for reasons of efficiency. Because a local law might be in place for up to 10 years, the forms necessary to apply for permits under the local law can be expected to change in that time. It is not practical for every new or changed form to be subject to Council approval.</li><li>• The power to prescribe is often described as the power to “prescribe, determine or fix”, for example, conditions. Delegation of the power to prescribe condition means each and every permit under the local law will not take up time at Council Meetings.</li></ul>	

No.	Submission	Clause	Considerations	Recommended
			<p>At the commencement of public notice of proposed Community Local Law 2021, the <i>Local Government Act 1989</i> said—</p> <p><b>114 Delegations</b></p> <p>A local law may—</p> <ul style="list-style-type: none"> <li>(a) confer a discretionary authority or impose a duty on a specified person or body or a specified class of persons and bodies; and</li> <li>(b) leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Council; and</li> <li>(c) delegate to a member of the Council staff the power to— <ul style="list-style-type: none"> <li>(i) sign, seal, issue, revoke or cancel any notice, order or agreement on behalf of the Council; and</li> <li>(ii) sign any document on behalf of the Council; and</li> <li>(iii) do any act, matter or thing necessary or incidental to the performance or exercise of any function or power by the Council.</li> </ul> </li> </ul> <p>The current <i>Local Government Act 2020</i> says—</p> <p><b>78 Delegation and discretionary authority</b></p> <p>A local law may—</p> <ul style="list-style-type: none"> <li>(a) confer a discretionary authority or impose a duty on a specified person or body or a specified class of persons or bodies; and</li> <li>(b) leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Council; and</li> <li>(c) delegate to the Chief Executive Officer any power specified in the local law; and</li> <li>(d) authorise the Chief Executive Officer to delegate a power referred to in paragraph (c) to the holder of an office or position as a member of Council staff.</li> </ul> <p>Paragraphs (a) and (b) are the same under the law applying at the commencement of public notice and the law applying today. There is a change from the old (c) to the new (c) and (d).</p> <p>Under the old (c) there is no power for a delegate named in the local law to further delegate. It is the view of the writer that this law continues to apply to the current process of making proposed Community Local Law 2021 because of section 328 of the <i>Local Government Act 2020</i> which says—</p> <p><b>Part 10—Savings and transitional</b></p> <p><b>328 General savings</b></p>	



No.	Submission	Clause	Considerations	Recommended
			<p>(2) Without limiting the generality of subsection (1), any decision, action, proceeding or matter made, taken or commenced under a relevant provision of the <b>Local Government Act 1989</b> repealed by this Act may be implemented or continued under the <b>Local Government Act 1989</b> as if the relevant provision had not been repealed by this Act.</p> <p>The process of making proposed Community Local Law 2021 includes the giving of public notice. Public notice and therefore the making of proposed Community Local Law 2021 commenced under the <i>Local Government Act 1989</i>. In the view of the writer this means the <i>Local Government Act 1989</i> continues to apply. This also means s114 of the <i>Local Government Act 1989</i> continues to apply until proposed Community Local Law 2021 is made (or not).</p> <p>A local law is a subordinate instrument to which the <i>Interpretation of Legislation Act 1984</i> applies. Section 42A of that Act says—</p> <p><b>42A Construction of power to delegate</b></p> <p>(1) If an Act or subordinate instrument confers on a person or body a power to delegate the discharge, exercise or performance of a responsibility, power, authority, duty or function under that or any other Act or subordinate instrument, then, unless the contrary intention appears—</p> <p>(a) the delegation does not prevent the discharge, exercise or performance of the responsibility, power, authority, duty or function by the person or body;</p> <p>So that any time Council at a Council Meeting can exercise the power to prescribe various things for proposed Community Local Law 2021, for example –</p> <p>i. areas in which wheeled recreational devices must not be used;¶</p> <p>ii. any footpath to be an area where bicycles must not be ridden at any time or a prescribed time;¶</p> <p>vii. times of the day, days or dates, a part of the municipal district, a case or class of case when a person must not have liquor in an open container on a road, road-related area, or Council land;¶</p>	
	The submission queries the use of Examples in proposed Community Local Law 2021, including clause 40.	<p><u>Examples</u></p> <p>Examples are used in several clauses. One such clause referred to in the submission is clause 40.</p> <p>Clause 40 is about Council as a road authority and the road management functions of Council and says—</p>	<p>The Example in clause 40 is a legislative item. These are recognised by the <i>Interpretation of Legislation Act 1984</i>. A local law is a subordinate instrument to which the <i>Interpretation of Legislation Act 1984</i> applies. The Act says—</p>	No change to the use of Examples.

No.	Submission	Clause	Considerations	Recommended
		<p>40. A person must not cause, suffer or allow vegetation, a gate, fencing, a sign or anything on land to or likely to—</p> <ul style="list-style-type: none"> <li>a. obstruct the view between vehicles at an intersection;</li> <li>b. obstruct the view between vehicles and pedestrians;</li> <li>c. obscure street lighting; or</li> <li>d. constitute a danger to vehicles or pedestrians; or</li> <li>e. compromise the safe and convenient use of the road by pedestrians or vehicular traffic.</li> </ul> <p>Example</p> <p>Vegetation on the nature strip, vegetation beyond the property boundary, roots in stormwater drains, basketball hoops outside of the property boundary, fencing at street corners, things that may cause a pedestrian or driver to veer, hindering the safe and convenient passage of persons using a pram, mobility aid, motorised mobility device, wheel-chair, accumulated dropped berries leaves or other materials on a footpath.</p>	<p><b>36A Examples</b></p> <p>(1) If an Act or subordinate instrument includes at the foot of a provision under the heading "<b>Example</b>" or "<b>Examples</b>" an example of the operation of the provision, the example—</p> <ul style="list-style-type: none"> <li>(a) is not exhaustive; and</li> <li>(b) may extend, but does not limit, the meaning of the provision.</li> </ul>	
	The submission says clause 41 is non-specific and gives examples of small matters that might be unintentionally caught by clause 41.	<p>Clause 41 is about managing trespass on land for which Council has responsibility including nature strips, roadside drains, parks, laneways and says—</p> <p>41. Without an approval or authority under an Act or permit a person must not allow, cause or suffer in respect of road, road related area, or Council land (in this clause called the land)—</p> <ul style="list-style-type: none"> <li>a. any change to the land;</li> <li>b. removal of anything from the land;</li> <li>c. erection of scaffolding, hoarding or overhead protective awnings and other structures or affixing of advertising or erection of signs or other things (including pipes, wires, cables, pavers, fixture, fitting and other objects) in, on, across, under or over the land;</li> <li>d. any change, interference with or removal of a structure or ornament (including pipes, wires, cables, pavers, fixture, fitting and other objects) associated with the land;</li> <li>e. planting of a tree or other vegetation on the land, interference with vegetation on</li> </ul>	<p>Examples of the types of trespass to land intended to be regulated by clause 41 are given in the Example at the foot of the clause.</p> <p>Clause 36A of the <i>Interpretation of Legislation Act 1984</i> applies. This means the concerns expressed in the submission about fallen leaves, grass clippings, bindi weeds are not intended to trigger the operation of clause 41 of proposed Community Local Law 2021.</p>	No change to clause 41.

No.	Submission	Clause	Considerations	Recommended
		<p>the land or removal of vegetation from the land;</p> <p>f. occupation of the land including without limitation by fencing, use of a mobile crane, travel tower, concrete line pump, scissor lift, or the swinging or hoisting of things across any part of the land by means of a lift hoist or tackle;</p> <p>g. the deposit or leaving of materials, supplies, waste and things on the land including without limitation skip bins, machinery plant or equipment and tools, paving gravel aggregate or other surface treatments.</p> <p>Example</p> <p>Alter a drain, break down any bollard fence gate or other physical barrier to entry to the land, remove interfere with or deface any sign, affix to a building objects intruding into the airspace over the land, tree lopping or cutting taking or collecting of wood, make a hole or excavation; remove sand gravel or other materials, fill a hole or excavation; deposit rubble rocks gravel soil mulch pallets of turf</p>		
	In the context of the requirement to obtain a permit for a vehicle crossover in clause 42, the submission asks if Council should repair crossovers.	<p>Clause 42 is about the protection of Council assets, supports other initiatives within Council such as street trees and is consistent with the Victorian <i>Road Safety Road Rules 2017</i> prohibition of parking on a footpath or nature strip.</p> <p>42. A person must not—</p> <p>a. drive a motor vehicle or other machinery over a kerb, nature strip or footpath at a place other than a vehicle crossover;</p> <p>b. without a permit, construct, install, remove or alter a vehicle crossover, including any temporary crossover.</p>	<p>The responsibility or otherwise for maintenance of vehicle crossovers was not raised by the Technical Reference Group for the Local Law Review Project.</p> <p>Codes of Practice under the <i>Road Management Act 2004</i> may specify matters that should be included in a road management plan. The writer did not locate any reference to vehicle crossovers in a Code of Practice. Otherwise, s50 of that Act says the purposes of a road management plan include –</p> <p style="text-align: center;">(b) to set the relevant standard in relation to the discharge of duties in the performance of those road management functions.</p> <p>Community engagement for the Road Management Plan has commenced and includes the information on Have Your Say on Council's website.</p>	The submitter be advised comments on the Road Management Plan are welcome from residents across the municipal district and submissions close at midday on Friday 10 September 2021.
	The submission asks if the subject matter in clause 47 is dealt with under other roads legislation.	47. Without a permit a person must not allow, cause or suffer a prescribed vehicle or machine or class of vehicle or machine to be used on a road.	<p>Council is a road authority for the <i>Road Management Act 2004</i>. The Act says—</p> <p><b>34 General functions</b></p> <p>(1) A road authority has the following general functions—</p>	No change to clause 47.


No.	Submission	Clause	Considerations	Recommended
			<p>(b) to manage the use of roads having regard to the principle that the primary purpose of a road is to be used by members of the public and that other uses are to be managed in a manner which minimises any adverse effect on the safe and efficient operation of the road and on the environment;</p> <p>(c) to manage traffic on roads in a manner that enhances the safe and efficient operation of roads;</p> <p><b>35 Powers of a road authority</b></p> <p>(1) Subject to this Act, a road authority has power to do all things necessary or convenient to be done for or in connection with the performance of its functions under this Act.</p> <p>(2) The generality of subsection (1) is not limited by the conferring of specific powers on a road authority by or under this Act or any other Act.</p> <p>(3) Schedules 1 to 7A do not limit the functions or powers conferred on a road authority by or under this Act or any other Act.</p> <p>(4) If a road authority has specific powers under any other Act, this section—</p> <p>(a) is to be construed as being in addition to those powers; and</p> <p>(b) is not to be construed as overriding any requirements, restrictions, limitations or conditions to which the specific powers are subject.</p> <p><b>Note</b></p> <p>If a road authority is a municipal council it has the powers specified in Division 2 of Part 9 and Schedules 1, 10 and 11 of the <i>Local Government Act 1989</i>.</p> <p>In addition to the powers under the <i>Road Management Act 2004</i>, Council can exercise the powers in Schedule 11 of the <i>Local Government Act 1989</i>. Schedule 11 is still in place and includes item 12 which says—</p> <p><b>12 Power to restrict use of road by vehicles of a certain size etc.</b></p> <p>(1) A Council may prohibit or restrict the use of a road by any motor vehicle of, or over, a certain size or weight.</p>	
	<p>In respect of clause 49, the submission queries—</p> <ul style="list-style-type: none"> <li>the direction to leave a Council car park or Council land by an authorised officer or other prescribed person</li> <li>if clause 49 is about parking meters.</li> </ul>	<p>49. On road related area that is a carpark or Council land a person must not—</p> <p>a. act contrary to prescribed conditions of entry;</p> <p>b. enter other than through the entrance for that purpose or during hours when that carpark or Council land is closed to the public;</p>	<p>Clause 49 is common in local laws of other councils in Victoria and is about the management of land and improvements on land and the permissions given and removed for people to enter and to remain on that land. Proposed Community Local Law 2021 is not about parking meters which is under separate legislation.</p> <p>Clause 49 e. allows an authorised person to give a direction to leave a place. Clause 33 is about an authorised person giving a direction.</p>	<p>No change to clause 49.</p>

No.	Submission	Clause	Considerations	Recommended
		<p>c. enter and remain without paying any relevant fee, charge including any occupation charge or security;</p> <p>d. hire or use any Council property in connection with that place without paying any relevant fee, charge or security; or</p> <p>e. remain at that carpark or on Council land after being directed to leave by an authorised officer or other prescribed person.</p> <p>Other affected clause—</p> <p>33. A person must comply with a spoken or written direction by an authorised officer in respect of—</p> <p>a. any matter under this local law;</p> <p>b. a person's use of a road, road related area, waterway managed by Council or Council land.</p>	<p>Clause 49 e. also means that Council can prescribe other persons who can ask a person to leave a place. For example, a security contractor.</p>	
	The submission asks why clause 53 does not repeat the current Community Local Law 2011 requirement to obtain a firework permit 14 days before the event.	<p>53. Without a permit obtained the prescribed number of days before the event, a person must not in the urban area, on a road, road related area, any waterway managed by Council or Council land discharge display fireworks, Chinese firecrackers or theatrical fireworks.</p>	<p>Clause 53 is a local law for section 146 of the <i>Dangerous Goods (Explosives) Interim Regulations 2021</i> which says—</p> <p><b>146 Pyrotechnicians to notify authorities of intended fireworks</b></p> <p>(3) A pyrotechnician must not discharge display fireworks, Chinese firecrackers or theatrical fireworks unless the pyrotechnician gives the municipal council for the municipal district in which the fireworks are to be discharged written notice (in a form approved by the Authority) at least 7 days before the date of the proposed display.</p> <p>(4) Subregulation (3) does not apply if a local law applying in the municipal district requires a person to give the relevant municipal council greater notice of an intention to discharge fireworks.</p> <p>Section 146 contemplates that Council may need more than 7 days notice. Also, the pyrotechnician may need other permissions from Council, such as a permit to use Council controlled land.</p> <p>Clause 53 allows Council to prescribe a number of days to suit changes in the business systems and processes of Council over the life of proposed Community Local Law 2021 (if and when it is made).</p>	No change to clause 53.
	The submission asks about a phrase used in clauses in proposed Community Local Law 2021 “unless approved or authorised under an Act”, for example in clause 55.	<p>55. Unless approved or authorised under an Act without a permit a person must not—</p> <p>a. excavate, destroy, damage, obstruct, alter, remove or in any way interfere with;</p> <p>b. obstruct, divert, tap, add to, take, use or in any way interfere with the</p>	<p>The power to make proposed Community Local Law 2021 is subject to limits in s111 of the <i>Local Government Act 1989</i> which says—</p> <p>(2) A local law must not be inconsistent with any Act or regulation.</p> <p>(3) A local law is inoperative to the extent that it is inconsistent with any Act or regulation.</p> <p>There are other laws that regulate—</p>	At Council Meeting of 22 November 2021 consider an amendment to replace the semi-colon at the end of clause 55b. with a comma.

No.	Submission	Clause	Considerations	Recommended
		<p>passage of drainage water or water through;</p> <p>any drain or drainage works vested in Council, any waterway managed by Council and anything like a ditch swale gutter levee culvert on a road, road related area or Council land.</p>	<ul style="list-style-type: none"> <li>the taking of waters from the Wimmera River part of which is a waterway managed by Council</li> <li>plumbing and drainage.</li> </ul> <p>The words “unless approved or authorised’ used in clause 55 give primacy to those other laws. Giving primacy to those other laws keeps clause 55 within the bounds of s111.</p>	
	<p>The submission says clause 58–</p> <ul style="list-style-type: none"> <li>duplicates s38A of the <i>Country Fire Authority Act 1958</i></li> <li>does not go far enough to protect land in the urban area from fires in the open air on land that is not in the urban area.</li> </ul>	<p>58. Unless approved under an Act or otherwise prescribed by Council a person may only light a fire in the open air in either of–</p> <p>(a) the urban area;</p> <p>(b) on Council land,</p> <p>for the purpose of meal preparation or personal comfort and to accord with the conditions in section 38A(1)(a) of the <i>Country Fire Authority Act 1958</i> and on Council land where a properly constructed fireplace is provided.</p>	<p>The Victorian Court of Appeal described a local law and another law as multiple controls operating cumulatively (Vu Ho v Greater Dandenong City Council [2013] VSCA 168).</p> <p>Section 38A of the <i>Country Fire Authority Act 1958</i> is about an exemption to the prohibition on lighting a fire in the open air during a fire danger period. The exemption is a fire in the open air for meal preparation or personal comfort. Section 38A also describes the conditions for a fire in the open air for meal preparation or personal comfort.</p> <p>Clause 58 is for the protection and improvement of the amenity of the municipal district and about managing Council land. This means it is an example of a multiple control operating cumulatively.</p> <p>Because s38A of the <i>Country Fire Authority Act 1958</i> describes the conditions for a fire in the open air for meal preparation or personal comfort. For consistency, these conditions are incorporated in clause 58 of proposed Community Local Law 2021.</p> <p>The Victorian Civil and Administrative Tribunal has said on more than one occasion words to the effect that there are many activities associated with rural land use which may at times cause some conflict with residential amenity. For example in Peterson v Ararat Rural City Council [2003] VCAT 219.</p> <p>As recently as 2018 the Victorian government considered and did not adopt a proposal to amend planning provisions so that farmers must provide greater setbacks to neighbours. In so doing, the Victorian government identified changes to environmental laws as the appropriate means of managing such impacts.</p>	Clause 58 has been amended in response to another submission.
	The submission says clause 61 queries the prohibition on freight containers in the urban area unless approved under an Act.	<p>61. A person must not–</p> <p>a. allow, cause or suffer a freight container to be placed on or to remain on any road, road related area or Council land;</p> <p>b. on any land in the urban area, allow, cause or suffer a freight container to be kept, stored, repaired or otherwise used or remain unless approved under an Act;</p> <p>c. on any land outside the urban area allow, cause or suffer a freight container to be kept, stored, repaired or otherwise used or remain without a permit.</p>	<p>The Victorian Civil and Administrative Tribunal in a series of decisions has identified the problem of freight containers in this way–</p> <ul style="list-style-type: none"> <li>they may or may not be the use of land for a Store under a planning scheme</li> <li>they may or may not be ancillary, for example to the use of land for a shop</li> <li>the removal of a container may pose considerable cost and logistical difficulties</li> <li>they come to the attention of the Tribunal when containers have been on land not just a few weeks but an extended period</li> <li>if a site remains vacant for any length of time and if what emerges is that in reality there is no real prospect of a person building a home, it is a blight for any container to remain on land.</li> </ul> <p>The Victorian Court of Appeal recognises that a local law and a planning scheme are multiple controls operating cumulatively,</p>	No change to clause 61.



No.	Submission	Clause	Considerations	Recommended
			<p>including so that a local law could prohibit the keeping of a pet sheep despite the pet owner occupying a dwelling on the land.</p> <p>In the same way and for the reasons set out in a series of decisions of the Victorian Civil and Administrative Tribunal, proposed Community Local Law 2021 says that unless a container has an approval under an Act (whether building or planning) a container is prohibited in the urban area.</p>	
	<p>In addition to the written submission an oral submission was made requesting clauses be amended–</p> <ul style="list-style-type: none"> <li>to refer to land included in the Township zone under the Horsham Planning Scheme to provide more certainty for relevant parts of the municipal district than the defined term “urban area”</li> <li>use the definition of “urban area” in clauses applicable to Horsham Rural City.</li> </ul>	<p><u>Definitions</u></p> <p>10. In this local law–</p> <p><b>urban area</b> means an area in which either of the following is present for a distance of at least 500 metres, or if the length of road is shorter than 500 metres, for the whole road –</p> <p>a. buildings, not over 100 metres apart, on land next to the road;</p> <p>b. street lights not over 100 metres apart;</p>	<p>Land is included in the Township zone at–</p> <ul style="list-style-type: none"> <li>Pimpinio (Scheme Map Grid area 03)</li> <li>Natimuk (Scheme Map Grid area 07)</li> <li>Dooen (Scheme Map Grid area 15)</li> <li>Jung (Scheme Map Grid area 16)</li> <li>Mitre (Scheme Map Grid area 18)</li> <li>Noradjuha (Scheme Map Grid area 20)</li> <li>Wonwondah North (Scheme Map Grid area 22)</li> <li>Clear Lake (Scheme Map Grid area 27)</li> </ul> <p>The definition of “urban area” is based on the definition of “built-up area” used to limit speed to 50kmh unless otherwise signed. The definition is a way of saying the area is more closely settled so there may need to be greater management of matters for safety, amenity and fair use. In proposed Community Local Law 2021 the clauses using the definition “urban area” are–</p> <ul style="list-style-type: none"> <li>Clause 58 and 59 about open air fires and incinerators in the urban area</li> <li>Clause 61 that a freight container in an urban area must be approved under an Act</li> <li>Clause 68 that a horse must not be on a footpath or nature strip in the urban area</li> <li>Clause 70 that livestock, roosters and free flying pigeons are not to be kept in the urban area</li> <li>Clause 71 to limit the number of domestic pets that can be kept in the urban area</li> <li>Clause 75 to prevent illegal dumping of deceased animals in the urban area</li> <li>Clause 77, 78 and 79 to prevent droving in the urban area.</li> </ul> <p>It was not intended to extend all of these controls to all villages.</p> <p>Other councils do use the Township zone together with a definition similar to built-up area to distinguish between local laws–</p> <ul style="list-style-type: none"> <li>that apply in villages, for example livestock on vacant Township land for a limited period so as to keep grass down</li> <li>that apply in towns and the main centre of activity, prohibiting livestock.</li> </ul>	<p>It is recommended–</p> <ul style="list-style-type: none"> <li>the submission about the use of Township zone and / or urban area in various clauses in proposed Community Local Law 2021 be reconsidered by the Technical Reference Group for the Local Law Review Project</li> <li>any amendments to refer to either or both of the Township zone and / or urban area in various clauses be considered by Council at the Council Meeting on 22 November 2021</li> </ul>
	<p>In addition to the written submission, an oral submission was made to say the current Community Local Law 2011 and the proposed Community Local Law 2021 allow for the exercise of discretion by authorised officers. The submitter objected to the</p>		<p>The Ministerial Guidelines say the exercise of discretion is one of a variety of ways in which the administration and enforcement of a local law can work either to increase or reduce the overall regulatory impact of a local law.</p>	<p>No amendment required.</p>

No.	Submission	Clause	Considerations	Recommended
	manner of enforcement under current Community Local Law 2011.		<p>The Ministerial Guidelines say–</p> <p><b>2.11 Considering and deciding on different Local Law approaches</b></p>  <ul style="list-style-type: none"> <li>• Council needs to consider different regulatory approaches and be clear about which approach it is adopting.</li> </ul> <p>The explanatory document on public display with proposed Community Local Law 2021 says–</p> <p><a href="#">Legislative approach adopted</a></p> <p>Proposed Community Local Law 2021 uses a medium impact regulatory approach–</p> <ul style="list-style-type: none"> <li>• for listed activities within the municipal district so the potential impacts can be assessed and if necessary managed by conditions of permits</li> <li>• so that enforcement processes include the giving of warnings and directions and so that affected members of the public can apply for review of permit and enforcement decisions.</li> </ul> <p>In addition the <i>Local Government Act 1989</i> explicitly recognises that authorised officers will exercise discretion. Section 224(6) is an example of the exercise of discretion because the authorised officer must form a reasonable suspicion–</p> <p><b>224 Authorised officers</b></p> <p>(1) A Council may appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.</p> <p>(6) For the purposes of this section, an authorised officer may demand the name and address of a person who has committed, or who the authorised officer reasonably suspects has committed or is about to commit, an offence against any Act, regulation or local law in respect of which he or she is appointed.</p> <p>(6A) In making such a demand, the authorised officer must inform the person of the grounds on which the demand is made in sufficient detail to enable the person to understand the nature of the offence or suspected offence.</p> <p>Penalty: 10 penalty units.</p>	
	In addition to the written submission, an oral submission was made objecting to community engagement to inform the community of proposed Community Local Law 2021. The submitter said community engagement should have been a collaboration.		The Council Report addresses community engagement.	No amendment required.

No.	Submission	Clause	Considerations	Recommended
	In addition to the written submission, an oral submission was made to query the operation of proposed Community Local Law 2021 and previous planning permits for use and / or development of land.		<p>The Victorian Court of Appeal in <i>Vu Ho v Greater Dandenong City Council</i> [2013] VSCA 168 says–</p> <ul style="list-style-type: none"> <li>local laws and planning scheme requirements (including for a permit) are multiple controls operating cumulatively</li> <li>the planning scheme has primacy.</li> </ul> <p>This is given effect in proposed Community Local Law 2021 in the phrase “approved under an Act” or “approved or authorised under an Act”. See for example clause 61b to keep a freight container approved under an Act on land in the urban area.</p>	No amendment required.
	In addition to the written submission, an oral submission was made to express concern that Council will not consider and respond to submissions.		<p>Submissions about proposed Community Local Law 2021 are made under s223(1)(d)(i) of the <i>Local Government Act 1989</i> which says Council must–</p> <p>(ii) notify in writing, each person who has made a separate submission, and in the case of a submission made on behalf of a number of persons, one of those persons, of the decision and the reasons for that decision.</p>	No amendment required.
	In addition to the written submission, an oral submission was made to amend clause 66 c. to prohibit a dangerous dogs in an off leash area.	<p><u>Animals</u></p> <p>66. The owner of an animal on a road, road related area or Council land must–</p> <p>c. if the animal is a dog, ensure the dog is secured by a chain, cord or leash except in an area prescribed by Council as an off leash area where the person must keep the dog under effective control.</p> <p>In this clause–</p> <p>i. owner includes a person who has the animal in his or her care for the time being;</p> <p>ii. effective control means the owner exercises effective control of the dog either–</p> <p>A. by means of a physical restraint;</p> <p>B. by command, the dog being in close proximity to the person, and the person being able to see the dog at all times.</p>	<p>Division 3 of Part 3 of the <i>Domestic Animals act 1994</i> are the particular provisions for the control of dangerous dogs and includes section 4 –</p> <p><b>41 Restraint of dangerous dogs off the owner's premises</b></p> <p>(1) If a dangerous dog is outside the premises of its owner and is not–</p> <p>(a) muzzled in a manner which is sufficient to prevent it causing injury by biting; and</p> <p>(b) under the effective control of some person by means of a chain, cord or leash–</p> <p>the owner of that dangerous dog and any person for the time being in charge of the dog are guilty of an offence and liable to a penalty of not more than 40 penalty units.</p> <p>(2) This section does not apply to a dangerous dog which is a guard dog while the dog is guarding non-residential premises.</p> <p>Section 41 is an example of a sole rule, which means there is nothing for proposed Community Local Law 2021 to regulate about dangerous dogs and leads.</p>	No amendment required.

## Submission 79

No.	Submission	Clause	Considerations	Recommended
79.	<p><b>Clause 8</b></p> <p>Guidelines and other incorporate documents made by Council (Clause 8) should be subject to public consultation. I understand that it needs to be published once incorporated, but without community consultation, it's just a way of making new laws behind closed doors. Based on community feedback, Council could allow something under this local law, then as soon as it is passed, make guidelines prohibiting the same thing and making it illegal.</p> <p>For example, under the Local Law, skateboarding could be allowed in certain areas, however, Council could then, without any further consultation, make skateboarding banned throughout the whole Council area using a Guideline.</p> <p>I believe the Clause should be amended to state that incorporation can only occur after a period of community consultation.</p>	<p><u>Guidelines and other incorporated documents</u></p> <p>8. Council may from time to time make guidelines for this local law. Such guidelines may be amended from time to time and are incorporated documents for this law.</p> <p>9. Other incorporated documents for this local law area.</p> <p>a. the Apiary Code of Practice;</p> <p>b. the Solid Waste Code;</p> <p>c. the Code of Practice for the Housing of Caged Birds;</p> <p>d. any code of practice, however called under the <i>Prevention of Cruelty to Animals Act 1986</i> or <i>Domestic Animals Act 1994</i> about the keeping of any pet, domestic fowl or horse, as formulated, issued, prescribed or published from time to time.</p> <p><u>Council controlled or managed places</u></p> <p>44. Council may prescribe—</p> <p>a. areas in which wheeled recreational devices must not be used;</p> <p>b. any footpath to be an area where bicycles must not be ridden at any time or a prescribed time.</p>	<p>When proposed Community Local Law 2021 was put on public display, section 112 of Part 5 of the <i>Local Government Act 1989</i> applied to incorporated documents—</p> <p>Section 112 of the <i>Local Government Act 1989</i> is re-enacted (with changes to the manner of publication) in Part 3 Division 3 – Local laws of the <i>Local Government Act 2020</i> as section 76—</p> <p><b>76 Incorporation by reference</b></p> <p>(1) A local law may apply, adopt or incorporate any matter contained in any document, code, standard, rule, specification or method as formulated, issued, prescribed or published by any authority or body whether—</p> <p>(a) wholly or partially or as amended by the local law; or</p> <p>(b) as formulated, issued, prescribed or published at the time the local law is made or at any time before then; or</p> <p>(c) as formulated, issued, prescribed or published from time to time.</p> <p>(2) If a local law has applied, adopted or incorporated any matter contained in any document, code, standard, rule, specification or method as formulated, issued, prescribed or published from time to time and that document, code, standard, rule, specification or method is at any time amended, until the Council causes notice to be published of that amendment, the document, code, standard, rule, specification or method is to be taken to have not been so amended.</p> <p>(3) A notice under subsection (2) must be published—</p> <p>(a) on the Council's Internet site; and</p> <p>(b) in any other manner prescribed by the regulations for the purposes of this section.</p> <p>(4) The Council must ensure that a copy of any document, code, standard, rule, specification or method which contains any matter incorporated in a local law is available for inspection—</p> <p>(a) at the Council's office; and</p> <p>(b) on the Council's Internet site.</p> <p>Guidelines, the Apiary Code of Practice and the Solid Waste Code have been considered in another part of this document.</p> <p>Another part of this document recommended changes to clauses for animal keeping. Those amendments included a change to the way the codes of practice for the keeping of animals are referred to in proposed Community Local Law 2021.</p> <p>Skateboards are a wheeled recreational device. For the <i>Road Safety Road Rules 2017</i>, the VicRoads webpage A-Z of Road Rules says—</p> <p>Rules for wheeled recreational devices</p> <p>Wheeled recreational devices cannot be:</p>	<p>At Council Meeting of 22 November 2021 consider an amendment to omit clause 8.</p> <p>At Council Meeting of 22 November 2021 consider an amendment to clause 9 c. and d. to say—</p> <p>c. any code of practice, however called, under the <i>Prevention of Cruelty to Animals Act 1986</i> or <i>Domestic Animals Act 1994</i>, as formulated, issued, prescribed or published from time to time for the keeping of domestic animals.</p>

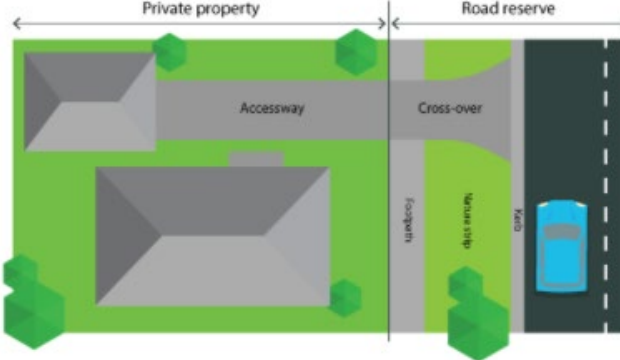
No.	Submission	Clause	Considerations	Recommended
			<ul style="list-style-type: none"> <li>used on pedestrian side of separated paths, but can be used on footpaths</li> <li>used on roads with dividing lines or median strips</li> <li>used on roads with a speed limit of more than 50 km per hour</li> <li>used on the road at night, except to cross the road, e.g. at an intersection. This rule does not apply to scooters with lights (refer to Rules for Scooters below).</li> <li>towed or used in the slipstream of another vehicle</li> <li>used where there is a 'No Wheeled Recreational Devices or Toys' sign.</li> </ul> <p>You are not allowed to use motorised skateboards on public roads or road related areas including footpaths or nature strips.</p> <p>What is a wheeled recreational device?</p> <p>Wheeled recreational devices include:</p> <ul style="list-style-type: none"> <li>scooters</li> <li>skateboards</li> <li>roller blades</li> <li>roller skates.</li> </ul> <p>Wheeled recreational devices don't include:</p> <p>...</p> <ul style="list-style-type: none"> <li>scooters that are a motor vehicle (a motor with an output of 200 watts or more).</li> </ul> <p>Council can use a 'No Wheeled Recreational Devices or Toys' sign to manage skateboards. Any community engagement for that process is not a local law matter.</p>	
	<p>Clause 24</p> <p>I believe Council should set a minimum time for the owner to claim the animal, item or thing before disposing of it.</p> <p>For example, an Authorised Officer may say it has to be collected in 24 hours. Considering the “new normal” includes lockdowns and five kilometres radiuses, it may be impracticable. Disposing of an animal without the owner having had time to pick it up is unfair.</p> <p>I believe the Clause should allow the owner of the animal, item or thing a minimum period of two weeks to collect it before disposing of it.</p>		<p>Impounding has been considered in another part of this document.</p>	<p>Amendments have been recommended in another part of this document.</p>
	<p>Clause 29</p> <p>I’m concerned that any failure to comply with a sign erected by Council is an offence.</p> <p>For example, a sign at the local swimming pool (if managed by Council) that says “no diving” makes a seven-year-old child guilty of an offence if he does a dives into the water?</p> <p>This is not so much about enforcement, I know an Authorised Officer won’t issue an infringement for the above, but more about</p>	<p>29. A person who–</p> <p>...</p> <p>f. fails to comply with a sign erected by Council;</p> <p>...</p> <p>is guilty of an offence</p>	<p>The explanatory document published at the same time as public exhibition of proposed Community Local Law 2021 says–</p> <p><a href="#">Legislative approach adopted</a></p> <p>Proposed Community Local Law 2021 uses a medium impact regulatory approach–</p> <ul style="list-style-type: none"> <li>...</li> </ul>	<p>No change required.</p>

No.	Submission	Clause	Considerations	Recommended
	<p>risk, for example, if a person does something that is technically against a sign and is injured, their insurance company may consider them to have acted illegally and not pay out.</p> <p>I believe that Council should include a definition in Clause 10 as to what sort of signs this applies to, such as signs placed following a resolution of Council.</p>		<ul style="list-style-type: none"> <li>so that enforcement processes include the giving of warnings and directions and so that affected members of the public can apply for review of permit and enforcement decisions.</li> </ul> <p>The submission uses an example of a child in breach of a sign such that an insurance claim is made. Advice about insurance law is beyond the scope of consideration of submissions.</p> <p>More than one submission refers to the use of signs on Council controlled or managed land. This was referred to the Technical Reference Committee for the Local Law Review Project. Comment about signs has been included in another part of this document.</p>	
	<p>Clause 32a</p> <p>Sub-Clause 32a.iii. requires that a person deliver to the authorised officer or to a specified person or a specified location any item or property of the person which is a breach of this local law.</p> <p>What if the person does not have the item? For example, a child who borrowed a skateboard from a friend and gave it back to them.</p> <p>What if the person never had the item? For example, a person was with a group of people who had the item but never had it themselves.</p> <p>What if the item does not belong to them? For example, they had hired a recreational vehicle from a company and the company has it back.</p> <p>What if they have the item legally but the Authorised Officer does not know that? For example, they were legally using a drone in the course of their employment, but the Authorised Officer hasn't taken the time to check their bona fides.</p> <p>I suggest this Clause causes more problems than it would solve, and Council is better placed removing it and leaving the power to impound (that is, when the officer can see and touch the offending item at the time).</p> <p>Giving an Authorised Officer the power to order someone to provide something to them at a later stage or they commit an offence is a mistake, as the Authorised Officer cannot be sure beyond reasonable doubt that the person has the item, or in fact, ever had the item.</p> <p>I believe this Sub-Clause should be removed.</p>	<p><u>Notice to comply, directions, warnings</u></p> <p>32. If a person is in breach of this local law then either as an alternative or in addition to a direction or an infringement notice, an authorised officer can issue to that person a notice to comply.</p> <p>a. A person named in a notice to comply must–</p> <p>i. comply with this local law;</p> <p>ii. stop the conduct or cease the activity which is a breach of this local law;</p> <p>iii. deliver to the authorised officer or to a specified person or a specified location any item or property of the person which is a breach of this local law;</p> <p>iv. remove or cause to be removed any item, goods, equipment or other things that is a breach of this local law;</p> <p>v. leave an area;</p> <p>vi. undertake any work or do specified things to remedy a breach of this local law,</p> <p>by the time and date specified in the notice to comply.</p>	<p>The examples in the submission about a skateboard or drone are relevant examples that may result in a warning or direction by an authorised officer and / or the exercise of the power to seize and impound.</p> <p>The <i>Local Government Act 1989</i> does give Council the power to–</p> <ul style="list-style-type: none"> <li>move or impound and to charge the relevant fee (Schedule 11 item 4 power to move obstructing vehicle)</li> <li>require any person responsible for, or in control of a thing encroaching on or obstructing the free use of a road, to move it (Schedule 11 item 5 power to move other obstructions).</li> </ul> <p>The notice to comply requiring delivery to a specified location is a way Council can exercise those powers. For example, so that the member of the public can move an unregistered vehicle from a road to the motor wreckers and not be obliged to pay the removal fee to Council.</p>	No change required.
	<p>Clause 32c</p> <p>This Clause appears to give an Authorised Officer the power to enter someone's house, without a Warrant, for the purposes, among other things, of impounding something which they believe a person has.</p> <p>For example, say a person has been directed to provide an Authorised Officer with a skateboard (wheeled recreational vehicle) by Friday at 12:00 pm, if that person hasn't provided the skateboard to the Authorised Officer. Authorised Officers may now enter their premises to obtain that skateboard.</p> <p>Or, look at it another way, if a Police Officer is enforcing the alcohol provisions of the Local Law and direct someone to give</p>	<p><u>Notice to comply, directions, warnings</u></p> <p>32. If a person is in breach of this local law then either as an alternative or in addition to a direction or an infringement notice, an authorised officer can issue to that person a notice to comply.</p> <p>...</p> <p>c. If a person does not comply with a notice to comply, Council or an authorised officer or any employee or any other person authorised in writing by Council, may enter upon any</p>	<p>The <i>Local Government Act 1989</i> sets out the power of an authorised officer to enter premises in s224(7)–</p> <p><b>(7) An authorised officer may enter any land or building in the municipal district at any reasonable time to carry out and enforce this or any other Act or any regulation or local law.</b></p> <p>and s224A provides for police to act as authorised officers –</p>	No change required.

No.	Submission	Clause	Considerations	Recommended
	<p>them the alcohol they had at the time and they do not, Police can now enter their premises and search for it without a Warrant.</p> <p>I believe this Clause should be more limited in its application. It should specify that it doesn't apply to a residential premises, and that it only applies to any other premises where there is someone there at the time and they don't have to force entry into the premises.</p>	<p>premises the subject of the notice to comply to do all acts, matters or things under the notice to comply.</p> <p>Other affected clause–</p> <p>51. Council may prescribe–</p> <ol style="list-style-type: none"> <li>times of the day;</li> <li>days or dates;</li> <li>a part of the municipal district;</li> <li>a case or class of case,</li> </ol> <p>when a person must not have liquor in an open container on a road, road related area, or Council land affected by such prescription, unless otherwise approved under an Act.</p> <p>Example</p> <p>Unless a person is on licensed premises that include on-street dining, a Council prescription may prevent the consumption of liquor on the footpath.</p> <p>An authorised officer observing a person with liquor in an open container in breach of a Council prescription may direct the person to dispose of the liquor as approved by the authorised officer or seal the container of liquor.</p> <p>In this clause, <b>liquor</b> has the same meaning as in the <i>Liquor Control Reform Act 1998</i>.</p>	<p><b>224A Police may act as authorised officers to enforce certain local laws</b></p> <ol style="list-style-type: none"> <li>(1) This section applies if a provision of a local law of a Council regulates the use, possession or consumption of alcohol.</li> <li>(2) The Council may publish a notice in the Government Gazette identifying the provision of the local law and stating that any police officer may enforce that provision.</li> <li>(3) If the Council publishes such a notice, any police officer may enforce the provision as if he or she was appointed to be an authorised officer under section 224 with respect to the provision.</li> </ol> <p>For example–</p> <ul style="list-style-type: none"> <li>a notice to comply may require the cutting of dry grass to a height of 100 before the commencement of the fire danger period, such that entry to land is made to cut the grass if the person fails to do so;</li> <li>after 8pm at night a police officer observing persons drinking in parked cars in Firebrace Street may direct the sealing of the liquor, failing which the police officer may seize and empty the liquor.</li> </ul>	
	<p>Clause 32d</p> <p>I believe this Clause should give someone time to fix something up themselves before Council undertakes the work.</p> <p>For example, if a tree on a property needs to be trimmed, it's fair that a person be given reasonable time to trim that tree before Council does it itself.</p> <p>This is particularly important as it applies to properties that are not unsafe, just don't meet the amenity requirements. There is no need here for Council not to give someone, say five days, to do it themselves before Council intervenes and charges the person if there is no immediate danger.</p>	<p><u>Notice to comply, directions, warnings</u></p> <p>32. If a person is in breach of this local law then either as an alternative or in addition to a direction or an infringement notice, an authorised officer can issue to that person a notice to comply.</p> <p>...</p> <p>d. All costs and expenses including any administration fee incurred by Council in carrying out such acts, matters or things are a debt due to Council from the person issued with a notice to comply.</p>	<p>The manner of compliance and enforcement of proposed Community Local Law 2021 has been considered in another part of this document.</p>	No change required.
	<p>Clause 33</p> <p>I believe it would be fair that if a person is given a spoken direction to do something by an Authorised Officer, they should be able to asked for it to be given in writing (upon request).</p> <p>For example, a person who is given a direction to fence their property by an Authorised Officer, should be able to ask that the officer put that direction in writing, not just say it verbally.</p>	<p><u>Notice to comply, directions, warnings</u></p> <p>33. A person must comply with a spoken or written direction by an authorised officer in respect of–</p> <ol style="list-style-type: none"> <li>any matter under this local law;</li> </ol>	<p>The manner of compliance and enforcement of proposed Community Local Law 2021 has been considered in another part of this document.</p> <p>Also–</p> <ul style="list-style-type: none"> <li>Council and authorised officers must comply with the <i>Public Records Act 1973</i> and to make and keep records.</li> </ul>	No change required.



No.	Submission	Clause	Considerations	Recommended
	I believe this adds to the transparency of Council and fairness to the individual.	b. a person's use of a road, road related area, waterway managed by Council or Council land.	<ul style="list-style-type: none"> <li>To use the evidentiary provisions in s324 of the <i>Local Government Act 2020</i> a direction that may be the subject of enforcement must be in writing—</li> </ul> <p>(2) A certificate certifying any matter relating to the contents of any document kept by a Council and purporting to be signed by the Chief Executive Officer is admissible in any proceedings as evidence of the matters appearing in the certificate.</p>	
	<p>Clause 38</p> <p>This Clause starts: “Unless expressly excluded in a permit, notice to comply or direction” and is in relation to a Notice to Comply, etc.</p> <p>I think that it is unfair that an Authorised Officer who serves a Notice to Comply or direction and state themselves that a person may not seek an internal review.</p> <p>For example, if I was an Authorised Officer, I would just add “No Reviews Permitted” to every Notice to Comply and Direction and therefor cut off a persons right of review.</p> <p>I believe the phrase “unless expressly excluded” should be removed.</p> <p>I also believe that the Clause should say that the Internal Review has to be undertaken by someone independent of the Authorised Officer who issued the notice, such as by the CEO.</p>	<p><u>Internal review</u></p> <p>38. Unless expressly excluded in a permit, notice to comply or direction within 28 days after a person receives a permit, notice to comply or direction the person may request a review of the decision and must support that request with a written submission. The person who makes a request under this clause is not relieved of their obligation to comply with the conditions of the permit, notice to comply or direction unless and until the review is determined.</p>	<p>The process for internal review has been considered in another part of this document.</p>	Omit clause 38.
	<p>Clause 41</p> <p>A Road Related Area can include private property, for example, the couple of car parks outside the Wawunna Road Milk Bar make it a Road Related Area (refer to Road Rule 13 – definition of a Road Related Area).</p> <p>This Clause would seem to prevent anyone doing anything on the land without approval or a permit. So, if Coles wanted to put a new bin in their carpark, it would be illegal?</p> <p>I believe this Clause should be amended to refer to only Road Related Areas on Council Land.</p>	<p><u>Definitions</u></p> <p>10. In this local law—</p> <p><b>road</b> and <b>road related area</b> have the same meaning as in the <i>Road Safety Act 1986</i></p>	<p>The <i>Road Safety Act 1986</i> says—</p> <p><b>road related area means—</b></p> <ul style="list-style-type: none"> <li>(a) an area that divides a road; or</li> <li>(b) a footpath or nature strip adjacent to a road; or</li> <li>(c) an area that is open to the public and is designated for use by cyclists or animals; or</li> <li>(d) an area that is not a road and that is open to or used by the public for driving, riding or parking motor vehicles; or</li> <li>(e) a place that is a road related area by virtue of a declaration under subsection (2)(a)—</li> </ul> <p>but does not include a place that is not a road related area by virtue of a declaration under subsection (2)(a);</p> <p>(2) The Governor in Council may by Order published in the Government Gazette—</p> <ul style="list-style-type: none"> <li>(a) declare any place or class of places, whether open to vehicles or not, to be or not to be a road or roads or a road related area or road related areas for the purposes of this Act; and</li> </ul>	<p>At Council Meeting of 22 November 2021 consider an amendment to the definition of road and road related area—</p> <p><b>road</b> and <b>road related area</b> have the same meaning as in the <i>Road Safety Act 1986</i></p> <p>where the road and where the road related area are under the control or management of Council for the relevant matter in this local law.</p>

No.	Submission	Clause	Considerations	Recommended
			The submission gives an example of the car park for a major supermarket. The car park for a major supermarket can be a road related area. This is not an intended consequence of proposed Community Local Law 2021.	
	<p>Clause 42</p> <p>Again, a footpath and kerb can be found on private property. A person should be entitled to drive over a footpath or kerb on their own property (for example, Coles may be undertaking works on their roof and the workmen need to drive over a kerb to access that part of the roof.</p> <p>I believe this Clause should be amended to refer to only Council Land.</p>	<p><u>Council controlled or managed places</u></p> <p>42. A person must not–</p> <p>a. drive a motor vehicle or other machinery over a kerb, nature strip or footpath at a place other than a vehicle crossover;</p> <p>b. without a permit, construct, install, remove or alter a vehicle crossover, including any temporary crossover.</p>	<p>The webpage for the Department of Transport says–</p> <p><b>What is a crossover?</b></p> <p>A crossover is the connection of an accessway/driveway, from the edge of the property to the road, that often crosses a footpath, nature strip or kerb.</p> <p>A crossover allows vehicles to move between the property and the road.</p> <p>Crossovers are the pathway constructed within the road reserve to enable access from a property onto the road.</p> <p><b>Differences between an accessway and a crossover</b></p> <p>An accessway relates to:</p> <ul style="list-style-type: none"> <li>the path used to approach the road from within a property</li> <li>what is happening within the site only, not on the road reserve.</li> </ul> <p>An accessway is also often referred to as a driveway. The image below outlines the difference between an accessway and a crossover.</p> 	No change required.
	<p>Clause 43</p> <p>Again, Road Related Area can be on private property. It might be entirely reasonable for a car to be washed or cleaned on private land in a car park, such as a car wash or similar operating or even just a person wiping down their car after something spills on it.</p> <p>It may also be the case that a truck show or car show is happening on Council land and a person may be wiping the car down.</p> <p>I believe Clause should be amended to only refer to Council Land, and also be changed to A person must not, without a permit, ..."</p>	<p><u>Council controlled or managed places</u></p> <p>43. A person must not on road, road related area or Council land allow, cause or suffer–</p> <p>a. to remain a motor vehicle, caravan (or similar), trailer, boat, damaged or dilapidated motor vehicle –</p> <p>i. for more than seven (7) days; or</p> <p>ii. for the purpose of sale;</p> <p>b. any repair, service, dismantling, painting, panel beating, washing, cleaning or other work of similar nature on a motor vehicle, caravan (or</p>	<p>The definition of road and road related area have been considered in another part of this document.</p> <p>In considering an application for a permit (or to waive the requirement for a permit) Council can consider clauses in proposed Community Local Law 2021 that are relevant to the proposed permit activity.</p>	No change required.

No.	Submission	Clause	Considerations	Recommended
		<p>similar) or trailer except for running repairs in the case of breakdown.</p> <p>Other affected clauses–</p> <p>6. Council may prescribe any person or class of person as exempt from the requirement to–</p> <p>a. obtain a permit,</p> <p>b. pay a fee or charge or lodge security,</p> <p>and such exemption may be conditional, amended, cancelled or corrected as for a permit.</p> <p>13. An application for a permit must be–</p> <p>a. accompanied by the relevant fee; and</p> <p>b. in the prescribed form.</p> <p>14. In considering an application, Council may consider as appropriate–</p> <p>a. any Act and related documents relevant to the matter;</p> <p>Example</p> <p>The role, functions and powers of Council as a road authority for the <i>Road Management Act 2004</i>.</p> <p>b. whether the application complies or can be conditioned to comply with any incorporated document;</p> <p>c. any relevant policy adopted by Council;</p> <p>d. any written objection or written submission received in respect of the application;</p> <p>e. any written comment made in respect of the application by any public authority, government department, community organisation or other body or person; and/or</p> <p>f. any other relevant matter.</p>		
	<p>Clause 46</p> <p>The Annual Horsham Car and Bike Show happens at May Park. This Clause would seem to make that illegal. It doesn't even allow for a Permit to be issued.</p>	<p><u>Council controlled or managed places</u></p> <p>46. A person shall not cause or permit a motor vehicle to be on Council land other than–</p> <p>a. a road or other especially formed lane for motor vehicles;</p> <p>b. a carpark;</p> <p>c. an area where provision has been specifically made for the entry or accommodation of motor vehicles.</p>	<p>In considering an application for a permit (or to waive the requirement for a permit) Council can consider clauses in proposed Community Local Law 2021 that are relevant to the proposed permit activity.</p>	<p>No change required.</p>


No.	Submission	Clause	Considerations	Recommended
	<p>Clause 49</p> <p>I believe this Clause needs to be clarified so as to state that it doesn't apply to private property. For example, 49a simply states that a person must not act contrary to the conditions of entry. So, if Coles puts a sign up on their car park with conditions of entry, will Council be enforcing them? If I put a sign outside my house, will it mean people must legally comply with my sign?</p>	<p><u>Council controlled or managed places</u></p> <p>49. On road related area that is a carpark or Council land a person must not–</p> <ul style="list-style-type: none"> <li>a. act contrary to prescribed conditions of entry;</li> <li>b. enter other than through the entrance for that purpose or during hours when that carpark or Council land is closed to the public;</li> <li>c. enter and remain without paying any relevant fee, charge including any occupation charge or security;</li> <li>d. hire or use any Council property in connection with that place without paying any relevant fee, charge or security; or</li> <li>e. remain at that carpark or on Council land after being directed to leave by an authorised officer or other prescribed person.</li> </ul>	<p>The definition of road and road related area have been considered in another part of this document.</p>	<p>No change required.</p>
	<p>Clause 52</p> <p>Again, Road Related Area can be on private property. If a business owner owns private property that has a car park, why shouldn't they be able to display their goods? For example, Mitre 10 often has goods displayed outside their building, but well within the property line (against their wall near the entry). They would not be able to do that without a permit under this new local law.</p>	<p><u>Council controlled or managed places</u></p> <p>52. Without an approval or other authority under an Act or permit a person must not on a road, road related area or Council land–</p> <ul style="list-style-type: none"> <li>a. place or affix any advertising, banner, billposting, real estate sign, mobile billboard or prescribed sign;</li> <li>b. distribute any unsolicited document to persons;</li> <li>c. display any goods or samples;</li> <li>d. erect or place a vehicle, caravan, trailer, table, chairs, stall, barrow, booth, tent, kiosk or barrow for the purpose of selling or hiring any goods or services;</li> <li>e. place any outdoor eating furniture or associated facilities for food and drink premises;</li> <li>f. sell or offer for sale or hire any goods or services carried about or placed on the person or any other moveable thing;</li> <li>g. sell or offer for sale any raffle ticket or ask for or receive or do anything to indicate a desire for a donation of money or any other thing;</li> <li>h. busk;</li> <li>i. conduct or hold a concert, festival, show, public gathering, rally, street</li> </ul>	<p>The definition of road and road related area have been considered in another part of this document.</p>	<p>No change required.</p>

No.	Submission	Clause	Considerations	Recommended
		<p>party, circus, carnival, performance or other similar activity;</p> <p>j. cause any public exhibitions, displays or events (including without limitation weddings);</p> <p>k. provide organised athletics, sport, health or fitness services;</p> <p>l. record images by film, video, digital or other technology to broadcast publish or publicly exhibit for commercial purpose;</p> <p>m. undertake any other activity prescribed for this clause.</p> <p>In this clause a mobile billboard is an advertising sign that is not an integral part of the construction of the motor vehicle or is that type of sign on a trailer pulled by a motor vehicle.</p>		
	<p>Clause 52(l)</p> <p>This Clause prohibits taking photos or video to publish.</p> <p>This Clause would seem to prohibit:</p> <ul style="list-style-type: none"> <li>• a person taking a photo of their new house putting the “sold” sticker on from the footpath to put it on their Facebook page;</li> <li>• taking a photo of their own children and putting it on their own Instagram; or</li> <li>• a nature photographer couldn’t take a photo of a bird and use it in their Ornithology magazine.</li> </ul> <p>I think this Clause is legislative overreach and should be removed.</p> <p>If you’re worried about “intimate” photos being taken of others, this is already covered by the Summary Offences Act.</p>	<p><u>Council controlled or managed places</u></p> <p>52. Without an approval or other authority under an Act or permit a person must not on a road, road related area or Council land–</p> <p>...</p> <p>l. record images by film, video, digital or other technology to broadcast publish or publicly exhibit for commercial purpose;</p>	<p>Clause 52 l. is about images for a commercial purpose and about Council assets and Council functions as a road manager. Clause 52 1. is subject to the film friendly principles.</p> <p>The webpage for Film Victoria says –</p> <p>VICTORIAN FILM FRIENDLY GUIDE</p> <p>These resources have been developed to support the <i>Filming Approval Act 2014</i> and to help provide local councils and public agencies with practical information on how to respond to film requests and process applications.</p> <ul style="list-style-type: none"> <li>• Filming Approval Act</li> <li>• Victorian Film Friendly Guidelines</li> </ul> <p>Film Victoria has developed a number of resources to assist councils and public agencies:</p> <ul style="list-style-type: none"> <li>• Commercial Filming Guide for RPAs</li> <li>• Guide to Filming on Roads and with Vehicles</li> </ul> <p>Please contact us to access:</p> <ul style="list-style-type: none"> <li>• Standard film permit application form</li> <li>• Standard webpage content</li> <li>• Filming in Victoria: A Public Agency Handbook</li> <li>• A Guide To Filming in Victoria</li> </ul>	No change required.
	<p>Clause 53</p> <p>A Local Law cannot duplicate a State Law.</p> <p>A requirement to obtain a Permit from Council for fireworks is found in Section 4 of the Summary Offences Act 1966.</p> <p>This Clause in the Local Law should be deleted.</p>		<p>A permit for firework displays is considered in another part of this document.</p>	No change required.
	<p>Clause 54</p> <p>Again, Road Related Area can be on private property. Council should not be requiring security from someone to do works on</p>	<p><u>Council controlled or managed places</u></p> <p>54. Unless otherwise approved or authorised under an Act prior to the</p>	<p>Clause 54 is about amenity, the road management functions of Council and about stormwater management.</p>	No change required.

No.	Submission	Clause	Considerations	Recommended
	<p>their own private property. As it is written now, if the owners of Wawunna Road Milk Bar wanted to do some painting on their property, they would need a Council permit.</p> <p>If a company does do works on their own car park and they don't have a permit, and something happens, their insurer may argue they did that work illegally.</p>	<p>commencement of construction work and construction activity the–</p> <p>a. owner or occupier causing the carrying out of construction work or construction activity at premises;</p> <p>b. person undertaking construction work or construction activity at premises;</p> <p>c. appointed agent,</p> <p>must ensure a permit is obtained from Council and payment or provision of security is made for use and access over (including by the travel of any boom or similar) and occupation of road, road related area or Council land.</p>	The definition of road and road related area have been considered in another part of this document.	
	<p>Clause 57</p> <p>I believe this Clause is too broad, specifically the word “activity” which is not defined. A person could be standing outside on his own front lawn watering flowers, and an Authorised Officer has the power to tell him to stop, and its an offence for him not to stop?</p> <p>Even the example given duplicate requirements under state legislation (the examples mention chimneys or noise, which are covered per the State Environment Protection Policies under the Environment Protection Act).</p> <p>This Clause should be made more specific as to what an Authorised Officer may direct and what an “activity” is (perhaps activity be defined as something not permitted under the Local Law).</p>		Local nuisance has been considered in another part of this document.	
	<p>Clause 60</p> <p>I can't find a copy of Council's Solid Waste Code on Council's website. As this will be incorporated into the Local Law, it should be readily available. See my comments above under Clause 8 and the “backhanded” inclusion into making something an offence.</p>		The Solid Waste Code has been considered in another part of this document.	No change required.
	<p>Clause 61</p> <p>A person who has moved to the area should be able to unload their goods from a container. This Clause should allow for that. This Clause does not even allow for a Permit to do that.</p> <p>I believe it should state a container may not be placed on land for more than, say, seven days.</p>		<p>Freight containers have been considered in another part of this document.</p> <p>In addition a motor vehicle transporting a freight container is a heavy vehicle. The VicRoads webpage A-Z of Road Rules says–</p> <p>Heavy or long vehicles cannot be parked on a road in a built-up area for longer than one hour unless:</p> <ul style="list-style-type: none"> <li>• parking signs say that it is allowed, or</li> <li>• the driver is picking up or setting down goods.</li> </ul>	No change required.
	<p>Clause 65</p> <p>This Clause (specifically, 65b) should be amended to allow a member of the Defence Force or WorkSafe access to the site, in the performance of their duties.</p>		Airside access has been considered in another part of this document.	No change required.
	<p>Clause 66</p> <p>This Clause allows an Authorised Officer to demand that a person produce a poop bag on demand. I wholeheartedly support this, however, I believe that the Authorised Officer should have to</p>		Production of identity cards by an authorised officer is dealt with in s224 of the <i>Local Government Act 1989</i> –	No change required.

No.	Submission	Clause	Considerations	Recommended
	produce their identification card before demanding anyone do anything. Particularly as there has been a history in Horsham of persons impersonating an Authorised Officer.		<p><b>224 Authorised officers</b></p> <p>(1) A Council may appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.</p> <p>(2) The Council must issue an identity card to each authorised officer.</p> <p>(3) An identity card must—</p> <p>(a) contain a photograph of the authorised officer; and</p> <p>(b) contain the signature of the authorised officer; and</p> <p>(c) be signed by a member of Council staff appointed for the purpose.</p> <p>(3A) If a Council appoints a police officer to be an authorised officer under subsection (1), for the purposes of this section the police officer's certificate of identity is deemed to be an identity card issued under section 224(2) and is deemed to comply with section 224(3).</p> <p>(4) An authorised officer must produce his or her identity card upon being requested to do so.</p> <p>(5) An action taken or thing done by an authorised person is not invalidated by the failure of an authorised officer to produce his or her identity card.</p>	
	<p>Clause 67</p> <p>Close Proximity should be defined. Does a dog in a car driving past the Livestock Exchange have to be muzzled? What about a dog in a car within the Livestock Exchange?</p>	67. An owner or person who has a dog in his or her care for the time being must ensure the dog is muzzled when in or in close proximity to the municipal livestock exchange.	The words in clause 67 should be given their ordinary meaning. The purpose of clause 67 is safety from dog bite, so close proximity will be construed by reference to the risk of dog bite.	No change required.
	<p>Clause 71</p> <p>This Clause is a bit complex, you have a table in your current Local Law, can you add in a table again for clarity? It is a much easier to read a table.</p>		Animal keeping has been considered another part of this document.	Amendments to the animal keeping clauses are set out in another part of this document..
	<p>Clause 79</p> <p>For safety reasons, a person driving livestock should have some sort of safety signage out warning road users, particularly in areas with speeds over 60 kilometres per hour. A small car hitting livestock could cause lifechanging injuries.</p>	<p>79. Without a permit a person may move livestock from one property or part of a property to another within the municipal district if—</p> <p>a. the trip is started and completed within daylight hours;</p> <p>b. the person driving the livestock is competent in the handling of livestock and takes all reasonable steps to minimise risk to other road users and damage to fences, roads and vegetation;</p> <p>c. otherwise in the way set out in any guideline;</p>	<p>Proposed Community Local Law 2021 does not include road safety signs for driving. Signs are regulated by the <i>Road Safety (Traffic Management) Regulations 2019</i> which says—</p> <p><b>17 Traffic control at stock crossings</b></p> <p><u>(1) A person referred to in subregulation (2), (3), (4) or (5) must comply with the Manual for Traffic Control at Stock Crossings.</u></p> <p>(3) In addition to complying with subregulation (1), a person accompanying an animal under control while driving may, on a road or road related area, erect, display, place or remove or alter a traffic control device similar to Diagram 4 set out at the foot of this regulation.</p>	At Council Meeting of 22 November 2021 consider an amendment to correct the numbering of sub-paragraphs of clause 79 in conjunction with re-numbering the whole of proposed Community Local Law 2021 for amendments.



No.	Submission	Clause	Considerations	Recommended
		b. not in the urban area.	 Diagram 4	
	<p>Main Points</p> <p>The definition of Road Related Area should be changed to state “on Council Land”.</p> <p>Authorised Officers should be required to produce their identification before using a power (such as giving someone a direction to do something, where it is an offence to not comply). As I said above, Horsham has a history of persons impersonating an Authorised Officer.</p> <p>There is a broadness here in some matters which should be made more specific, for example, the Clause around photography, which would prevent a prevent a person putting a photo of their new house on their Facebook if it was taken from the footpath or nature strip. I believe the proposed Local Law needs to be reviewed in the context of how it would affect everyday people, not just criminals.</p> <p>There are some issues around transparency and consultation, such as incorporated documents. I don't think Council is trying to do anything untoward, however, this Local Law will be around ten years, and who knows how these matters may be dealt with in the future.</p>		<p>The Main Points have been considered in another part of this document.</p>	



EPA publication 1254.1 of 16 pages

Updated 7 February 2021

### Conditions of Hire

Horsham Rural City Council (HRCC) provides a range of facilities to support participation in social and sporting activities.

Horsham Rural City Council is committed to providing the equitable allocation of community facilities to sporting and community groups. The following principles guide decision making:

**Fairness** – ensuring consistency and transparency in the allocation of community managed facilities

**Responsibility** – ensuring clubs and community groups are aware of their responsibilities in the use of the facility and shared nature of the community asset.

#### ACTION

*Please carefully read the following Conditions of Hire before signing at the end of the document. By signing you are accepting responsibility for the implementation of the conditions.*

#### 1 In these Conditions of Hire

- 1.1 The Hirer accepts responsibility for the management and control of the facility during the stated period of hire;
- 1.2 The Hirer undertakes to comply with all reasonable directions from Council and all health directives from the Victorian State Government;
- 1.3 Approval to use a community or sporting facility and/or ground is subject to Council receiving a completed Application to Hire on the required form with all required attachments
- 1.4 Approval to use a community or sporting facility and/or ground is also subject to the submission to HRCC of a completed Covid-19 Safety Plan;
- 1.5 The Application for Hire becomes the Hire Agreement when all required information has been received and the booking is confirmed.

Appendix: Consideration of submissions  
Proposed Community Local Law 2021 public notice from 29 June 2021



Image doublestandards

Appendix: Consideration of submissions

Proposed Community Local Law 2021 public notice from 29 June 2021



Image previous signs

Appendix: Consideration of submissions

Proposed Community Local Law 2021 public notice from 29 June 2021



Image 0632



Appendix: Consideration of submissions  
Proposed Community Local Law 2021 public notice from 29 June 2021



Image 0728



Image 0881

<b>PART 1</b>	
<b>Preliminaries</b>	
<b>COMMUNITY LOCAL LAW 2021</b>	
<b>Objectives</b>	
1.	<p>The objectives of this local law are to provide for the –</p> <ul style="list-style-type: none"> <li>a. peace, order and good government of the municipal district;</li> <li>b. protection, fair use and enjoyment of waterways managed by Council and Council land;</li> <li>c. safe and fair use of roads and road related areas;</li> <li>d. protection and improvement of the amenity of the municipal district;</li> <li>e. keeping and control of animals; and</li> <li>f. uniform and fair administration of this local law.</li> </ul>
<b>Authorising provisions</b>	
2.	<p>This local law is made under Part 5 of the <i>Local Government Act 1989</i> and section 42 of the <i>Domestic Animals Act 1994</i>.</p>
<b>Commencement</b>	
3.	<p>This local law commences on the day following the publication of notice of its making.</p>
<b>Application</b>	
4.	<p>This local law applies throughout the municipal district unless specifically stated otherwise.</p>
5.	<p>This local law does not apply–</p> <ul style="list-style-type: none"> <li>a. to an authorised officer or a member of Council staff in the course of carrying out their duties;</li> <li>b. to a person engaged to undertake any activity on behalf of Council in the course of carrying out that activity;</li> <li>c. to any activity by emergency services arising out of the performance of a function or exercise of a power of emergency services.</li> </ul>
6.	<p>Council may prescribe any person or class of person as exempt from the requirement to–</p> <ul style="list-style-type: none"> <li>a. obtain a permit,</li> <li>b. pay a fee or charge or lodge security,</li> </ul> <p>and such exemption may be conditional, amended, cancelled or corrected as for a permit.</p>
<b>Revocation of Community Local Law 2011</b>	
7.	<p>On the commencement of this local law, Council's Community Local Law 2011 as amended from time to time is revoked save that any notice or consent given or any business, matter or thing commenced, already made or done (including the commencement of enforcement proceedings) under the revoked local law is not affected.</p>
<b>Guidelines and other incorporated documents</b>	
8.	<p>Council may from time to time make guidelines for this local law. Such guidelines may be amended from time to time and are incorporated documents for this law.</p>



9.	Other incorporated documents for this local law are- <ul style="list-style-type: none"> <li>a. the Apiary Code of Practice;</li> <li>b. the Solid Waste Code;</li> <li>c. the Code of Practice for the Housing of Caged Birds;</li> <li>d. any code of practice, however called under the <i>Prevention of Cruelty to Animals Act 1986</i> or <i>Domestic Animals Act 1994</i> about the keeping of any pet, domestic fowl or horse, as formulated, issued, prescribed or published from time to time.</li> </ul>
<b>Definitions</b>	
10.	In this local law—
<b><i>Apiary Code of Practice</i></b> means the code for the <i>Livestock Disease Control Act 1994</i>	
<b><i>construction activity</i></b> includes— <ul style="list-style-type: none"> <li>a. the operation of vehicles within, or entering or leaving, a construction site; and</li> <li>b. any activities, at or within the immediate vicinity of a construction site, of persons who perform work at the site, or work connected with work at the site;</li> </ul>	
<b><i>construction work</i></b> has the same meaning as in the <i>Building and Construction Industry Security of Payment Act 2002</i> ;	
<b><i>Council</i></b> means Horsham Rural City Council;	
<b><i>Council land</i></b> means any land or building owned, occupied, vested in, managed by or under the control of Council and includes improvements a reserve, watercourse, reservation and the like but excluding a road;	
<b><i>emergency service</i></b> includes ambulance, fire brigade, police or state emergency service;	
<b><i>farm land</i></b> has the same meaning as in the <i>Valuation of Land Act 1960</i> ;	
<b><i>footpath</i></b> has the same meaning as the <i>Road Safety Road Rules 2017</i> ;	
<b><i>freight container</i></b> has the same meaning as the <i>Road Safety Act 1986</i> ;	
<b><i>incorporated document</i></b> has the meaning in section 76 of the <i>Local Government Act 2020</i> ;	
<b><i>land</i></b> includes buildings and other structures permanently affixed to the land;	
<b><i>livestock</i></b> has the same meaning as the <i>Livestock Management Act 2010</i> ;	
<b><i>local nuisance</i></b> is— <ul style="list-style-type: none"> <li>a. any adverse effect on amenity that is caused by— <ul style="list-style-type: none"> <li>i. light, noise, vibration, odour, smoke, fumes, aerosols or particles (including without limitation dust, fly-ash or cinders); or</li> <li>ii. any other agent or class of agent prescribed by Council; and</li> </ul> <p>in the opinion of an authorised officer based on the officer's senses the nature, intensity, extent, density, colour, texture or other characteristic of the agent or the time frequency and duration of occurrence unreasonably interferes with or is likely to interfere unreasonably with the peace, comfort, convenience or enjoyment of the area by persons occupying or lawfully resorting to the area; or</p> </li> <li>b. insanitary conditions on premises that unreasonably interfere with or are likely to interfere unreasonably with the enjoyment of premises occupied by persons in the vicinity; or</li> </ul>	

<p>c. unsightly or unsafe conditions on premises caused by human activity, misuse or ageing, a lack of effective maintenance or a failure to act that involves—</p> <ul style="list-style-type: none"> <li>i. bracken, grass or weeds in excess of 300mm in height;</li> <li>ii. excessive or unconstrained disused or derelict items or material not usually associated with the maintenance of the land that a reasonable person would consider to be rubbish or waste in the circumstances (including without limitation paper, cloth, packaging, bottles, metal, timber, building materials, building refuse and rubble, excavation material, spoil, derelict parts machinery or vehicles);</li> <li>iii. more than 2 unregistered motor vehicles;</li> <li>iv. buildings structures or fences on the land in a dilapidated state or in a state of disrepair or general neglect or that have been damaged or defaced (including without limitation where windows or doors in a building have been broken or removed and the building cannot be secured, where guttering downpipes or drains are not in a good state of repair or clean and free from obstruction);</li> <li>v. incomplete construction work for two hundred and forty (240) days or more from the expiry or earlier determination of the relevant approval;</li> <li>vi. an unfenced or unsecured hole or excavation;</li> <li>vii. keeping or storage of temporary buildings or relocated or removable houses,</li> </ul> <p>and in the opinion of an authorised officer are out of conformity with the general appearance and amenity of the surrounding area;</p>
<p><b>model aeroplane</b> means any airborne device modelled on an aeroplane or aircraft and which is powered and includes a drone;</p>
<p><b>motor vehicle</b> has the same meaning as in the Road Safety Act 1986;</p>
<p><b>nature strip</b> has the same meaning as in the Road Safety Road Rules 2017</p>
<p><b>permit</b> means a permit approved under this local law;</p>
<p><b>prescribe</b> means decided or specified by the Council;</p>
<p><b>recreational vehicle</b> means a wheeled or tracked device ordinarily used for recreation or play and propelled by a motor that is not an auxiliary motor;</p>
<p><b>road</b> and <b>road related area</b> have the same meaning as in the Road Safety Act 1986</p>
<p><b>security</b> means a sum of money, or other means of security prescribed by Council, the value of which has been determined by Council, after taking account of—</p> <ul style="list-style-type: none"> <li>a. the nature of proposed works or activities (matter) that may damage or adversely impact a road, road related area, waterway managed by Council or Council land;</li> <li>b. the likely cost to remedy any damage or adverse impacts;</li> <li>c. any incorporated document for this local law setting standards, guidelines or containing Council policy that apply to the matter;</li> </ul>
<p><b>street party</b> means an organised social gathering of people from one or several adjacent roads that is held on a road or road related area;</p>
<p><b>urban area</b> means an area in which either of the following is present for a distance of at least 500 metres, or if the length of road is shorter than 500 metres, for the whole road –</p>

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- |  |
|--|
| a. buildings, not over 100 metres apart, on land next to the road; |
| b. street lights not over 100 metres apart;                        |

<b>vehicle</b> has the same meaning as in the <i>Road Safety Act 1986</i> ;
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<b>wheeled recreational device</b> has the same meaning as in the <i>Road Safety Road Rules 2017</i>
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<b>PART 2</b>	
<b>Procedural</b>	
<b>Permits</b>	
11.	Where this local law requires a permit, Council may– <ul style="list-style-type: none"> <li>a. approve an application with or without amendment to the proposal;</li> <li>b. impose conditions on any approval;</li> <li>c. refuse the application for a permit.</li> </ul>
<b>Requirements</b>	
12.	Council may require an applicant for a permit– <ul style="list-style-type: none"> <li>a. to supply additional information;</li> <li>b. to give public notice of the application;</li> <li>c. to provide the consent of the land owner.</li> </ul>
<b>Applications</b>	
13.	An application for a permit must be– <ul style="list-style-type: none"> <li>a. accompanied by the relevant fee; and</li> <li>b. in the prescribed form.</li> </ul>
14.	In considering an application, Council may consider as appropriate– <ul style="list-style-type: none"> <li>a. any Act and related documents relevant to the matter; <p style="margin-left: 40px;"><b>Example</b></p> <p style="margin-left: 40px;">The role, functions and powers of Council as a road authority for the <i>Road Management Act 2004</i>.</p> </li> <li>b. whether the application complies or can be conditioned to comply with any incorporated document;</li> <li>c. any relevant policy adopted by Council;</li> <li>d. any written objection or written submission received in respect of the application;</li> <li>e. any written comment made in respect of the application by any public authority, government department, community organisation or other body or person; and/or</li> <li>f. any other relevant matter.</li> </ul>
15.	A permit may be subject to conditions including without limitation– <ul style="list-style-type: none"> <li>a. the payment of a fee or charge including without limitation an occupation charge;</li> <li>b. lodging or payment of security;</li> <li>c. a time limit specifying the duration, commencement or completion date;</li> <li>d. the happening of an event;</li> <li>e. the rectification, remedying or restoration of a situation or circumstance;</li> <li>f. when the applicant is not the owner of the subject property, the consent of the owner is required;</li> <li>g. the granting of some other approval or authorisation; and</li> </ul>

<p>h. the requirements of any incorporated document.</p> <p>16. A permit will expire on the date specified in the permit or if no date is specified one year after the date of issue.</p> <p>17. A person must not transfer or assign a permit.</p>
<p><b>Correction, suspension, cancellation or amendment</b></p>
<p>18. Council may correct a permit for–</p> <ul style="list-style-type: none"> <li>a. a clerical mistake or an error arising from any accidental slip or omission;</li> <li>b. an evident and material miscalculation of figures or any evident and material mistake in the description of any person, thing or property referred to in the permit.</li> </ul> <p>19. Council may suspend, cancel or amend any permit if Council considers there has been–</p> <ul style="list-style-type: none"> <li>a. a material misstatement or concealment of fact in relation to the application for a permit;</li> <li>b. any material mistake in relation to the issue of the permit;</li> <li>c. any material change of circumstances which has occurred since the issue of the permit;</li> <li>d. any substantial non-compliance with the permit (including any condition of the permit);</li> <li>e. any failure to undertake action within the time specified in a notice to comply issued under this local law.</li> </ul> <p>20. Council may correct, suspend, cancel or amend a permit at the request of the permittee or as an initiative of Council.</p>
<p><b>Impounding</b></p>
<p>21. An authorised officer may impound any animal, item or thing associated with a contravention of this local law.</p> <p>22. As soon as reasonably practical after impounding any animal, item or thing, an authorised officer must serve a notice of impounding on the owner or other person apparently responsible for the animal, item or thing setting out–</p> <ul style="list-style-type: none"> <li>a. any fees and charges payable in respect of the impounding;</li> <li>b. the time within which the impounded animal, item or thing must be claimed;</li> <li>c. that Council may dispose of the animal, item or thing if not claimed within the specified time.</li> </ul> <p>23. A notice of impounding will not be served where the authorised officer cannot, after making reasonable inquiries, identify or locate the owner or other person apparently responsible for the animal, item or thing.</p> <p>24. Council may sell, destroy, dispose of or give away the impounded animal, item of thing if the owner has not claimed and paid within the time specified in the notice of impounding.</p>
<p><b>Fees, charges and security</b></p>
<p>25. Council may–</p> <ul style="list-style-type: none"> <li>a. from time to time, by resolution determine – l             <ul style="list-style-type: none"> <li>i. fees, charges (including without limitation an occupation charge) or security for the purposes of this local law;</li> <li>ii. an administration, inspection or processing fee or charge in addition to the fee, charge or security applying under this local law;</li> </ul> </li> </ul>

<ul style="list-style-type: none"> <li>iii. establish a system or structure of fees and charges, including a minimum or maximum fee or charge;</li> <li>b. reduce, waive or refund, in whole or in part a fee, charge or security with or without conditions.</li> </ul> <p>26. In the event that a person to whom a permit is issued breaches the permit conditions attached to the permit or this local law, Council may apply so much of the security as is necessary to remedy that breach and repair any damage caused by that breach.</p> <p>27. Upon expiry of a permit, Council must release any remaining security bond to the person who paid it.</p> <p>28. If, after 12 months from the date that the security would be released under clause 20.3, Council cannot locate a person entitled to the release of any security bond or remaining security bond, Council may, subject to law, retain the security bond or remaining security bond and pay the money into its general revenue.</p>	<p><b>Enforcement</b></p>
<p><b>Penalties</b></p>	<p>29. A person who–</p> <ul style="list-style-type: none"> <li>a. contravenes or fails to comply with any provision under this local law;</li> <li>b. causes, suffers or allows an activity without a current permit under this local law;</li> <li>c. contravenes or fails to comply with any condition contained in a permit or condition of any exemption under this local law;</li> <li>d. contravenes or fails to comply with a notice to comply;</li> <li>e. fails to comply with a direction of an authorised officer;</li> <li>f. fails to comply with a sign erected by Council;</li> <li>g. knowingly or recklessly provides incorrect or misleading information (whether oral or written) in an application for a permit or an application for an exemption under this local law;</li> <li>h. knowingly or recklessly omits relevant information in an application for a permit or an application for an exemption under this local law,</li> </ul> <p>is guilty of an offence and subject to the following penalties–</p> <ul style="list-style-type: none"> <li>i. for a first offence a maximum of twenty (20) penalty units;</li> <li>j. a further penalty of two (2) penalty units for each day the contravention, failure or activity continues after conviction; and</li> <li>k. for a second or subsequent offence, a penalty of twenty (20) penalty units.</li> </ul> <p>30. If a corporation is–</p> <ul style="list-style-type: none"> <li>a. charged with an offence against this local law any natural person who is concerned or takes part in the management of the corporation may also be charged with the same offence;</li> <li>b. is convicted of an offence against this local law, a natural person charged with the same offence may also be convicted of that offence and is liable to the penalty for that offence unless that natural person proves that the act or omission constituting the offence took place without his or her knowledge or consent.</li> </ul>

<p>31. When a court finds a person guilty of an offence under this local law the court may, in addition to imposing any penalty, order the person to compensate Council for the cost of any work carried out by, or on behalf of Council, necessitated by the contravention, failure, representation or omission of the person.</p>
<p><b>Notices to comply, directions, warnings</b></p>
<p>32. If a person is in breach of this local law then either as an alternative or in addition to a direction or an infringement notice, an authorised officer can issue to that person a notice to comply.</p> <p>a. A person named in a notice to comply must–</p> <ul style="list-style-type: none"> <li>i. comply with this local law;</li> <li>ii. stop the conduct or cease the activity which is a breach of this local law;</li> <li>iii. deliver to the authorised officer or to a specified person or a specified location any item or property of the person which is a breach of this local law;</li> <li>iv. remove or cause to be removed any item, goods, equipment or other things that is a breach of this local law;</li> <li>v. leave an area;</li> <li>vi. undertake any work or do specified things to remedy a breach of this local law, by the time and date specified in the notice to comply.</li> </ul> <p>b. A notice to comply issued for unsightly or unsafe conditions may (without limitation) require a person to–</p> <ul style="list-style-type: none"> <li>i. improve the condition of premises;</li> <li>ii. remove specified things from premises;</li> <li>iii. fence, screen or otherwise enclose any part or the whole of premises;</li> <li>iv. board up or otherwise secure any part or the whole of premises to alleviate the risk to safety and adverse impacts on amenity;</li> <li>v. display warning signs to alert members of the public to the presence of a danger and the erect barriers to prevent persons entering the premises.</li> </ul> <p>c. If a person does not comply with a notice to comply, Council or an authorised officer or any employee or any other person authorised in writing by Council, may enter upon any premises the subject of the notice to comply to do all acts, matters or things under the notice to comply.</p> <p>d. All costs and expenses including any administration fee incurred by Council in carrying out such acts, matters or things are a debt due to Council from the person issued with a notice to comply.</p> <p>33. A person must comply with a spoken or written direction by an authorised officer in respect of–</p> <ul style="list-style-type: none"> <li>a. any matter under this local law;</li> <li>b. a person's use of a road, road related area, waterway managed by Council or Council land.</li> </ul> <p>34. An authorised officer may give a person a spoken or written warning in respect of–</p> <ul style="list-style-type: none"> <li>a. any matter under this local law;</li> <li>b. a person's use of a road, road related area, waterway managed by Council or Council land.</li> </ul>



<b>Infringement notices</b>	
35.	As an alternative to prosecution, an authorised officer may serve an infringement notice on a person who has contravened this local law.
36.	Infringement notice penalties are— <ul style="list-style-type: none"> <li>a. five (5) penalty units for a breach in relation to the matters in clauses 52, 53 and 54;</li> <li>b. two (2) penalty units for any other breach of this local law.</li> </ul>
<b>Power to act in urgent circumstances</b>	
37.	Council or an authorised officer may act to remedy any circumstance which threatens a person's life, health or property, or an animal, or to prevent any danger to the environment or any nuisance arising, without serving a notice to comply, provided that— <ul style="list-style-type: none"> <li>a. the circumstance arises out of a person's use of road, road related area, waterway managed by Council or Council land or failure to comply with a provision of this local law;</li> <li>b. an authorised officer considers the circumstance to be sufficiently urgent that the time necessary to serve, or the potential difficulty in serving, a notice to comply may place the person's life, health or property, or the animal or the environment at risk or in danger or substantial detriment;</li> <li>c. the action taken is no more than the minimum reasonably necessary to remedy the urgent circumstance;</li> <li>d. the person on whom a notice to comply would have otherwise been served is as soon as possible notified of the urgent circumstance and the action taken to remedy it.</li> </ul>
<b>Internal review</b>	
38.	Unless expressly excluded in a permit, notice to comply or direction within 28 days after a person receives a permit, notice to comply or direction the person may request a review of the decision and must support that request with a written submission. The person who makes a request under this clause is not relieved of their obligation to comply with the conditions of the permit, notice to comply or direction unless and until the review is determined.
<b>Delegations</b>	
39.	Council delegates to the Chief Executive Officer and to each member of council staff who has management responsibilities and reports directly to the Chief Executive Officer and to any other person for the time being acting for such persons all the powers, discretions, authorities and considerations of Council under this local law including the powers, discretions, authorities and considerations to— <ul style="list-style-type: none"> <li>a. prescribe any person or class of person as exempt from the requirement to obtain a permit, pay a fee or charge or lodge security;</li> <li>b. make guidelines for this local law;</li> <li>c. prescribe an agent or class of agent adverse to amenity;</li> <li>d. prescribe the means and determine the value of security;</li> <li>e. consider and approve or refuse an application for a permit and impose conditions on any permit;</li> <li>f. require an applicant to supply additional information, to give public notice or to provide land owner consent;</li> </ul>

- g. correct, suspend, cancel or amend a permit;
- h. reduce, waive or refund, in whole or in part a fee, charge or security with or without conditions;
- i. decide a request to review a decision in a permit, notice to comply or direction;
- j. allot property numbers;
- k. prescribe—
  - i. areas in which wheeled recreational devices must not be used;
  - ii. any footpath to be an area where bicycles must not be ridden at any time or a prescribed time;
  - iii. the case or class of vehicle or machine that must not be used on a road;
  - iv. areas for recreational vehicles, camping, model aeroplanes or horses;
  - v. conditions of entry;
  - vi. a person to give a direction to leave a carpark or Council land;
  - vii. times of the day, days or dates, a part of the municipal district, a case or class of case when a person must not have liquor in an open container on a road, road related area, or Council land;
  - viii. the case or class of signs or activities requiring a permit on a road, road related area or Council land;
  - ix. the number of days required by Council to receive and decide a firework permit;
  - x. exceptions to the local law requirements for open air fires in the urban area or in a Council fireplace;
  - xi. the aerodrome movement area;
  - xii. any dog off-leash area,

or to do any act, matter or thing necessary or incidental to the exercise of any function or power by Council under this local law.

<b>PART 3</b>	
<b>Specific provisions</b>	
<b>Council controlled or managed places</b>	
40.	<p>A person must not cause, suffer or allow vegetation, a gate, fencing, a sign or anything on land to or likely to—</p> <ol style="list-style-type: none"> <li>obstruct the view between vehicles at an intersection;</li> <li>obstruct the view between vehicles and pedestrians;</li> <li>obscure street lighting; or</li> <li>constitute a danger to vehicles or pedestrians; or</li> <li>compromise the safe and convenient use of the road by pedestrians or vehicular traffic.</li> </ol> <p><b>Example</b></p> <p>Vegetation on the nature strip, vegetation beyond the property boundary, roots in stormwater drains, basketball hoops outside of the property boundary, fencing at street corners, things that may cause a pedestrian or driver to veer, hindering the safe and convenient passage of persons using a pram, mobility aid, motorised mobility device, wheel-chair, accumulated dropped berries leaves or other materials on a footpath.</p>
41.	<p>Without an approval or authority under an Act or permit a person must not allow, cause or suffer in respect of road, road related area, or Council land (in this clause called the land)—</p> <ol style="list-style-type: none"> <li>any change to the land;</li> <li>removal of anything from the land;</li> <li>erection of scaffolding, hoarding or overhead protective awnings and other structures or affixing of advertising or erection of signs or other things (including pipes, wires, cables, pavers, fixture, fitting and other objects) in, on, across, under or over the land;</li> <li>any change, interference with or removal of a structure or ornament (including pipes, wires, cables, pavers, fixture, fitting and other objects) associated with the land;</li> <li>planting of a tree or other vegetation on the land, interference with vegetation on the land or removal of vegetation from the land;</li> <li>occupation of the land including without limitation by fencing, use of a mobile crane, travel tower, concrete line pump, scissor lift, or the swinging or hoisting of things across any part of the land by means of a lift hoist or tackle;</li> <li>the deposit or leaving of materials, supplies, waste and things on the land including without limitation skip bins, machinery plant or equipment and tools, paving gravel aggregate or other surface treatments.</li> </ol> <p><b>Example</b></p> <p>Alter a drain, break down any bollard fence gate or other physical barrier to entry to the land, remove interfere with or deface any sign, affix to a building objects intruding into the airspace over the land, tree lopping or cutting taking or collecting of wood, make a hole or excavation; remove sand gravel or other materials, fill a hole or excavation; deposit rubble rocks gravel soil mulch pallets of turf</p>
42.	<p>A person must not—</p> <ol style="list-style-type: none"> <li>drive a motor vehicle or other machinery over a kerb, nature strip or footpath at a place other than a vehicle crossover;</li> <li>without a permit, construct, install, remove or alter a vehicle crossover, including any temporary crossover.</li> </ol>

<p>43. A person must not on road, road related area or Council land allow, cause or suffer–</p> <ul style="list-style-type: none"> <li>a. to remain a motor vehicle, caravan (or similar), trailer, boat, damaged or dilapidated motor vehicle – <ul style="list-style-type: none"> <li>i. for more than seven (7) days; or</li> <li>ii. for the purpose of sale;</li> </ul> </li> <li>b. any repair, service, dismantling, painting, panel beating, washing, cleaning or other work of similar nature on a motor vehicle, caravan (or similar) or trailer except for running repairs in the case of breakdown.</li> </ul> <p>44. Council may prescribe–</p> <ul style="list-style-type: none"> <li>a. areas in which wheeled recreational devices must not be used;</li> <li>b. any footpath to be an area where bicycles must not be ridden at any time or a prescribed time.</li> </ul>
<p>45. Except in an prescribed area for the purpose a person must not on road, road related area or Council land allow, cause or suffer–</p> <ul style="list-style-type: none"> <li>a. a recreational vehicle to be used;</li> <li>b. camping, where camp has the same meaning as in the <i>Road Management (General) Regulations 2016</i>;</li> <li>c. the operation of a model aeroplane.</li> </ul>
<p>46. A person shall not cause or permit a motor vehicle to be on Council land other than–</p> <ul style="list-style-type: none"> <li>a. a road or other especially formed lane for motor vehicles;</li> <li>b. a carpark;</li> <li>c. an area where provision has been specifically made for the entry or accommodation of motor vehicles.</li> </ul>
<p>47. Without a permit a person must not allow, cause or suffer a prescribed vehicle or machine or class of vehicle or machine to be used on a road.</p>
<p>48. A person must not allow, cause or suffer a shopping trolley to be left on or in a road, road related area, any waterway managed by Council or Council land.</p>
<p>49. On road related area that is a carpark or Council land a person must not–</p> <ul style="list-style-type: none"> <li>a. act contrary to prescribed conditions of entry;</li> <li>b. enter other than through the entrance for that purpose or during hours when that carpark or Council land is closed to the public;</li> <li>c. enter and remain without paying any relevant fee, charge including any occupation charge or security;</li> <li>d. hire or use any Council property in connection with that place without paying any relevant fee, charge or security; or</li> <li>e. remain at that carpark or on Council land after being directed to leave by an authorised officer or other prescribed person.</li> </ul>

<p>50. A person must not, while aboard a vessel on any waterway managed by Council interfere with the reasonable use and enjoyment by another person of the waterway or nearby land.</p>
<p>51. Council may prescribe—</p> <ul style="list-style-type: none"> <li>a. times of the day;</li> <li>b. days or dates;</li> <li>c. a part of the municipal district;</li> <li>d. a case or class of case,</li> </ul> <p>when a person must not have liquor in an open container on a road, road related area, or Council land affected by such prescription, unless otherwise approved under an Act.</p> <p><b>Example</b></p> <p>Unless a person is on licensed premises that include on-street dining, a Council prescription may prevent the consumption of liquor on the footpath.</p> <p>An authorised officer observing a person with liquor in an open container in breach of a Council prescription may direct the person to dispose of the liquor as approved by the authorised officer or seal the container of liquor.</p> <p>In this clause, <b>liquor</b> has the same meaning as in the <i>Liquor Control Reform Act 1998</i>.</p>
<p>52. Without an approval or other authority under an Act or permit a person must not on a road, road related area or Council land—</p> <ul style="list-style-type: none"> <li>a. place or affix any advertising, banner, billposting, real estate sign, mobile billboard or prescribed sign;</li> <li>b. distribute any unsolicited document to persons;</li> <li>c. display any goods or samples;</li> <li>d. erect or place a vehicle, caravan, trailer, table, chairs, stall, barrow, booth, tent, kiosk or barrow for the purpose of selling or hiring any goods or services;</li> <li>e. place any outdoor eating furniture or associated facilities for food and drink premises;</li> <li>f. sell or offer for sale or hire any goods or services carried about or placed on the person or any other moveable thing;</li> <li>g. sell or offer for sale any raffle ticket or ask for or receive or do anything to indicate a desire for a donation of money or any other thing;</li> <li>h. busk;</li> <li>i. conduct or hold a concert, festival, show, public gathering, rally, street party, circus, carnival, performance or other similar activity;</li> <li>j. cause any public exhibitions, displays or events (including without limitation weddings);</li> <li>k. provide organised athletics, sport, health or fitness services;</li> <li>l. record images by film, video, digital or other technology to broadcast publish or publicly exhibit for commercial purpose;</li> <li>m. undertake any other activity prescribed for this clause.</li> </ul> <p>In this clause a mobile billboard is an advertising sign that is not an integral part of the construction of the motor vehicle or is that type of sign on a trailer pulled by a motor vehicle.</p>

53.	Without a permit obtained the prescribed number of days before the event, a person must not in the urban area, on a road, road related area, any waterway managed by Council or Council land discharge display fireworks, Chinese firecrackers or theatrical fireworks.
54.	<p>Unless otherwise approved or authorised under an Act prior to the commencement of construction work and construction activity the—</p> <ul style="list-style-type: none"> <li>a. owner or occupier causing the carrying out of construction work or construction activity at premises;</li> <li>b. person undertaking construction work or construction activity at premises;</li> <li>c. appointed agent,</li> </ul> <p>must ensure a permit is obtained from Council and payment or provision of security is made for use and access over (including by the travel of any boom or similar) and occupation of road, road related area or Council land.</p>
55.	<p>Unless approved or authorised under an Act without a permit a person must not—</p> <ul style="list-style-type: none"> <li>a. excavate, destroy, damage, obstruct, alter, remove or in any way interfere with;</li> <li>b. obstruct, divert, tap, add to, take, use or in any way interfere with the passage of drainage water or water through;</li> </ul> <p>any drain or drainage works vested in Council, any waterway managed by Council and anything like a ditch swale gutter levee culvert on a road, road related area or Council land.</p>
56.	A person must not allow, cause or suffer any substance, other than untreated stormwater, to be discharged into the stormwater system of Council.
<b>Safety and amenity</b>	
57.	<p>A person must if directed or given written notice by an authorised officer, cause an activity to cease, or remove from premises owned or occupied by the person any substance, material or thing that, in the opinion of the authorised officer, is causing local nuisance.</p> <p><b>Example</b></p> <p>Use of a chimney on residential premises, open air fire (unless approved under an Act), chemical, mechanical or manual process, use of a recreational vehicle, musical instrument or any electrical amplified sound, keeping of animals, construction activity</p>
58.	<p>Unless approved under an Act or otherwise prescribed by Council a person may only light a fire in the open air in either of—</p> <ul style="list-style-type: none"> <li>(a) the urban area;</li> <li>(b) on Council land,</li> </ul> <p>for the purpose of meal preparation or personal comfort and to accord with the conditions in section 38A(1)(a) of the <i>Country Fire Authority Act 1958</i> and on Council land where a properly constructed fireplace is provided.</p>
59.	A person must not allow, cause or suffer the construction, erection, installation or use of any incinerator on any land in an urban area.
60.	The occupier of every dwelling and other property to which Council provides a municipal waste collection service must comply with any incorporated document about municipal waste (currently Council's Solid Waste Code).
61.	A person must not—

<ul style="list-style-type: none"> <li>a. allow, cause or suffer a freight container to be placed on or to remain on any road, road related area or Council land;</li> <li>b. on any land in the urban area, allow, cause or suffer a freight container to be kept, stored, repaired or otherwise used or remain unless approved under an Act;</li> <li>c. on any land outside the urban area allow, cause or suffer a freight container to be kept, stored, repaired or otherwise used or remain without a permit.</li> </ul>
<p>62. A person must not allow, cause or suffer a vehicle weighing more than (4.5) tonnes (including any load) to be parked (save for that reasonable period of time in which the vehicle is parked during daylight hours for the purpose of picking up or setting down goods), kept, stored or repaired on any land in the residential zones which apply in the Horsham Planning Scheme.</p>
<p>63. The Council may allot such numbers as are in its opinion necessary to identify each property in the municipal district.</p> <p>64. If the Council has allocated a number to a property the owner or occupier of that property must–</p> <ul style="list-style-type: none"> <li>a. mark the property with the number of a sufficient size and placed in such a position as to be clearly read from the road on which the property has its frontage;</li> <li>b. renew or replace the number as often as may be necessary.</li> </ul>
<p>65. A person must not enter or remain on the prescribed aerodrome movement area other than–</p> <ul style="list-style-type: none"> <li>a. a pilot or crew member of an aircraft;</li> <li>b. an employee or agent of the Council, the Civil Aviation Safety Authority or an emergency service in performance of their duties;</li> <li>c. a person who is a passenger either in an aircraft or in the process of entering or leaving an aircraft;</li> <li>d. a person lawfully involved in the refuelling or servicing of an aircraft; or</li> <li>e. any other person authorised by the aerodrome manager and acting in accordance with that authority.</li> </ul>
<p><b>Animals</b></p>
<p>66. The owner of an animal on a road, road related area or Council land must–</p> <ul style="list-style-type: none"> <li>a. carry and produce upon demand by an authorised officer, a bag or other suitable container for the collection and lawful disposal of any faeces that the animal may deposit;</li> <li>b. remove and hygienically dispose of faeces deposited by the animal;</li> <li>c. if the animal is a dog, ensure the dog is secured by a chain, cord or leash except in an area prescribed by Council as an off leash area where the person must keep the dog under effective control.</li> </ul> <p>In this clause–</p> <ul style="list-style-type: none"> <li>i. owner includes a person who has the animal in his or her care for the time being;</li> <li>ii. effective control means the owner exercises effective control of the dog either– <ul style="list-style-type: none"> <li>A. by means of a physical restraint;</li> <li>B. by command, the dog being in close proximity to the person, and the person being able to see the dog at all times.</li> </ul> </li> </ul>



67.	An owner or person who has a dog in his or her care for the time being must ensure the dog is muzzled when in or in close proximity to the municipal livestock exchange.
68.	A person must not ride or lead a horse— <ul style="list-style-type: none"> <li>a. in the urban area on any footpath or nature strip;</li> <li>b. on Council land except in an area prescribed for that purpose.</li> </ul>
69.	An owner or occupier of a property must not allow, cause or suffer keep or allow to be kept any beehive on that property unless the person or one of them or another person permitted to use the property is a registered beekeeper and keeps the bees and hives in accordance with the Apiary Code of Practice.
70.	In the urban area a person must not allow, cause or suffer to be kept— <ul style="list-style-type: none"> <li>a. livestock (other than domestic fowl);</li> <li>b. free flying pigeons;</li> <li>c. any rooster.</li> </ul>
71.	Without an approval or authority under an Act or permit, an owner or occupier of land must not allow, cause or suffer to be kept— <ul style="list-style-type: none"> <li>a. more than 2 cats;</li> <li>b. in the urban area—             <ul style="list-style-type: none"> <li>i. more than 2 dogs, provided that for each dog—                 <ul style="list-style-type: none"> <li>A. being a small dog, the backyard has a minimum 7.5 square metre area of permeable surface where that area contains a rectangle measuring 1.5 metres by 5 metres;</li> <li>B. being a medium dog, the backyard has a minimum 10 square metre area of permeable surface where that area contains a rectangle measuring 2 metres by 5 metres;</li> <li>C. being a large dog, the backyard has a minimum 15 square metre area of permeable surface where that area contains a rectangle measuring 2.5 metres by 6 metres;</li> </ul> <p>or any larger area from time to time provided in a publication about the welfare of dogs under an Act;</p> </li> <li>ii. more than 5 domestic fowl (excluding roosters) provided that for 5 domestic fowl, the backyard has a minimum 7.5 square metre area of permeable surface where that area contains a rectangle measuring 1.5 metres by 5 metres setback 3 metres from the boundary;</li> <li>iii. 2 caged birds where a bird is up to 30 cm length or the equivalent calculated by cage size for smaller birds in the Code of Practice for the Housing of Caged Birds under the <i>Domestic Animals Act 1994</i>;</li> <li>iv. more than 4 pets and 5 domestic fowl where—                 <ul style="list-style-type: none"> <li>A. 2 caged birds (a bird up to 30 cm length or the equivalent calculated by cage size for smaller birds in the Code of Practice for the Housing of Caged Birds under the <i>Domestic Animals Act 1994</i>) is counted as one pet;</li> <li>B. a pet being a dog or a cat is more than 3 months old.</li> </ul> </li> </ul> </li> </ul>

In this clause–

**domestic fowl** has the same meaning as the *Prevention of Cruelty to Animals (Domestic Fowl) Regulations 2016*;

**pets** means any animal referred to in paragraph (c) of the definition of pet shop in the *Domestic Animals Act 1994*;

**large dog** means a dog 70cm or more in height;

**medium dog** means a dog 40cm to less than 70cm in height;

**small dog** means a dog equal less than 40cm in height;

72. Without an approval or authority under an Act or permit, an owner or occupier of land outside of the urban area must not allow, cause or suffer to be kept more than 2 horses on less than 4 hectares.
73. Without an approval or authority under an Act or permit an owner or occupier of farm land must not allow, cause or suffer to be kept more than 4 dogs (excluding farm working dogs).

In this clause–

**farm land** has the same meaning as in the *Valuation of Land Act 1960*;

**farm working dog** means a dog that herds, droves, protects, tends or works stock and lives on **farm land**.






74. Any pet, domestic fowl or horse must be kept in accordance with any code of practice, however called under the *Prevention of Cruelty to Animals Act 1986* or *Domestic Animals Act 1994* or any replacement or re-enactment.
75. In the urban area a person must promptly and without delay suffer, cause or allow the interment of animal remains at an area designated for the purpose.


76. Without a permit a person must not drive livestock from outside the municipal district either–
  - a. through the municipal district to a destination outside the municipal district;
  - b. into the municipal district to a destination within the municipal district.
77. Without a permit a person may drive livestock if the livestock are driven–
  - a. from within the municipal district to a destination within or out of the municipal district;
  - b. in the way set out in any guideline;
  - c. not in the urban area.
78. Without a permit an owner or occupier of land in the municipal district or an adjoining municipal district, or a person on their behalf, may drive livestock into the municipal district if–
  - a. the livestock are so driven for the purpose of milking or shearing; and
  - b. in the way set out in any guideline;
  - b. not in the urban area.
79. Without a permit a person may move livestock from one property or part of a property to another within the municipal district if–
  - a. the trip is started and completed within daylight hours;


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<ul style="list-style-type: none"><li>b. the person driving the livestock is competent in the handling of livestock and takes all reasonable steps to minimise risk to other road users and damage to fences, roads and vegetation;</li><li>c. otherwise in the way set out in any guideline;</li><li>b. not in the urban area.</li></ul> <p>80. Without a permit a person must not graze livestock on a road related area of Council land.</p>
<p>81. An owner or occupier of land on which livestock or pets are kept must ensure the land has secure fencing so that the animals cannot get over, under or through the fence.</p>

No.	Submission	Clause	Considerations	Recommended
74	<p>Why–</p> <ul style="list-style-type: none"><li>not just “protection” and omit “improvement”</li><li>is this the whole of the municipal district.</li></ul>	<p>1. The objectives of this local law are to provide for the–</p> <p>d. protection and improvement of the amenity of the municipal district;</p>	<p>As required by the Ministerial Guidelines, proposed Community Local Law 2021 has been benchmarked against the local laws of other councils, including for objectives that are relevant to the municipal district. Improvement of amenity is a common objective in those local laws.</p> <p>Amenity is not the same across the whole of the municipal district. The amenity of Kenny Street near to the Council Transfer Station is different to the amenity of a rural locale such as Wonwondah. The local law objective does not set one standard or description of amenity for the municipal district.</p>	<p>No change required.</p>

75	<p>Concerns that objectives a, d, and f will not be met.</p> <p>One main concern is the subjectivity...It relies on an individual person's opinion, which then allows inherent biases and/or dislike, and the personal view of the individual to form that opinion.</p> <p>If a discretionary decision is made in this section, I would like a notation added to the effect that Council will work with the household in good faith to resolve the issue, prior to any penalty/infringement notices being issued.</p> <p>The above is also part of my concerns re penalties at #29, #32, #35, #36, #57 and #60</p>	<p>1. The objectives of this local law are to provide for the –</p> <p>a. peace, order and good government of the municipal district;</p> <p>d. protection and improvement of the amenity of the municipal district;</p> <p>f. uniform and fair administration of this local law.</p> <p>29. A person who–</p> <p>a. contravenes...</p> <p>is guilty of an offence...</p> <p>32. If a person is in breach of this local law then either as an alternative or in addition to a direction or an infringement notice, an authorised officer can issue to that person a notice to comply.</p> <p>35. As an alternative to prosecution, an authorised officer may serve an infringement notice on a person who has contravened this local law.</p> <p>36. Infringement notice penalties are–</p> <p>a. five (5) penalty units for a breach in relation to the matters in clauses 52, 53 and 54;</p> <p>b. two (2) penalty units for any other breach of this local law.</p> <p>57. A person must if directed or given written notice by an authorised officer, cause an activity to cease, or remove from premises owned or occupied by the person any substance, material or thing that, in the opinion of the authorised officer, is causing local nuisance.</p> <p>Example</p> <p>Use of a chimney on residential premises, open air fire (unless approved under an Act), chemical, mechanical or manual process, use of a recreational vehicle, musical instrument or any electrical amplified sound, keeping of animals, construction activity</p> <p>60. The occupier of every dwelling and other property to which Council provides a municipal waste collection service must comply with any incorporated document about municipal waste (currently Council's Solid Waste Code).</p>	<p>The Ministerial Guidelines say –</p> <p><b>4.7 Limit to objectives</b></p> <p> Local Laws must set out their objective in the Local Law and not exceed the objective.</p> <p><b>9.3 Powers of authorised officers</b></p> <p> • Authorised officers have extensive powers including the power of entry.</p> <p> • Powers must be exercised with caution and within authority.</p> <p> • Council needs to have training in place for authorised officers.</p> <p> • A manual and reference guide is essential for authorised officers.</p> <p>The objectives in clause 1 of proposed Community Local Law 2021 set limits. An example of a limit set by the objective, uniform and fair administration, is that personal likes and dislikes do not influence decisions about compliance and enforcement.</p> <p>In addition proposed Community Local Law 2021 includes a range of enforcement and compliance tools so as to be proportionate to the seriousness of the breach –</p> <ul style="list-style-type: none"> <li>two types of penalties (fines)–</li> </ul> <p>Court fines: sentences imposed by the Magistrates Court after finding the defendant guilty of an offence. Cl 29 applies if and when an alleged local law breach is heard and determined by a Magistrate.</p> <p>Infringement notice penalties: an administrative penalty allowing the defendant to 'expiate' (make amends for) the alleged offence by paying the fixed infringement penalty specified on the infringement notice. There is no need for a court hearing or a finding of guilt. Clause 36 and infringement notice penalties have been considered in Appendix 4(b) – Consideration of submissions proposed Community Local Law 2021.</p> <ul style="list-style-type: none"> <li>the power of an authorised officer to issue a notice to comply under clause 35– <ul style="list-style-type: none"> <li>if and when they form a reasonable belief regarding a contravention</li> <li>unless some other action is considered by the authorised officer to achieve the desired outcome (a warning or direction),</li> </ul> <p>where a notice to comply is a remedial enforcement measure, not a punishment.</p> </li> </ul> <p>Cl 57 and local nuisance have been considered in Appendix 4(b) – Consideration of submissions proposed Community Local Law 2021.</p> <p>Cl 60 and municipal waste have been considered in Appendix 4(b) – Consideration of submissions proposed Community Local Law 2021.</p>	No change required.
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	In considering an application, Council MAY consider. I would like this changed to MUST. People have a right to know that consideration has been given to each of the points contained in 14.	<p>14. In considering an application, Council may consider as appropriate–</p> <p>a. any Act and related documents relevant to the matter;</p> <p>Example</p> <p>The role, functions and powers of Council as a road authority for the Road Management Act 2004.</p> <p>b. whether the application complies or can be conditioned to comply with any incorporated document;</p> <p>c. any relevant policy adopted by Council;</p> <p>d. any written objection or written submission received in respect of the application;</p> <p>e. any written comment made in respect of the application by any public authority, government department, community organisation or other body or person; and/or</p> <p>f. any other relevant matter.</p>	<p>The Ministerial Guidelines say –</p> <p><b>4.6 Drafting standards and principles</b></p> <p> Local Laws must comply with current drafting practice.</p> <p><b>4.6.1 Legislative provision</b></p> <p>Schedule 8 section 1(f) of the Act provides:</p> <p><i>A Local Law must be expressed in accordance with modern standards of drafting applying in the State of Victoria.</i></p> <p>An example of a modern standard of drafting, is that part of planning legislation about an application for a planning permit. That part lists matters that <u>may</u> be considered.</p>	No change required.
	<p>An addendum including until/unless the person entitled to the security claims those funds, at which time those funds will be returned to the owner of those monies.</p> <p>I note the phrase “If council cannot locate a person entitled.....It would be useful to understand just what measures would be undertaken to locate a person – as a minimum.</p>	28. If, after 12 months from the date that the security would be released under clause 20.3, Council cannot locate a person entitled to the release of any security bond or remaining security bond, Council may, subject to law, retain the security bond or remaining security bond and pay the money into its general revenue.	Clause 28 and security have been considered in Appendix 4(b) – Consideration of submissions proposed Community Local Law 2021. The submission is addressed by a change recommended to clause 28.	A change to clause 28 is recommended in Appendix 4(b) – Consideration of submissions proposed Community Local Law 2021.
	I query the far reaching nature of this statement, which effectively gives almost unlimited power to council. I request that it be modified to note the circumstances this would be applicable.	<p>29. A person who–</p> <p>e. fails to comply with a direction of an authorised officer;</p> <p>is guilty of an offence...</p>	<p>A direction is the next step up in compliance and enforcement and is an alternative to the giving of a warning by an authorised officer. There is no offence and no penalty for failure to comply with a warning.</p> <p>Compliance and enforcement is addressed in another part of this Addendum and in Appendix 4(b) – Consideration of submissions proposed Community Local Law 2021.</p>	No change required.
	Internal review. ...the person may request a review of the decision MUST support that request with a written submission.	Clause 38	Clause 38 and internal review have been considered in Appendix 4(b) – Consideration of submissions proposed Community Local Law 2021. The submission is addressed by a change recommended to omit clause 38.	A change to omit clause 38 is recommended in Appendix 4(b) – Consideration of submissions proposed Community Local Law 2021.

	<p>no fun runs? No groups running together? No group exercises down at the river, no tai chi to encourage inclusiveness? This is an extraordinary item to include! I would like it to be reconsidered, and preferably removed</p>	<p>52. Without an approval or other authority under an Act or permit a person must not on a road, road related area or Council land–</p> <p>k. provide organised athletics, sport, health or fitness services;</p> <p>l. record images by film, video, digital or other technology to broadcast publish or publicly exhibit for commercial purpose;</p> <p>m. undertake any other activity prescribed for this clause.</p>	<p>The Explanatory Document put on public display with proposed Community Local Law 2021 explains why there are local laws for land controlled or managed by Council. Clause 52 k is an example. The Explanatory Document says –</p> <p>Government land is an important asset for all Victorians. It supports the delivery of essential government services, protects sites of environmental and cultural value and provides opportunities for community and recreational uses. Council is a manager of government land so the proposed local law includes an objective for protection, fair use and enjoyment of this land.</p> <p>The current local law requires permits for various activities. This does not change in the proposed local law. The permit process is about the information Council needs to prevent damage to and sharing of community assets. New activities for which a permit may be required under the proposed local law include commercial filming, commercial photography and privately run fitness classes in parks. The proposed local law like the current local law provides for waivers and exemptions from the requirement to have a permit or to pay a fee. Fees are set in the annual budget process of Council, a process that includes community engagement.</p> <p>Clause 52 l and commercial images have been considered in Appendix 4(b) – Consideration of submissions proposed Community Local Law 2021.</p> <p>Clause 52 m and the power to prescribe have been considered in Appendix 4(b) – Consideration of submissions proposed Community Local Law 2021.</p>	<p>No change to clause 52 k.</p> <p>No change to clause 52 l.</p> <p>No change to clause 52 m.</p>
	<p>I strongly object to this local law...At the very minimum, people who already have them on their properties should not be impacted at all by this proposed local law.</p>	<p>61. A person must not–</p> <p>a. allow, cause or suffer a freight container to be placed on or to remain on any road, road related area or Council land;</p> <p>b. on any land in the urban area, allow, cause or suffer a freight container to be kept, stored, repaired or otherwise used or remain unless approved under an Act;</p> <p>c. on any land outside the urban area allow, cause or suffer a freight container to be kept, stored, repaired or otherwise used or remain without a permit.</p>	<p>Cl 61 and freight containers have been considered in Appendix 4(b) – Consideration of submissions proposed Community Local Law 2021.</p> <p>The submission is also about the retrospective operation of law. The Ministerial Guideline says –</p> <p><b>4.12 Not retrospective</b></p> <div><p>A Local Law must not have retrospective effect.</p></div> <p><b>4.12.1 Legislative provision</b></p> <p>Schedule 8 section 2(b)(i) of the Act provides:</p> <p><i>A Local Law must not without clear and express authority in the enabling Act have any retrospective effect;</i></p> <p>If a freight container is legally on land, including because of a planning permit or because of a building permit, then proposed Community Local Law 2021 does not apply.</p>	<p>No change required.</p>



	People with businesses that already operate from their homes should be exempted from this local law.	62. A person must not allow, cause or suffer a vehicle weighing more than (4.5) tonnes (including any load) to be parked (save for that reasonable period of time in which the vehicle is parked during daylight hours for the purpose of picking up or setting down goods), kept, stored or repaired on any land in the residential zones which apply in the Horsham Planning Scheme.	<p>As required by the Ministerial Guidelines, proposed Community Local Law 2021 has been benchmarked against the local laws of other councils for similar issues. Clause 62 is common to those local governments with a deal of truck traffic and trucking businesses. Clause 62 is about –</p> <ul style="list-style-type: none"><li>• the intrusion of a non-residential use into a residential area</li><li>• the road management role of Council</li><li>• the protection of Council assets including roads, kerb and channel, and vehicle crossovers.</li></ul> <p>The Court of Appeal has said a local law is within power when it is directed at the preservation of amenity within a municipal district. Clause 62 is an example of such a local law.</p>	No change required.
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	<p>The definition of local nuisance may unfairly impact on those persons currently experiencing financial disadvantage or vulnerable persons. In such cases a warning should be given.</p>	<p>local nuisance is—</p> <p>c. unsightly or unsafe conditions on premises caused by human activity, misuse or ageing, a lack of effective maintenance or a failure to act that involves—</p> <p>i. bracken, grass or weeds in excess of 300mm in height;</p> <p>ii. excessive or unconstrained disused or derelict items or material not usually associated with the maintenance of the land that a reasonable person would consider to be rubbish or waste in the circumstances (including without limitation paper, cloth, packaging, bottles, metal, timber, building materials, building refuse and rubble, excavation material, spoil, derelict parts machinery or vehicles);</p> <p>iii. more than 2 unregistered motor vehicles;</p> <p>iv. buildings structures or fences on the land in a dilapidated state or in a state of disrepair or general neglect or that have been damaged or defaced (including without limitation where windows or doors in a building have been broken or removed and the building cannot be secured, where guttering downpipes or drains are not in a good state of repair or clean and free from obstruction);</p> <p>v. incomplete construction work for two hundred and forty (240) days or more from the expiry or earlier determination of the relevant approval;</p> <p>vi. an unfenced or unsecured hole or excavation;</p> <p>vii. keeping or storage of temporary buildings or relocated or removable houses,</p> <p>and in the opinion of an authorised officer are out of conformity with the general appearance and amenity of the surrounding area;</p>	<p>Compliance and enforcement have been considered in Appendix 4(b) – Consideration of submissions proposed Community Local Law 2021 and in another part of this Addendum.</p> <p>Support services within the municipal district for disadvantaged and vulnerable community members is beyond the scope of this Council Report.</p>	<p>No change required.</p>
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**ATTACHMENT 1: HNUDF REVIEW**  
**ALIGNMENT WITH CURRENT COUNCIL STRATEGIES + PROJECTS**

STRATEGY	Description	Issues Identified	Relevant Strategic/Directions	Direct (or Indirect) Actions	Comments (in relation to UDF)	Potential Project(s)
<b>Council Plan 2020-24</b>	The Council Plan sets the direction for Council's work plan over that time period.	Urban renewal opportunities in Horsham North.	1.1 Contribute to building a vibrant, diverse and resilient community	<p><i>11.1.01 Pursue ongoing funding for a neighbourhood renewal program in Horsham North</i></p> <p><i>1.1.02 Pursue funding for implementation of the Horsham North Urban Design Framework and Railway Corridor Master Plan</i></p>	<p>Identified as an ongoing action within the Council Plan. The implementation would be assisted by a more detailed and focussed approach as to the projects that are proposed to be undertaken.</p> <p>Funding is essential to delivering on-the-ground projects.</p>	Rail Corridor Open Space / Shared Path Investigation.
<b>Horsham Social Infrastructure Plan</b>	Discusses and provides an overview of current infrastructure provision, community feedback on current and future needs.	<p>Lack of purpose-built facilities across a range of facility types.</p> <p>Surrounding physical environments, access and connectivity.</p>	n/a	n/a	<p><i>There is a need for provision of new spaces that are purpose built with accessibility, flexibility and adaptability in mind... In order to meet future needs, additional multi-purpose hubs may provide modern flexible multi-use facilities with greater accessibility.</i></p>	Scoping and Feasibility Study (including social needs assessment) to provide a multi-purpose community hub
<b>Urban Transport Plan</b>	The Plan sets out a number of objectives to improve connectivity and access across the urban area of Horsham	<p>Poor quality, sub-standard footpaths.</p> <p>Public safety / perceptions of safety</p> <p>DDA Compliance</p>	1.1 Improve footpaths for pedestrians and the mobility impaired	<p><i>1.1.1 Conduct an audit of existing footpaths to assess useable width, condition and type of surfacing and kerb ramps for compliance with Australian Standards and DDA requirements</i></p> <p><i>1.1.2 Develop a hierarchy of footpaths and prepare a plan to progressively upgrade footpaths and connections throughout the urban area</i></p> <p><i>1.1.4 Conduct a lighting audit of existing paths to identify areas with inadequate lighting and plan for progressive upgrade</i></p> <p><i>1.1.5 Progressively upgrade existing kerb ramps to meet DDA requirements (and suitability for mobility scooters)</i></p>	<p>Identified as a key issue in HNUDF and requiring further action.</p> <p>Horsham North is identified as an area that is unsafe at night. The public realm close to the underpasses should be a priority for improvement, including street lighting.</p>	Continued investigation of rail crossing opportunities and associated public space improvement opportunities.
		<p>The rail corridor as a barrier to movement</p> <p>Public safety / perceptions of safety</p> <p>DDA Compliance</p>	1.2 Improve road (rail) crossings and pedestrian network connectivity	<i>1.2.5 Work with the rail authorities toward the provision of improved crossings of the rail corridor to upgrade (or replace) the existing pedestrian underpasses</i>	In terms of connectivity, this is a significant issue and action to progress – the current underpasses are inaccessible and not fit for purpose or designed for public safety (including perceptions of safety).	As above.

<b>Age Friendly Communities Implementation Plan</b>		There is a lack of open / green space in Horsham North		<p>Improve Dudley Cornell Park and install CCTV</p> <p>Redevelop Horsham rail-yards as open/green space</p>	<p>Work (masterplan) is currently underway Dudley Cornell Reserve.</p> <p>The rail corridor is subject to investigation and resolution of land contamination issues – timeframes are unclear at this stage. No guarantee that land will be suitably remediated.</p>	
<b>Community Inclusion Plan</b>	Promotes and advocates for community inclusion as an essential component of Council planning for services and facilities	Lack of access to buildings and public spaces and DDA compliance.	Council will develop, deliver and partner with services and projects that maximise community participation.	There are a number of strategies that seek to incorporate the principles of inclusion into Council's operations and strategies.	The UDF and any further work is based on principles of inclusion that relate to the community in Horsham North.	No specific projects but access and inclusion will be integrated into public realm upgrades and investigations into community infrastructure requirements.
<b>Open Space Strategy 2019</b>	The Open Space Strategy has drawn upon a number of issues highlighted in the UDF	There is poor connectivity to the centre of the town with no formalised bike or pedestrian routes. This poses a safety risk for residents and limits accessibility.	Improve connectivity and access to and within open space	<ul style="list-style-type: none"> <li>- <i>Improve connectivity between Horsham CAD, existing and new residential developments, community services and key open spaces.</i></li> <li>- <i>Undertake a pedestrian and cycle network analysis to determine gaps in provision and quality to guide future improvements and connections.</i></li> </ul>	The issue of poor connectivity has been repeatedly identified in various strategy documents, as has the need to identify gaps in the Open Space network and to identify key walking and cycling routes.	Upgrades to existing open space and identification of new open space opportunities.
		Horsham North is isolated and separated from the rest of Horsham by the railway corridor and adjoining land, and the poor quality connections across the railway.		<ul style="list-style-type: none"> <li>- <i>Improve existing pedestrian and Cycle connections across the railway network to improve safety and accessibility.</i></li> </ul>	<p>Again, the rail crossing is identified as a major barrier for pedestrian access (and cycling).</p> <p>The rail corridor crossings (issue) requires an innovative design solution or state government support (and funding) for at-grade crossings.</p>	
<b>Health and Wellbeing Plan 2017-21</b>	The Health and Wellbeing Plan and its objectives can be delivered through strategies such as The Urban Transport Plan and Open Space Strategy, as many of the overarching objectives align.		Objective 2: To increase opportunities for participation in physical activity.	<ul style="list-style-type: none"> <li>- <i>Develop and maintain footpaths and walking and bike trails with particular focus on key precinct linkages to promote active living options and supporting infrastructure such as seats, signage, water, lighting and shade.</i></li> </ul>	The issue of connectivity and participation spans several strategies – the next step (as highlighted in the Urban Transport Plan and the UDF) is to identify key routes for planned improvement.	Streetscape and public realm improvements, including open space.
			Objective: To increase social cohesion and resilience in the community.	<ul style="list-style-type: none"> <li>- <i>Develop, maintain and promote facilities and open spaces as a venue for social connection for all including delivering on the CBD revitalisation project.</i></li> </ul>	<p>The UDF identifies that (in the past) open space in Horsham North was poorly planned/designed with back fences creating inactive spaces with lack of surveillance. However, opportunities remain to improve the appearance function of open space in Horsham North.</p> <p>Future subdivision design in Horsham should learn from these mistakes, avoiding inefficient, disconnected street layouts and cul-de-sacs.</p>	

					<p>The children’s hub is a facility that provides maternal and child health services, but it would seem that Horsham North could benefit from an expansion of facilities aimed at a wider demographic, possibly in the form of a community hub that provides access to digital information through wi-fi and computer based facilities.</p>	
<b>Draft Tree Strategy</b>	<p>The Tree Strategy is intended to strengthen Council’s tree management and planting practices in order to increase tree canopy of the urban areas and roads within Horsham.</p>	<p>A general lack of tree canopy across the urban area of Horsham and a need to increase canopy to improve amenity and character, but to also mitigate the impacts of climate change.</p>		<ul style="list-style-type: none"><li>- <i>Continue to identify priority tree planting areas such as walking and cycling routes as and when strategic work is developed</i></li><li>-</li><li>- <i>Explore opportunities to plant trees within Horsham North railway reserve, adjacent streets and public realm, including those areas near the current underpasses.</i></li><li>-</li><li>- <i>Ensure Precinct Planning for Horsham North includes objective for improved tree cover, especially in and around Dudley Cornell reserve</i></li></ul>	<p>Street tree planting should be considered in all future projects for Horsham North, however, there has been a proactive program of planting in recent years and some streets have sufficient trees already, that will continue to grow and provide an increase in canopy cover.</p> <p>Other streets have not been identified and pedestrian connectivity and walkability are assisted/facilitated by increased levels of amenity (shade/greenery), and footpaths are generally a bonus for all streets... For example, Mill Street has an interface with the rail corridor and at the very least, some street trees and formalisation of footpaths would assist in promoting pedestrian activity in this location as it connects with the current pedestrian rail crossings/underpasses.</p>	<p>Prioritised tree planting in conjunction with any identified streetscape upgrades.</p>
<b>Silo Art Project</b>	<p>The silo art project is an exciting opportunity to lift the image and profile of Horsham North but also an opportunity to focus attention on public realm improvements.</p>	<p>The rail corridor is inactive and unappealing from an aesthetic perspective.</p>	<p>n/a</p>	<p>To be advised.</p>	<p>The Silo Art project provides an opportunity to lift the image of Horsham North and increase visitation to Horsham generally. However, there has been no planning for an improved public realm in close proximity to the silos, or car parking.</p> <p>Again, Mill Street is a forgotten wasteland (currently) and requires some interventions to improve the appearance and amenity of the area. The underpass towards the western edge of the rail corridor land and the land to the immediate north provides an opportunity to plan for public realm/parking that could feed into this project and provide an improved entry to the current underpass.</p>	<p>Public realm upgrades including connections across railway line.</p>



## ATTACHMENT 2: STUDY AREA &amp; STRATEGIC SITES/MOVEMENT NETWORK PLANS

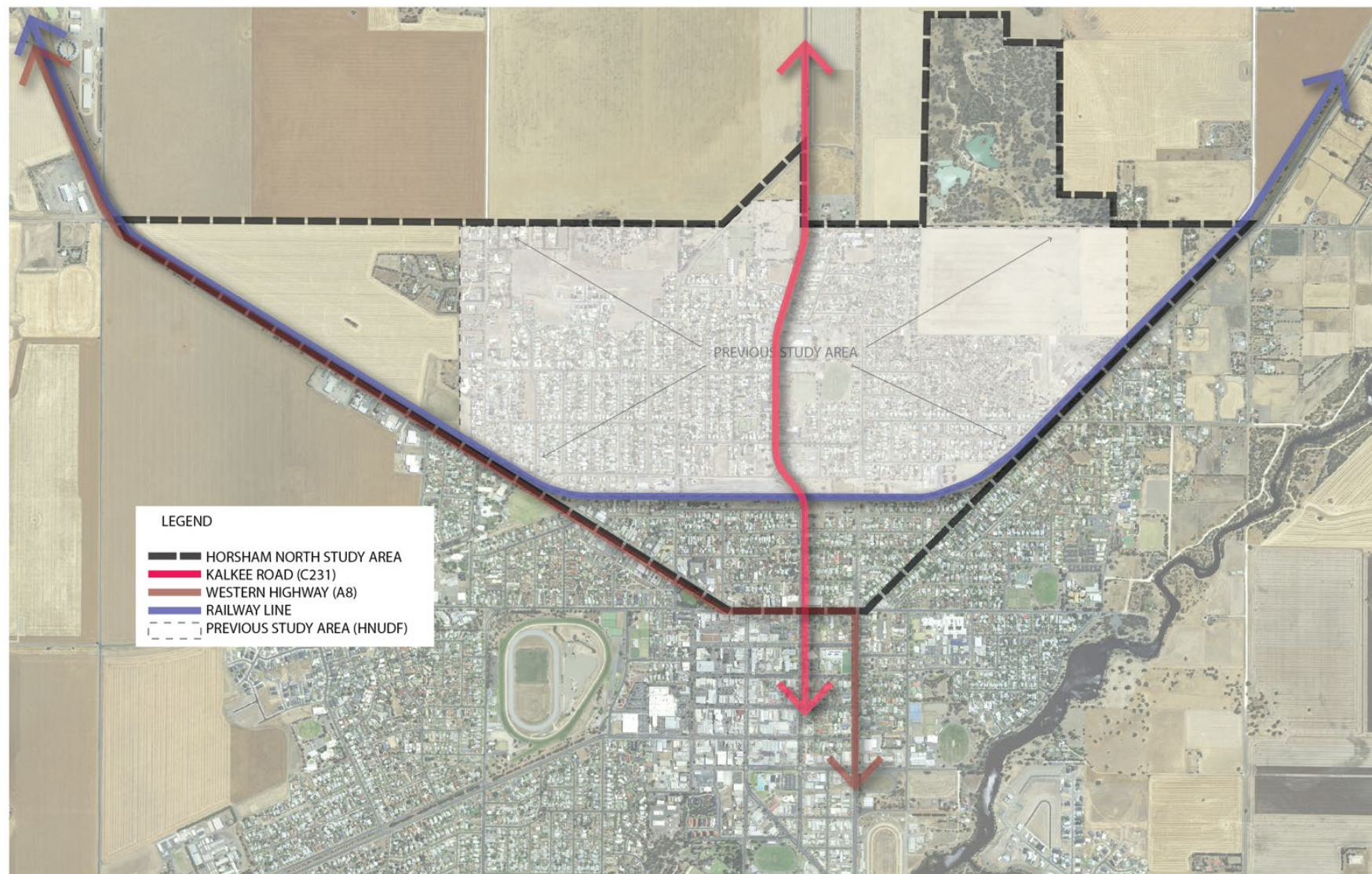


FIGURE 1 STUDY AREA



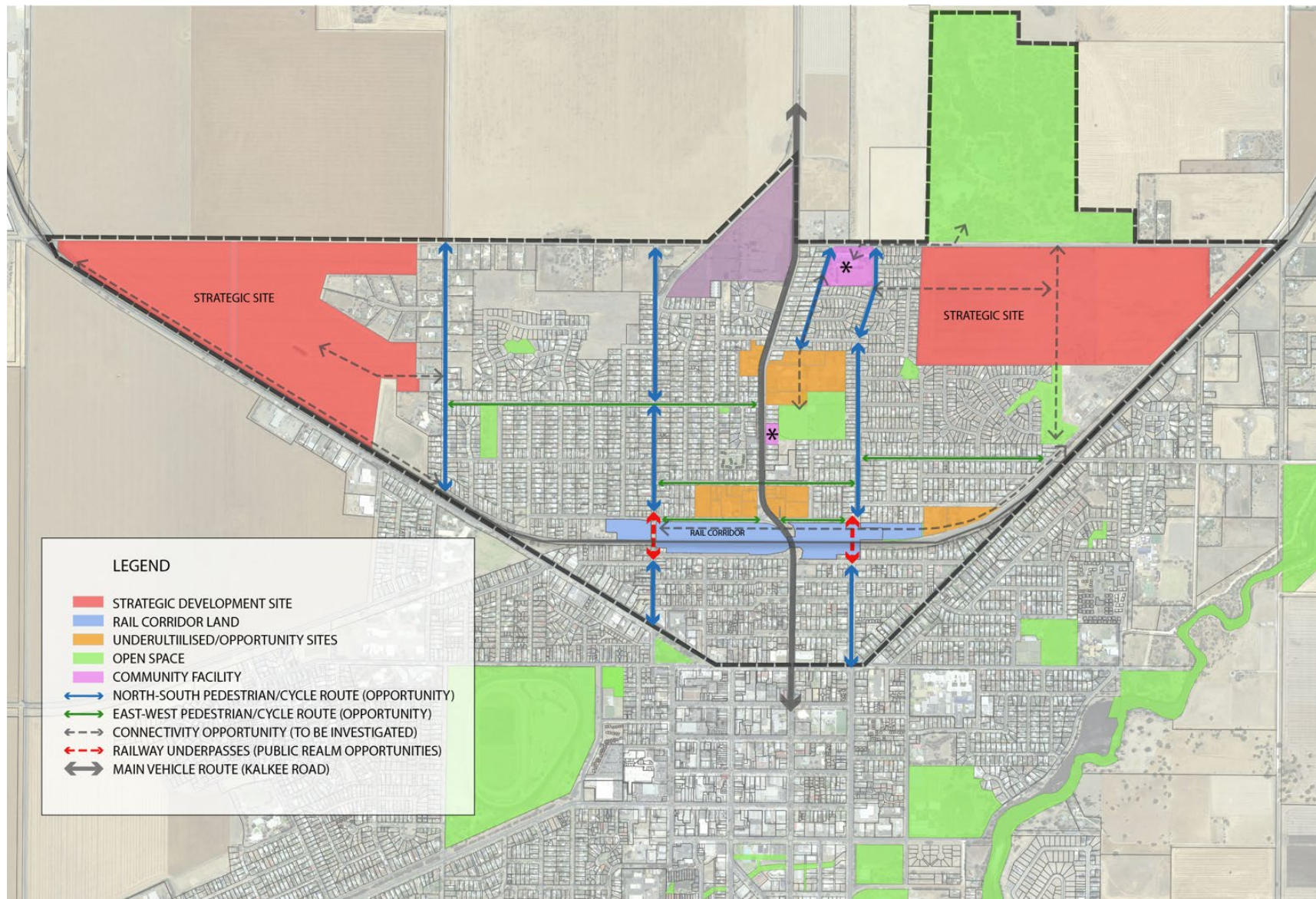


FIGURE 2 STUDY AREA (KEY SITES AND MOVEMENT NETWORK)



**HORSHAM RURAL CITY COUNCIL  
ANNUAL FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

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**CERTIFICATION OF THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2021**

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

.....

Mr G.A. Harrison, B Econ, CPA, GAICD  
Principal Accounting Officer  
27th September 2021

Horsham

In our opinion, the accompanying financial statements present fairly the financial transactions of the Horsham Rural City Council for the year ended 30 June 2021, and the financial position of the Council as at that date.

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

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

.....  
Cr R. Gulline

27th September 2021

Horsham

.....  
Cr I. Ross

27th September 2021

Horsham

.....  
Mr. S. Bhalla, B Eng(Civil), M Tech (Const), MBA, GAICD  
Chief Executive Officer

27th September 2021

Horsham

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## HORSHAM RURAL CITY COUNCIL

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## HORSHAM RURAL CITY COUNCIL

**COMPREHENSIVE INCOME STATEMENT  
FOR THE YEAR ENDED 30 JUNE 2021**

	Note	2021 \$'000	2020 \$'000
<b>INCOME</b>			
Rates and charges	3.1	28,627	27,631
Statutory fees and fines	3.2	359	409
User fees	3.3	5,204	6,716
Grants - operating	3.4 (a)	17,012	10,705
Grants - capital	3.4 (b)	5,111	4,348
Contributions - monetary	3.5 (a)	358	736
Contributions - non-monetary	3.5 (b)	121	405
Other income	3.7	2,242	2,400
Share of net profits/(loss) of associates	6.3	522	45
Fair value adjustments for investment property	6.4	58	-
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	3.6	81	187
Total Income		59,695	53,582
<b>EXPENSES</b>			
Employee costs	4.1	(20,689)	(20,502)
Materials and services	4.2	(21,572)	(19,373)
Depreciation	4.3	(11,715)	(12,076)
Amortisation - intangible assets	4.4	(233)	(224)
Amortisation - right of use assets	4.5	(55)	(55)
Bad and doubtful debts	4.6	(106)	(68)
Borrowing costs	4.7	(207)	(234)
Finance costs - leases	4.8	(15)	(14)
Other expenses	4.9	(324)	(267)
Written down value of assets disposed	3.6	(1,690)	(1,180)
Total Expenses		(56,606)	(53,993)
Surplus/(Deficit) for the year		3,089	(411)
<b>OTHER COMPREHENSIVE INCOME</b>			
<b>Items that will not be reclassified to surplus or deficit in future periods</b>			
Net asset revaluation increment	9.1	45,406	265
Total comprehensive result		48,495	(146)

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

## HORSHAM RURAL CITY COUNCIL

BALANCE SHEET  
AS AT 30 JUNE 2021

	Notes	2021 \$'000	2020 \$'000
<b>ASSETS</b>			
<b>CURRENT ASSETS</b>			
Cash and cash equivalents	5.1 (a)	5,392	6,921
Trade and other receivables	5.1 (c)	1,272	1,382
Other financial assets	5.1 (b)	32,000	29,200
Inventories	5.2 (a)	240	548
Non current assets classified as held for sale	6.1	229	-
Other assets	5.2 (b)	1,593	547
Total current assets		40,726	38,598
<b>NON-CURRENT ASSETS</b>			
Trade and other receivables	5.1 (c)	385	357
Investments in associates	6.3	1,985	1,463
Property, infrastructure, plant & equipment	6.2	534,822	488,017
Investment property	6.4	2,520	2,450
Intangible assets	5.2 (c)	233	447
Right-of-use assets	5.8	383	438
Total non-current assets		540,328	493,172
Total Assets		581,054	531,770
<b>LIABILITIES</b>			
<b>CURRENT LIABILITIES</b>			
Trade and other payables	5.3 (a)	3,352	3,838
Trust funds and deposits	5.3 (b)	586	509
Unearned income	5.3 (c)	8,335	5,190
Provisions	5.5	6,033	7,591
Interest-bearing liabilities	5.4	128	477
Lease liabilities	5.8	51	50
Total current liabilities		18,485	17,655
<b>NON-CURRENT LIABILITIES</b>			
Provisions	5.5	3,888	3,749
Interest-bearing liabilities	5.4	4,305	4,433
Lease liabilities	5.8	343	395
Total non-current liabilities		8,536	8,577
Total Liabilities		27,021	26,232
NET ASSETS		554,033	505,538
<b>EQUITY</b>			
Accumulated surplus		239,537	232,042
Reserves - asset replacement	9.1 (a)	18,153	22,559
Reserves - asset revaluation	9.1 (b)	296,343	250,937
TOTAL EQUITY		554,033	505,538

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



**STATEMENT OF CHANGES IN EQUITY  
FOR THE YEAR ENDED 30 JUNE 2021**

2021	Notes	TOTAL \$'000	Accumulated Surplus \$'000	Asset Replacement Reserve \$'000	Asset Revaluation Reserve \$'000
Balance at the beginning of the financial year		505,538	232,042	22,559	250,937
Surplus for the year		3,089	3,089	-	-
Net asset revaluation increment		45,406	-	-	45,406
Transfers to other reserves	9.1 (a)	-	(4,606)	4,606	-
Transfers from other reserves	9.1 (a)	-	9,012	(9,012)	-
Balance at the end of the financial year		554,033	239,537	18,153	296,343
<hr/>					
2020	Notes	TOTAL \$'000	Accumulated Surplus \$'000	Asset Replacement Reserve \$'000	Asset Revaluation Reserve \$'000
Balance at the beginning of the financial year		512,608	237,910	24,026	250,672
Impact of change in accounting policy - AASB 15 Revenue from Contracts with Customers		(5,176)	(5,176)	-	-
Impact of change in accounting policy - AASB 1058 Income of Not-for-Profit Entities	10	(1,748)	(1,748)	-	-
Adjusted opening balance		505,684	230,986	24,026	250,672
(Deficit) for the year		(411)	(411)	-	-
Net asset revaluation increment		265	-	-	265
Transfers to other reserves	9.1 (a)	-	(5,272)	5,272	-
Transfers from other reserves	9.1 (a)	-	6,739	(6,739)	-
Balance at the end of the financial year		505,538	232,042	22,559	250,937

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

**STATEMENT OF CASH FLOWS  
FOR THE YEAR ENDED 30 JUNE 2021**

	Notes	2021 Inflows (Outflows) \$'000	2020 Inflows (Outflows) \$'000
<b>Cash flows from operating activities</b>			
Rates and charges		28,930	27,419
Statutory fees and fines		341	408
User fees		3,692	8,086
Grants - operating		16,589	10,492
Grants - capital		5,246	3,444
Contributions - monetary		358	736
Interest received		409	669
Rent		275	219
Other receipts		1,849	1,819
Net GST refund		2,110	2,125
Employees costs		(22,474)	(18,915)
Materials and services		(19,139)	(19,813)
Other payments		(1,317)	(1,311)
Net cash provided by/(used in) operating activities	9.2	16,869	15,378
<b>Cash flows from investing activities</b>			
Proceeds from sale of investments		(2,800)	(5,300)
Payments for property, infrastructure, plant and equipment		(15,230)	(16,336)
Proceeds from sale of property, infrastructure, plant and equipment		393	749
Payments for investment properties		(12)	-
Net cash provided by/(used in) investing activities		(17,649)	(20,887)
<b>Cash flows from financing activities</b>			
Finance costs		(207)	(234)
Repayment of borrowings		(477)	(481)
Interest paid - lease liability		(15)	(14)
Repayment of lease liability		(50)	(48)
Net cash provided by/(used in) financing activities		(749)	(777)
<b>Net increase/(decrease) in cash and cash equivalents</b>		<b>(1,529)</b>	<b>(6,286)</b>
<b>Cash and cash equivalents at the beginning of the financial year</b>		<b>6,921</b>	<b>13,207</b>
<b>Cash and cash equivalents at the end of the financial year</b>	5.1 (a)	<b>5,392</b>	<b>6,921</b>
Financing arrangements	5.6		
Restrictions on cash assets	5.1 (b)		

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

**STATEMENT OF CAPITAL WORKS  
FOR THE YEAR ENDED 30 JUNE 2021**

	2021 \$'000	2020 \$'000
<b>Property</b>		
Land Under Roads	-	15
<b>Total land</b>	-	15
Buildings	816	1,088
Works in progress	300	67
<b>Total buildings</b>	1,116	1,155
<b>Total property</b>	1,116	1,170
<b>Plant and equipment</b>		
Plant, machinery and equipment	2,133	1,562
Office furniture and equipment	395	157
Art purchases	16	27
Public art purchases	13	15
Works in progress	37	-
<b>Total plant and equipment</b>	2,594	1,761
<b>Infrastructure</b>		
Roads	4,700	5,308
Bridges	55	369
Footpaths and cycleways	218	312
Drainage	603	655
Recreation, leisure and community facilities	174	1,310
Waste management	122	91
Parks, open space and streetscapes	556	50
Aerodromes	87	-
Off street car parks	23	-
Other infrastructure	595	110
Works in progress	4,382	5,098
<b>Total infrastructure</b>	11,515	13,303
<b>Total capital works expenditure</b>	15,225	16,234
<b>Represented by:</b>		
New asset expenditure	2,566	5,429
Asset renewal expenditure	11,547	9,523
Asset upgrade expenditure	1,112	1,282
<b>Total capital works expenditure</b>	15,225	16,234

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

## NOTES TO THE FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2021

### OVERVIEW

#### Introduction

The Horsham Rural City Council was established by an Order of the Governor in Council on 20th January 1995 and is a body corporate.

The Council's main office is located at 18 Roberts Avenue Horsham.

#### Statement of compliance

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

### SIGNIFICANT ACCOUNTING POLICIES

#### (a) Basis of accounting

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

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

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

- the fair value of land, buildings, infrastructure, plant and equipment (refer to note 6.1)
- the determination of depreciation for buildings, infrastructure, plant and equipment (refer to note 6.1)
- the determination of employee provisions (refer to note 5.5)
- the determination of landfill provisions (refer to note 5.5)
- the determination of whether performance obligations are sufficiently specific so as to determine whether an arrangement is within the scope of AASB 15 Revenue from Contracts with Customers or AASB 1058 Income of Not-for-Profit Entities (refer to note 3)
- the determination, in accordance with AASB 16 Leases, of the lease term, the estimation of the discount rate when not implicit in the lease and whether an arrangement is in substance short-term or low value (refer to Note 5.8)
- whether or not AASB 1059 Service Concession Arrangements: Grantors is applicable (refer to Note 8.2)
- other areas requiring judgements

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

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**SIGNIFICANT ACCOUNTING POLICIES (Cont.)**

**(b) Impact of COVID-19**

On 16 March 2020 a state of emergency was declared in Victoria due to the global pandemic COVID-19 virus, known as coronavirus. A state of disaster was subsequently declared on 2 August 2020. While the impacts of the pandemic have abated somewhat through the 2020-21 year, Council has noted the following significant impacts on its financial operations:

Council received unexpected grant funding of \$1m to assist social and economic recovery. At 30th June Council had expended \$500k, the remainder to be spent during 2021/22 year.

Council budgetted and implemented a series of business and community support items to assist the municipality during 2020-21 year.

Items included: reduction in parking fees, commercial and community rent waivers, street trading permit waivers, health registration fee relief, and a specific community and business support package.

Council also lost interest earned, and budgetted for a reduction in ticket sales for Horsham Performing Arts, as well as increasing the provision for bad debts. Additional expenditure was incurred with employees working from home and other covid cost items including a specific role for managing financial hardship applications with Council. Staff working in service areas directly impacted by lockdowns were reallocated to productive roles and vacant positions.

Measures put in place to compensate for above items included: reductions in service delivery, capital programs and operational initiatives.

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**NOTE 1 PERFORMANCE AGAINST BUDGET**

The performance against budget notes compare Council's financial plan, expressed through its annual budget, with actual performance. The *Local Government (Planning and Reporting) Regulations 2014* requires explanation of any material variances. Council has adopted a materiality threshold of the lower of 10 percent and \$400,000 where further explanation is warranted. Explanations have not been provided for variations below the materiality threshold unless the variance is considered to be material because of its nature.

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

**1.1 INCOME AND EXPENDITURE**

	Ref	Budget 2021 \$'000	Actual 2021 \$'000	Variance	
				2021 \$'000	2021 %
<b>INCOME</b>					
Rates and charges		28,517	28,627	110	0.4
Statutory fees and fines		310	359	49	15.8
User fees		5,581	5,204	(377)	(6.8)
Grants - operating		17,221	17,012	(209)	(1.2)
Grants - capital	1	2,645	5,111	2,466	93.2
Contributions - monetary		596	358	(238)	(39.9)
Contributions - non-monetary	2	1,300	121	(1,179)	(90.7)
Fair value adjustments for investment property		10	58	48	480.0
Other income		1,958	2,242	284	14.5
Net gain/(loss) on disposal of pr infrastructure, plant and equipment	3	570	81	(489)	(85.8)
Share of net profits of associate	4	30	522	492	1,640.0
Total Income		58,738	59,695	957	1.6
<b>EXPENSES</b>					
Employee costs		(20,890)	(20,689)	201	(1.0)
Materials and services	5	(24,947)	(21,572)	3,375	(13.5)
Depreciation and amortisation	6	(12,412)	(11,715)	697	(5.6)
Amortisation - intangible assets		(203)	(233)	(30)	14.8
Amortisation - right of use assets		(48)	(55)	(7)	14.6
Bad and doubtful debts		(183)	(106)	77	(42.1)
Borrowing costs		(200)	(207)	(7)	3.5
Finance costs - leases		(11)	(15)	(4)	36.4
Other expenses		(294)	(324)	(30)	10.2
Written down value of assets disposed	7	(800)	(1,690)	(890)	111.3
Total Expenses		(59,988)	(56,606)	3,382	(5.6)
<b>Surplus for the year</b>		(1,250)	3,089	4,339	(347.1)

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**1.1 INCOME AND EXPENDITURE (Cont.)**

**(i) Explanation of material variations**

**1. Grants - capital**

The completion of the Horsham Livestock Exchange roof and solar panels saw final grant payment of \$1.34m being received. Council also received \$1.085m funding for Local Roads and Community Infrastructure and an extra \$385k for other road and footpath projects.

**2. Contributions - non-monetary assets**

Decreased urban development resulted in a reduction in road and land infrastructure assets provided to Council.

**3. Net gain/(loss) on disposal of property, infrastructure, plant and equipment**

It was anticipated that sales of industrial land would occur during 2020/21 with the completion of the industrial estate at Dooen. Infrastructure works were incomplete at 30th June and sales of adjoining land have not occurred.

**4. Share of net profits of associates**

Wimmera Development Association received many large grants during 2020/21 which were unspent at 30th June 2021, increasing Council's equity in that associate.

**5. Materials and services**

The materials budget included expenditure of \$3.413m for Rural Council Corporate Collobaration (RCCC) project. The project has continued more slowly than expected, with total expenditure of \$438k occurring during the year. Many of the initiative projects did not commence during the year, expenditure incurred was \$951k from a \$2.33m initiative budget. Precedence was given to covid related grant funded projects.

**6. Depreciation**

Several large projects were treated as works in progress at 30th June, valued at \$4.7m, these works will not attract depreciation until the projects are complete, hence a reduction in depreciation expense as compared to budget.

**7. Written down value of assets disposed**

Earlier intervention of renewal of road infrastructure assets has resulted in additional carrying amount of these assets being written off during the year, including roads \$1.045m, footpaths \$172k and kerb \$60k.



NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021

1.2 CAPITAL WORKS	Ref	Budget 2021 \$'000	Actual 2021 \$'000	Variance 2021 \$'000	2021 %
<b>Property</b>					
Buildings	1	1,349	816	(533)	(39.5)
Works in Progress		-	300	300	100.0
<b>Total buildings</b>		1,349	1,116	(233)	(17.3)
<b>Total property</b>		1,349	1,116	(233)	82.7
<b>Plant and equipment</b>					
Plant, machinery and equipment	2	2,772	2,133	(639)	(23.1)
Office furniture and equipment		266	395	129	48.5
Art purchases		-	16	16	100.0
Public art purchases		-	13	13	100.0
Works in Progress		-	37	37	100.0
<b>Total plant and equipment</b>		3,038	2,594	(444)	(14.6)
<b>Infrastructure</b>					
Roads	3	5,736	4,700	(1,036)	(18.1)
Bridges		184	55	(129)	(70.1)
Footpaths and cycleways		529	218	(311)	(58.8)
Drainage	4	40	603	563	100.0
Recreation, leisure and community facilities	5	1,557	174	(1,383)	(88.8)
Waste Management	6	3,255	122	(3,133)	(96.3)
Parks, open space and streetscapes	7	30	556	526	1,753.3
Aerodromes		-	87	87	100.0
Off street car parks		42	23	(19)	(45.2)
Other infrastructure		281	595	314	111.7
Works in Progress	8	-	4,382	4,382	100.0
<b>Total infrastructure</b>		11,654	11,515	(139)	(1.2)
<b>Total capital works expenditure</b>		16,041	15,225	(816)	(5.1)
<b>Represented by:</b>					
Asset renewal expenditure		11,901	11,547	(354)	(3.0)
Asset upgrade expenditure		1,243	1,112	(131)	(10.5)
New asset expenditure		2,897	2,566	(331)	(11.4)
<b>Total capital works expenditure</b>		16,041	15,225	(816)	(5.1)

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**1.2 CAPITAL WORKS (cont.)**

**(i) Explanation of material variations**

**1. Buildings**

The budget included one large project for renewal of Wesley Performing Arts Centre \$545k, this project has commenced with \$76k expenditure in 2020/21.

**2. Plant, machinery and equipment**

Nine items of plant were ordered during the year valued at \$1.2m, manufacturing and delivery delays due to Covid, have these items outstanding at 30th June.

**3. Roads**

Contract works valued at \$547k were outstanding for one urban and one rural road reconstruction at year end. Another urban road reconstruction project \$290k had not commenced at year end.

**4. Drainage**

Road reconstruction budget estimates included in current year, did not recognise the drainage cost as a separate component. Completed road drainage projects were valued at \$600k.

**5. Recreation, leisure and community facilities**

The budget included the Wimmera river activation stage 1 project valued at \$1.448m, the project commenced in first half of 2021 with \$434k being expended as at 30th June, with the whole project being captured as works in progress at year end.

**6. Waste Management**

The budget included two reconstruction projects at Dooen Landfill, hardwaste cell \$840k, and putrescible cell \$2.4m. Contract works were well advanced at 30th June for the putrescible cell, which is recognised as works in progress at year end. The hardwaste rehabilitation had not commenced at year end.

**7. Parks, open space and streetscapes**

Unexpected grants received assisted in additional expenditure in this area. Including expenditure on lighting pathways \$223k, Pop up garden works \$110k, and other pathway works \$164k.

**8. Works in Progress**

Two large road infrastructure projects being carried out by contractors were incomplete at end of year, the value of the works incurred at 30th June was \$759k. Another significant project outstanding is the Dooen Landfill putrescible cell renewal where \$2.9m was expended. \$576k was captured as works in progress for river activation and design works for the new pedestrian bridge.

	Income	Expenses	Surplus/ (Deficit)	Grants included in income	Total assets
2020	\$'000	\$'000	\$'000	\$'000	\$'000
Communities and Place	11,842	(21,883)	(10,041)	3,707	59,505
Corporate Services	30,030	(8,509)	21,521	4,300	49,811
Infrastructure Services	11,523	(23,414)	(11,891)	7,046	422,454
	53,395	(53,806)	(411)	15,053	531,770

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**NOTE 3 FUNDING FOR THE DELIVERY OF OUR SERVICES**

**3.1 RATES AND CHARGES**

2021 \$'000	2020 \$'000
----------------	----------------

Council uses Capital Improved Value (CIV) as the basis of valuation of all properties within the municipal district.

The valuation base used to calculate general, cultural and farm rates for 2020/21 was \$4,716,117,000 (2019/20 \$ 4,569,123,000).

Residential	13,182	12,765
Commercial	1,684	1,637
Industrial	866	848
Farm/rural	6,045	5,778
Cultural	16	16
Municipal charge	3,106	3,154
Garbage charges	3,470	3,287
Revenue in lieu of rates	258	146
Total rates and charges	28,627	27,631

The date of the latest general revaluation of land for rating purposes within the municipal district was 1 January 2020 and the valuation first applied in the rating year commencing 1 July 2020.

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

**3.2 STATUTORY FEES AND FINES**

Infringements and costs	53	92
Perin court recoveries	11	33
Issue of certificates	28	20
Local laws - permits & licences	9	27
Town planning fees	153	126
Health registrations	105	111
Total statutory fees and fines	359	409

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

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**3.3 USER FEES**

	2021 \$'000	2020 \$'000
Administration charges	109	118
Animal control	458	373
Building fees & other charges	207	163
Fees - parking meters	117	294
Home based welfare services	366	755
Other swimming income	-	1
Performance ticket sales	156	922
Sporting and recreation facilities	69	94
Freight Hub user charge	80	80
Supervision of private subdivisions	28	47
Plan checking fees	-	2
Aerodrome	36	35
Saleyards	601	592
Wimmera business centre income	97	117
Rural revegetation scheme	8	18
Garbage charges	3	2
Garbage disposal	937	855
Transfer station	446	380
Waste management fees	1,395	1,751
Other user fees	94	117
Total user fees	5,204	6,716
User fees by timing of revenue recognition		
User fees recognised over time	4,666	6,263
User fees recognised at a point in time	538	453
Total user fees	5,204	6,716

User fees are recognised as revenue at a point in time, or over time, when (or as) the performance obligation is satisfied. Recognition is based on the underlying contractual terms.

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021

3.4 FUNDING FROM OTHER LEVELS OF GOVERNMENT

	2021 \$'000	2020 \$'000
<hr/>		
Grants were received in respect of the following:		
<b>Summary of grants</b>		
Commonwealth funded grants	15,087	9,551
State funded grants	7,036	5,502
<b>Total grants received</b>	<hr/> 22,123 <hr/>	<hr/> 15,053 <hr/>
<b>(a) Operating Grants</b>		
<b>Recurrent - Commonwealth Government</b>		
Commonwealth Government family and children	40	35
Financial Assistance Grant - general purpose	4,588	4,009
Financial Assistance Grant - local roads	2,231	2,268
General Home Care	335	702
<b>Recurrent - State Government</b>		
School crossing supervisors	36	37
Community services	533	240
Maternal and child health	619	512
Senior citizens centres	14	16
Food services	53	99
Home and community care	66	154
Youth services	28	33
Library	190	185
Arts and art gallery	202	183
Environmental and landcare grants	75	75
<b>Total recurrent operating grants</b>	<hr/> 9,010 <hr/>	<hr/> 8,548 <hr/>
<b>Non-recurrent - Commonwealth Government</b>		
Outdoor recreation	5,000	1,200
<b>Non-recurrent - State Government</b>		
Regional Council Corporate Collaboration project	470	66
Australia Day grants	21	-
Regulatory services	30	70
Community services	78	87
Family and children	1	36
Public and community health	7	6
Youth services	4	-
Outdoor recreation	250	221
Indoor recreation	27	-
Arts and art gallery	29	11
Economic development	5	169
Environmental and landcare grants	58	64
Employment schemes	12	3
Covid 19 grants	2,000	224
Other	10	-
<b>Total non-recurrent operating grants</b>	<hr/> 8,002 <hr/>	<hr/> 2,157 <hr/>
<b>Total operating grants</b>	<hr/> 17,012 <hr/>	<hr/> 10,705 <hr/>

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021

3.4 FUNDING FROM OTHER LEVELS OF GOVERNMENT (Cont.)

	2021 \$'000	2020 \$'000
<b>(b) Capital Grants</b>		
<b>Recurrent - Commonwealth Government</b>		
Roads to recovery funding	1,520	1,337
<b>Total recurrent capital grants</b>	1,520	1,337
<b>Capital non-recurrent</b>		
<b>Non-recurrent - Commonwealth Government</b>		
Community Infrastructure	1,373	-
Livestock Exchange	1,351	-
<b>Non-Recurrent State Government</b>		
Outdoor recreation	231	130
Economic development	166	922
Local roads & ancillary assets	398	1,569
Aerodrome	65	-
Livestock exchange	-	189
Caravan Park	2	-
Sustainability grants	5	101
Recycling grants	-	100
<b>Total non-recurrent capital grants</b>	3,591	3,011
<b>Total capital grants</b>	5,111	4,348
<b>Total grants</b>	22,123	15,053
<b>Conditions on grants</b>		
Grants recognised as revenue during the year that were obtained on the condition that they be expended in a specified manner that had not occurred at balance date were:		
Financial assistance	3,537	3,245
Covid 19 grants	644	197
Town planning studies	30	70
Family and children	20	10
Community services	585	131
Kindergarten specific grants	-	35
Youth services	-	25
Disability grants	-	29
Outdoor recreation	-	54
Indoor recreation	21	-
Arts and arts gallery	66	10
Economic growth	-	116
Environmental	72	10
Road & street infrastructure	89	113
	5,064	4,045



**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**3.4 FUNDING FROM OTHER LEVELS OF GOVERNMENT (Cont.)**

	2021 \$'000	2020 \$'000
<b>Conditions on grants</b>		
Grants which were recognised as revenue in prior years and were expended during the current year in the manner specified by the grantor were:		
Financial assistance	(3,245)	(3,412)
Corporate services	(197)	(66)
Community services	(131)	(203)
Youth services	(25)	(10)
Disability grants	(29)	(15)
Outdoor recreation	(54)	(216)
Arts and arts gallery	(10)	(87)
Economic growth	(116)	(1,011)
Environmental	(10)	(14)
Road & street infrastructure	(22)	(994)
Roads to recovery	(91)	-
	(3,930)	(6,028)

(c) Unspent grants received on condition that they be spent in a specific manner

**Operating**

Balance at start of year	8,958	8,887
Received during the financial year and remained unspent at balance date	4,975	3,878
Received in prior years and spent during the financial year	(3,647)	(3,807)
Balance at year end	10,286	8,958

**Capital**

Balance at start of year	493	2,547
Received during the financial year and remained unspent at balance date	89	167
Received in prior years and spent during the financial year	(283)	(2,221)
Balance at year end	299	493

Grant income is recognised at the point in time when the council satisfies its performance obligations as specified in the underlying agreement.

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**3.5 CONTRIBUTIONS**

**(a) Monetary**

	2021 \$'000	2020 \$'000
Road assets	61	447
Recreational, leisure and community facilities	178	250
Recreational, leisure and community services	119	39
	358	736
	=====	=====

**(b) Non-Monetary**

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

Assets contributed by developers

Land public open space	-	16
Land under roads	-	26
Road and bridge assets	82	363

Assets contributed by others

Artworks and public art	39	-
	121	405
	=====	=====

Total contributions	479	1,141
	=====	=====

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

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**3.6 NET GAIN/(LOSS) ON DISPOSAL OF PROPERTY,  
INFRASTRUCTURE, PLANT AND EQUIPMENT**

	2021 \$'000	2020 \$'000
Plant and Equipment		
Proceeds from sale of assets	392	412
Written down value of assets sold	(312)	(363)
Profit/(Loss) on sale of plant and equipment	80	49
Furniture and Equipment		
Proceeds from sale of assets	1	-
Written down value of assets sold	-	-
Profit on sale of furniture and equipment	1	-
Sale of land and buildings		
Proceeds from sale of assets	-	337
Written down value of assets sold	-	(199)
Profit on sale of land and buildings	-	138
Summary		
Total proceeds from sale of assets	393	749
Written down value of assets sold	(312)	(562)
Total net gain/(loss) on disposal of property, plant and equipment	81	187
Disposal of council buildings		
Written down value of assets written off	(399)	(38)
Disposal of road infrastructure assets		
Written down value of assets written off	(1,291)	(790)
Disposal of other structures		
Written down value of assets disposed	-	(352)
Total written down value of assets disposed	(1,690)	(1,180)

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

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**3.7 OTHER INCOME**

	2021 \$'000	2020 \$'000
Interest	355	612
Interest on rates	19	27
External works	303	256
Road maintenance/works	4	10
Main roads maintenance Vicroads	926	701
Pre-school income	9	15
Other welfare receipts	2	5
Community workshop income	-	3
Art gallery	20	27
Information office	15	31
Childrens hub rent	58	60
Theatre rent	2	3
Mibus centre rent	12	11
Commercial properties rent	236	185
Caravan park rent	57	65
Other	224	389
Total other income	2,242	2,400
	=====	=====

Interest is recognised as it is earned.

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

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**NOTE 4 THE COST OF DELIVERING SERVICES**

**4.1 (a) EMPLOYEE COSTS**

	2021 \$'000	2020 \$'000
Wages and salaries	19,292	17,947
Workcover	429	403
Superannuation	1,586	1,580
Fringe Benefits Tax	108	92
Home care staff redundancy provision	(178)	1,133
Less: Amounts capitalised in non-current assets constructed by the Council	(548)	(653)
Total employee costs	20,689	20,502

**(b) SUPERANNUATION**

Council made contributions to the following funds

Defined benefit fund

Employer contributions to Local Authorities

Superannuation Fund (Vision Super) & other funds	130	140
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Accumulation funds

Employer contributions to Local Authorities

Superannuation Fund (Vision Super) & other funds	1,546	1,440
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	1,676	1,580
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Employer contributions payable at reporting date

167	71
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Refer to note 9.3 for further information relating to Council's superannuation obligations.

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**4.2 MATERIALS & SERVICES**

	2021 \$'000	2020 \$'000
Contract payments		
Valuation services	195	152
Provision of meals for meals on wheels	86	154
Management youth centre	26	42
Management aquatic centre	375	263
Waste management contracts	1,676	1,412
Contract cleaning	296	281
Building service contractors	378	326
Strategies	117	254
Election	119	-
Sporting group projects	362	661
Community facilities projects	5,000	1,200
Covid operating costs	160	129
Rural Council Corporate Collaboration Project	122	66
Contracts less than \$100,000	1,087	1,041
Materials and services		
Sporting group projects	47	37
Library	569	518
Road maintenance contracts	299	457
Performing events expenses	144	737
General materials	705	530
Road maintenance materials	567	827
Waste management expenses	2,049	2,040
Other materials & services less than \$100,000	2,021	2,623
Other		
Insurances	550	517
Plant operating costs	1,151	1,367
Computer expenditure	509	486
Power, light & heating	713	806
Advertising	231	236
Telephone	133	154
Contract salaries	789	940
External plant hire	41	20
Legal costs	115	120
Printing and stationery	57	84
Donations	343	360
Wimmera Development Association membership	207	207
Water rates	236	251
Community engagement projects	43	39
Emergency management	54	36
Total materials and services	21,572	19,373

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**4.3 DEPRECIATION**

	2021 \$'000	2020 \$'000
Furniture and fittings	221	177
Plant and equipment	1,107	1,038
Roads	5,436	5,687
Kerb and channel	472	470
Footpaths and cycleways	562	560
Bridges	316	314
Drainage	470	461
Other land improvements	-	42
Buildings	1,290	1,641
Other structures	1,841	1,686
Total depreciation	11,715	12,076

Refer to note 6.1 for a more detailed breakdown of depreciation and amortisation charges and accounting policy.

**4.4 AMORTISATION - INTANGIBLE ASSETS**

Landfill air space	233	224
Total amortisation - intangible assets	233	224

**4.5 AMORTISATION - RIGHT OF USE ASSETS**

Landfill land	55	55
Total amortisation - right of use assets	55	55

**4.6 BAD AND DOUBTFUL DEBTS**

Other debtors	17	-
Parking fine debtors	19	35
Animal fine debtors	70	33
Total bad and doubtful debts	106	68
Movement in provision for doubtful debts		
Balance at the beginning of the year	285	248
New provisions recognised during the year	60	61
Amounts already provided for and written off as uncollectable	(1)	(13)
Amounts provided for but recovered during the year	(2)	(11)
Balance at end of year	342	285

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

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**4.7 BORROWING COSTS**

	2021 \$'000	2020 \$'000
Interest - borrowings	197	229
Finance costs airspace	10	5
Total Borrowing Costs	207	234

Borrowing costs are recognised as an expense in the period in which they are incurred, except where they are capitalised as part of a qualifying asset constructed by Council.

**4.8 FINANCE COSTS - LEASES**

Interest - lease liabilities	15	14
Total Finance Costs	15	14

**4.9 OTHER EXPENSES**

Auditors' remuneration - VAGO audit of financial statements, performance statement and grant acquittals	54	52
Auditors' remuneration internal	19	10
Councillor & mayoral expenses	251	205
Total other expenses	324	267

**NOTE 5 OUR FINANCIAL POSITION**

**5.1 FINANCIAL ASSETS**

**(a) CASH AND CASH EQUIVALENTS**

Cash on hand	5	3
Cash at bank	847	216
Overnight cash at 11am call	4,540	6,702
Total cash and cash equivalents	5,392	6,921



**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**5.1 FINANCIAL ASSETS (Cont.)**

**(b) OTHER FINANCIAL ASSETS**

	2021 \$'000	2020 \$'000
Term deposits - current	32,000	29,200
Total other financial assets	32,000	29,200
	=====	=====
Total financial assets	37,392	36,121
	=====	=====
Council's cash and cash equivalents are subject to external restrictions that limit amounts available for discretionary or future use. These include:		
- Trust funds and deposits (Note 5.3b)	586	509
- Unexpended grants	10,585	9,451
- Reserve funds allocated to specific future purposes	300	300
Total restricted funds	11,471	10,260
	=====	=====
Total unrestricted cash and cash equivalents	(6,079)	(3,339)
	=====	=====

**Intended allocations**

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

- Cash held to fund carried forward capital works	4,652	3,146
- Cash from Financial Assistance held to fund 20/21 programs	-	3,245
- Cash from Financial Assistance held to fund 21/22 programs	3,245	-
Total funds subject to intended allocations	7,897	6,391
	=====	=====

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

Term deposits are measured at original cost. Any unrealised gains and losses on holdings at balance date are recognised as either a revenue or expense.

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**5.1 FINANCIAL ASSETS (Cont.)**

<b>(c) TRADE AND OTHER RECEIVABLES</b>	<b>2021 \$'000</b>	<b>2020 \$'000</b>
<b>Current</b>		
Statutory receivables		
Rates debtors	107	410
Parking infringement debtors	144	129
Other infringement debtors	255	196
Less doubtful debt provision - All infringements	(317)	(261)
Net GST receivable	268	281
Non-statutory receivables		
Sundry debtors	806	637
Less doubtful debt provision - Sundry debtors	(25)	(24)
Loans & advances to community organisations	34	14
Total current trade & other receivables	1,272	1,382
<b>Non-current</b>		
Non-statutory		
Sundry debtors	-	9
Loans & advances to community organisations	351	311
Deferred property debts receivable	34	37
Total non current trade & other receivables	385	357
<b>Total trade &amp; other receivables</b>	<b>1,657</b>	<b>1,739</b>

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

**(d) AGEING OF RECEIVABLES**

The ageing of the Council's trade & other receivables (excluding statutory receivables) that are not impaired was:

	<b>2021 \$'000</b>	<b>2020 \$'000</b>
Current (not yet overdue)	727	260
Past due by up to 30 days	47	148
Past due between 31 and 180 days	57	71
Past due between 181 and 365 days	10	172
Total trade and other receivables	841	651
Non-current (not yet overdue)	385	357

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**5.1 TRADE AND OTHER RECEIVABLES (Cont.)**

**(e) AGEING OF INDIVIDUALLY IMPAIRED TRADE AND OTHER RECEIVABLES**

At balance date, other debtors representing financial assets with a nominal value of \$342k, (2020 \$285k) were impaired. The amount of the provision raised against these debtors was \$342k, (2020 \$285k). They individually have been impaired as a result of their doubtful collection. The individually impaired debtors relate to general and sundry debtors, parking and animal infringement debtors and have been impaired as a result of their doubtful collection. Many of the long outstanding past due amounts have been lodged with Council's debt collectors, or are on payment arrangements.

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

	2021 \$'000	2020 \$'000
Past due between 31 and 180 days	42	11
Past due between 181 and 365 days	16	1
Past due by more than 1 year	284	273
Total trade and other receivables	342	285

**5.2 NON-FINANCIAL ASSETS**

**(a) INVENTORIES**

Inventories held for distribution	218	530
Inventories held for sale	22	18
Total inventories	240	548

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

**(b) OTHER ASSETS**

Prepayments	358	241
Accrued income	1,235	306
Total other assets	1,593	547

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021

5.2 NON-FINANCIAL ASSETS (Cont.)

(c) INTANGIBLE ASSETS

	2021 \$'000	2020 \$'000
Landfill air space	447	608
add additions	19	63
less amortisation	(233)	(224)
Total intangible assets	233	447
	=====	=====
		Landfill \$'000
<b>Gross carrying amount</b>		
Balance at 1 July 2020		874
Additions from internal developments		19
		-----
Balance at 30 June 2021		893
		=====
<b>Accumulated amortisation and impairment</b>		
Balance at 1 July 2020		(427)
Amortisation expense		(233)
		-----
Balance at 30 June 2021		(660)
		=====
Net book value at 30 June 2020		447
		=====
Net book value at 30 June 2021		233
		=====

Intangible assets with finite lives are amortised as an expense on a systematic basis over the asset's useful life. Amortisation is generally calculated on a straight line basis, at a rate that allocates the asset value, less any estimated residual value over its estimated useful life. Estimates of the remaining useful lives and amortisation method are reviewed at least annually, and adjustments made where appropriate.

5.3 PAYABLES

(a) TRADE AND OTHER PAYABLES

Trade payables	3,163	3,510
Fire services levy	44	181
Accrued expenditure	3	4
PAYG payable	142	143
	-----	-----
Total trade and other payables	3,352	3,838
	=====	=====

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

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**5.3 PAYABLES (Cont.)**

**(b) TRUST FUNDS AND DEPOSITS**

	2021 \$'000	2020 \$'000
Refundable building deposits	81	61
Refundable contract deposits	72	62
Refundable security deposits	182	201
Other refundable deposits	251	185
Total trust funds and deposits	586	509

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

**Purpose and Nature of Items**

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

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

Horsham Rural City Council has received monies as agent for the following: Art Gallery Trust Fund, Mack Jost Trust Fund, Con Kroker Trust Fund, Wimmera Regional Library Corporation, Wimmera Development Association and Horsham Cemetery Trust. As Horsham Rural City Council performs only a custodial role in respect of these monies, and the monies cannot be used for council purposes, they are not brought to account in the financial statements.

**(c) UNEARNED INCOME**

Grants received in advance - operating	4,528	5,079
Grants received in advance - capital	3,807	111
Total unearned income	8,335	5,190

**5.4 INTEREST-BEARING LOANS AND BORROWINGS**

Current		
Borrowings - secured	128	477
	128	477
Non-current		
Borrowings - secured	4,305	4,433
	4,305	4,433
Total	4,433	4,910

Borrowings are secured by way of mortgage over the general rates of Council.

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**5.4 INTEREST BEARING LOANS AND BORROWINGS (Cont.)**

	2021 \$'000	2020 \$'000
The maturity profile for Council's borrowings is:		
Not later than one year	128	477
Later than one year and not later than five years	4,305	4,433
	4,433	4,910

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

**5.5 PROVISIONS**

	Employee \$'000	Quarry Restoration \$'000	Landfill Restoration \$'000	Total \$'000
<b>2021</b>				
Balance at the beginning of the financial year	7,289	-	4,051	11,340
Additional provisions	1,843	-	427	2,270
Amounts used	(3,461)	-	(11)	(3,472)
Change in the discounted amount arising because of time and the effect of any change in the discount rate	(128)	-	(89)	(217)
Balance at the end of the financial year	5,543	-	4,378	9,921

	Employee \$'000	Quarry Restoration \$'000	Landfill Restoration \$'000	Total \$ \$'000
<b>2020</b>				
Balance at the beginning of the financial year	5,748	176	3,819	9,743
Additional provisions	3,409	-	224	3,633
Amounts used	(1,916)	(176)	(55)	(2,147)
Change in the discounted amount arising because of time and the effect of any change in the discount rate	48	-	63	111
Balance at the end of the financial year	7,289	-	4,051	11,340

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**5.5 PROVISIONS (cont.)**

	2021 \$'000	2020 \$'000
<b>(a) Employee provisions</b>		
Current provisions expected to be wholly settled within 12 months		
Annual leave	1,413	1,431
Long service leave	415	402
Sick leave gratuity	42	23
Home care staff redundancies	-	1,133
	1,870	2,989
	=====	=====
Current provisions expected to be wholly settled after 12 months		
Annual leave	405	319
Long service leave	2,453	2,898
Sick leave gratuity	212	401
	3,070	3,618
	=====	=====
Total current employee provisions	4,940	6,607
	=====	=====
Non-current		
Long service leave	412	447
Sick leave gratuity	191	235
	603	682
	=====	=====
Total non current employee provisions		
	603	682
	=====	=====
<b>Aggregate carrying amount of employee provisions</b>		
Current	4,940	6,607
Non-current	603	682
	5,543	7,289
	=====	=====
Total aggregate carrying amount of employee provisions		
	5,543	7,289
	=====	=====

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

Wages and salaries, and annual leave

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

The current provision expected to be wholly settled within 12 months is calculated on the following basis:

Annual leave and sick leave gratuity: based on the trend of actually usage in preceding 12 months.

Long service leave: based on usage average over the last 5 years.

Home care staff redundancies: based on hours worked for preceding 12 months. This Council decision in January 2020 to exit home care services once approval for an alternate service provider has been accepted, will result in staff redundancy payments in line with Council's Enterprise Bargain Agreement.

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**5.5 PROVISIONS (cont.)**

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

**Long service leave**

Liability for long service leave (LSL) is recognised in the provision for employee benefits. Current Liability - unconditional LSL representing 7 years is disclosed as a current liability even when the council does not expect to settle the liability within 12 months because it will not have the unconditional right to defer settlement of the entitlement should an employee take leave within 12 months.

The components of this current liability are measured at:

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

**Classification of employee costs**

Non-current liability - conditional LSL representing less than 7 years that has been accrued, where an employee is yet to reach a qualifying term of employment is disclosed as a non-current liability.

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

Key Assumptions	2021	2020
- Wage inflation rate	2.950%	4.250%
- Oncost rate	11.500%	11.500%
- Discount rate	1.491%	0.872%

Discount rates depend on years of service and are based on the rates released by the Department of Treasury and Finance. Probabilities of staff meeting their entitlement periods are based on history over the last four years.

**(b) Restoration Provisions**

**Quarry restoration provision**

The provision for quarry restoration was removed in 2019/20 due to the sale of the quarry, Council does not have any future liabilities/commitments for restoration.



**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**5.5 PROVISIONS (cont.)**

	2021 \$'000	2020 \$'000
<b>(c) Landfill restoration provision</b>		
Current	1,093	984
Non-current	3,285	3,067
	<hr/>	<hr/>
	4,378	4,051
	<hr/>	<hr/>

**Landfill rehabilitation provision**

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

Key Assumptions	2021	2020
- discount rate	1.491%	0.872%
- inflation rate	1.890%	1.870%

**5.6 FINANCING ARRANGEMENTS**

The Council has the following funding arrangements in place.

	2021 \$'000	2020 \$'000
Bank overdraft	1,000	1,000
Credit card facilities	350	350
Other facilities	4,433	4,910
	<hr/>	<hr/>
Total facilities	5,783	6,260
	<hr/>	<hr/>
Used facilities	4,480	4,946
Unused facilities	1,303	1,314

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**5.7 COMMITMENTS**

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

2021	Not Later Than 1 Year \$'000	Later Than 1 Year and Not Later Than 2 years \$'000	Later Than 2 Years and Not Later Than 5 years \$'000	TOTAL \$'000
Operating				
Building Surveyor Services	238	144	-	382
Management of Facilities	495	-	-	495
Road maintenance	263	-	-	263
Building maintenance	252	-	-	252
Depot maintenance	42	-	-	42
Waste management	84	-	-	84
Studies and Plans	183	-	-	183
Covid grants	202	-	-	202
Information Technology	145	-	-	145
Capital				
Roadworks	1,346	-	-	1,346
Recreation	705	-	-	705
Building projects	268	-	-	268
Plant	1,234	-	-	1,234
Waste	1,016	-	-	1,016
Industrial Estate development	83	-	-	83
<b>Total</b>	<b>6,556</b>	<b>144</b>	<b>-</b>	<b>6,700</b>

2020	Not Later Than 1 Year \$'000	Later Than 1 Year and Not Later Than 2 years \$'000	Later Than 2 Years and Not Later Than 5 years \$'000	TOTAL \$'000
Operating				
Building Surveyor Services	225	238	144	607
Management of Facilities	260	-	-	260
Road maintenance	150	-	-	150
Building maintenance	185	-	-	185
Parks and gardens maintenance	80	-	-	80
Depot maintenance	192	-	-	192
Waste management	41	-	-	41
Studies and Plans	372	-	-	372
Grampians Peak Trail	6,600	-	-	6,600
Capital				
Roadworks	1,510	-	-	1,510
Recreation	416	-	-	416
Building projects	742	-	-	742
Plant	478	-	-	478
<b>Total</b>	<b>11,251</b>	<b>238</b>	<b>144</b>	<b>11,633</b>

## NOTES TO THE FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2021

### 5.8 LEASES

At inception of a contract, all entities would assess whether a contract is, or contains, a lease. A contract is, or contains, a lease if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration. To identify whether a contract conveys the right to control the use of an identified asset, it is necessary to assess whether:

- The contract involves the use of an identified asset;
- The customer has the right to obtain substantially all of the economic benefits from use of the asset throughout the period of use; and
- The customer has the right to direct the use of the asset.

This policy is applied to contracts entered into, or changed, on or after 1 July 2019.

As a lessee, Council recognises a right-of-use asset and a lease liability at the lease commencement date. The right-of-use asset is initially measured at cost which comprises the initial amount of the lease liability adjusted for:

- any lease payments made at or before the commencement date less any lease incentives received; plus
- any initial direct costs incurred; and
- an estimated of costs to dismantle and remove the underlying asset or to restore the underlying asset or the site on which it is located.

The right-of-use asset is subsequently depreciated using the straight-line method from the commencement date to the earlier of the end of the useful life of the right-of-use asset or the end of the lease term. The estimated useful lives of right-of-use assets are determined on the same basis as those of property, plant and equipment. In addition, the right-of-use asset is periodically reduced by impairment losses, if any, and adjusted for certain measurements of the lease liability.

The lease liability is initially measured at the present value of the lease payments that are not paid at the commencement date, discounted using the interest rate implicit in the lease or, if that rate cannot be readily determined, an appropriate incremental borrowing rate. Generally, Council uses an appropriate incremental borrowing rate as the discount rate.

Lease payments included in the measurement of the lease liability comprise the following:

- Fixed payments
- Variable lease payments that depend on an index or a rate, initially measured using the index or rate as at the commencement date;
- Amounts expected to be payable under a residual value guarantee; and
- The exercise price under a purchase option that Council is reasonably certain to exercise, lease payments in an optional renewal period if Council is reasonably certain to exercise an extension option, and penalties of early termination of a lease unless Council is reasonably certain not to terminate early.

When the lease liability is remeasured in this way, a corresponding adjustment is made to the carrying amount of the right-of-use asset, or is recorded in profit or loss if the carrying amount of the right-of-use asset has been reduced to zero.

# NOTES TO THE FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2021

## 5.8 LEASES (cont.)

Council has elected to apply the temporary option available under AASB 16 Leases which allows not-for-profit entities to not measure right-of-use assets at initial recognition at fair value in respect of leases that have significantly below-market terms.

<b>Right-of-Use Assets</b>	Property		
	\$'000		
Balance at 1 July 2019	493		
Amortisation charge	(55)		
	-----		
Balance at 30 June 2020	438		
	=====		
Balance at 1 July 2020	438		
Amortisation charge	(55)		
	-----		
Balance at 30 June 2021	383		
	=====		
<b>Lease Liabilities</b>	2021	2020	
Maturity analysis - contractual undiscounted cash flows	\$'000	\$'000	
Less than one year	51	50	
One to five years	314	314	
More than five years	138	201	
	-----	-----	
Total undiscounted lease liabilities as at 30 June:	503	565	
	=====	=====	
Lease liabilities included in the Balance Sheet at 30 June:			
Current	51	50	
Non-current	343	395	
	-----	-----	
Total lease liabilities	394	445	
	=====	=====	

## NOTE 6 ASSETS WE MANAGE

### 6.1 NON CURRENT ASSETS CLASSIFIED AS HELD FOR SALE

Industrial land held for sale - at fair value	229	-
	=====	=====

Non-current assets classified as held for sale (including disposal groups), are measured at the lower of its carrying amount and fair value less costs of disposal, and are not subject to depreciation. Non current assets, disposal groups and related liabilities and assets are treated as current and classified as held for sale if their carrying amount will be recovered through a sale transaction rather than through continuing use. This condition is regarded as met only when the sale is highly probable and the asset's sale (or disposal group sale) is expected to be completed within 12 months from the date of classification.

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021

## 6.2 PROPERTY, INFRASTRUCTURE, PLANT AND EQUIPMENT

### Summary of property, infrastructure, plant and equipment

	At Fair Value 30 June 2020	Additions	Contributions	Revaluations	Transfers	Depreciation	Disposal	Write Off	At Fair Value 30 June 2021
Land	39,345	-	-	7,064	(684)	-	-	-	45,725
Buildings	61,498	816	-	10,447	(684)	(1,290)	-	(399)	70,388
Plant and equipment	13,928	2,557	39	-	-	(1,328)	(312)	-	14,884
Infrastructure	367,824	7,133	82	27,884	6,493	(9,097)	-	(1,291)	399,028
Work in progress	5,422	4,719	-	-	(5,344)	-	-	-	4,797
	488,017	15,225	121	45,395	(219)	(11,715)	(312)	(1,690)	534,822

### Summary of Works in Progress

	Opening WIP	Additions	Transfers	Closing WIP
Land and buildings	67	300	(67)	300
Plant and equipment	-	37	-	37
Infrastructure	5,355	4,382	(5,277)	4,460
	5,422	4,719	(5,344)	4,797

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021

6.2 PROPERTY, INFRASTRUCTURE, PLANT AND EQUIPMENT (Cont.)

2021 Property	Land - specialised \$'000	Land - non specialised \$'000	Land improvements \$'000	Total Land \$'000	Buildings -non specialised \$'000	Total Buildings \$'000	Works in Progress \$'000	Total Property \$'000
At fair value 1 July 2020	838	38,042	992	39,872	95,607	95,607	67	135,546
Accumulated depreciation at 1 July 2020	-	-	(527)	(527)	(34,109)	(34,109)	-	(34,636)
	838	38,042	465	39,345	61,498	61,498	67	100,910
Movements in fair value								
Additions	-	-	-	-	816	816	300	1,116
Revaluation increments/decrements	-	7,064	-	7,064	1,886	1,886	-	8,950
Disposal	-	-	-	-	(630)	(630)	-	(630)
Assets transferred to held for sale	-	(219)	-	(219)	-	-	-	(219)
Transfers	-	-	-	-	67	67	(67)	-
Transfers (to)/from other asset classes	-	-	(992)	(992)	(1,500)	(1,500)	-	(2,492)
	-	6,845	(992)	5,853	639	639	233	6,725
Movements in accumulated depreciation								
Depreciation and amortisation	-	-	-	-	(1,290)	(1,290)	-	(1,290)
Accumulated depreciation of disposals	-	-	-	-	231	231	-	231
Revaluation increments/decrements	-	-	-	-	8,561	8,561	-	8,561
Transfers (to)/from other asset classes	-	-	527	527	749	749	-	1,276
	-	-	527	527	8,251	8,251	-	8,778
At fair value 30 June 2021	838	44,887	-	45,725	96,246	96,246	300	142,271
Accumulated depreciation at 30 June 2021	-	-	-	-	(25,858)	(25,858)	-	(25,858)
	838	44,887	-	45,725	70,388	70,388	300	116,413

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021

6.2 PROPERTY, INFRASTRUCTURE, PLANT AND EQUIPMENT (Cont.)

2021 Plant and equipment	Plant Machinery & Equipment \$'000	Office Furniture & Equipment \$'000	Art Collection \$'000	Public Art \$'000	Total Plant & Equipment \$'000	Works in Progress \$'000	Total Plant & Equipment \$'000
At fair value 1 July 2020	16,293	2,308	3,808	308	22,717	-	22,717
Accumulated depreciation at 1 July 2020	(7,074)	(1,715)	-	-	(8,789)	-	(8,789)
	9,219	593	3,808	308	13,928	-	13,928
Movements in fair value							
Additions	2,133	395	16	13	2,557	37	2,594
Contributions by developers and others	-	-	39	-	39	-	39
Disposal	(1,011)	(5)	-	-	(1,016)	-	(1,016)
	1,122	390	55	13	1,580	37	1,617
Movements in accumulated depreciation							
Depreciation and amortisation	(1,107)	(221)	-	-	(1,328)	-	(1,328)
Accumulated depreciation of disposals	699	5	-	-	704	-	704
	(408)	(216)	-	-	(624)	-	(624)
At fair value 30 June 2021	17,415	2,698	3,863	321	24,297	37	24,334
Accumulated depreciation at 30 June 2021	(7,482)	(1,931)	-	-	(9,413)	-	(9,413)
	9,933	767	3,863	321	14,884	37	14,921
	=====	=====	=====	=====	=====	=====	=====

NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021

6.2 PROPERTY, INFRASTRUCTURE, PLANT AND EQUIPMENT (Cont.)

2021 Infrastructure	Roads	Bridges	Footpaths & cycleways	Drainage	Recreational, leisure and community	Waste management	Parks open spaces and streetscapes	Aerodrome	Off street car parks	Other infrastructure	Works in Progress	Total Infrastructure
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
At fair value 1 July 2020	392,946	30,873	27,552	45,303	11,821	7,549	3,863	3,289	4,877	24,863	5,355	558,291
Accumulated depreciation at 1 July 2020	(128,092)	(12,770)	(13,080)	(10,501)	(3,251)	(3,890)	(1,974)	(1,565)	(2,435)	(7,554)	-	(185,112)
	264,854	18,103	14,472	34,802	8,570	3,659	1,889	1,724	2,442	17,309	5,355	373,179
Movements in fair value												
Additions	4,700	55	218	603	174	122	556	87	23	595	4,382	11,515
Contributions by developers and others	24	-	10	48	-	-	-	-	-	-	-	82
Revaluation increments/(decrements)	-	-	-	9,594	342	(2,880)	6,505	(168)	-	20,588	-	33,981
Disposal	(4,595)	-	(367)	(11)	-	-	(4)	-	(9)	-	-	(4,986)
Transfers	1,737	-	227	227	-	-	86	-	-	3,000	(5,277)	-
Transfers to/from other asset classes	218	-	-	(218)	646	-	1,739	-	-	107	-	2,492
	2,084	55	88	10,243	1,162	(2,758)	8,882	(81)	14	24,290	(895)	43,084
Movements in accumulated depreciation												
Depreciation and amortisation	(5,908)	(316)	(562)	(470)	(315)	(545)	(216)	(100)	(69)	(596)	-	(9,097)
Accumulated depreciation of disposals	3,489	-	195	3	-	-	3	-	5	-	-	3,695
Revaluation (increment)/decrement	-	-	-	(2,560)	(170)	1,738	(1,119)	417	-	(4,403)	-	(6,097)
Transfers to/from other asset classes	-	-	-	-	(550)	-	(680)	-	-	(46)	-	(1,276)
	(2,419)	(316)	(367)	(3,027)	(1,035)	1,193	(2,012)	317	(64)	(5,045)	-	(12,775)
At fair value 30 June 2021	395,030	30,928	27,640	55,546	12,983	4,791	12,745	3,208	4,891	49,153	4,460	601,375
Accumulated depreciation at 30 June 2021	(130,511)	(13,086)	(13,447)	(13,528)	(4,286)	(2,697)	(3,986)	(1,248)	(2,499)	(12,599)	-	(197,887)
	264,519	17,842	14,193	42,018	8,697	2,094	8,759	1,960	2,392	36,554	4,460	403,488



**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**6.2 PROPERTY, INFRASTRUCTURE, PLANT AND EQUIPMENT (Cont.)**

**Acquisition**

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

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

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

Asset recognition thresholds and depreciation periods	Depreciation Period	Threshold Limit \$'000
Property		
Land		1,000
Land improvements	10 - 100 years	5,000
Buildings	15 - 100 years	5,000
Plant, machinery and equipment		
Plant, machinery and equipment	1 - 30 years	5,000
Office furniture and equipment	3 - 20 years	1,000
Art purchases		50
Infrastructure		
Road pavements and seals	13 - 60 years	5,000
Road formation and earthworks	100 years	5,000
Road kerb, channel and minor culverts	50 - 55 years	5,000
Bridges substructure	110 years	5,000
Footpaths and cycleways	40 - 50 years	5,000
Drainage	100 years	5,000
Recreation, leisure and community facilities	10 -100 years	5,000
Waste management	3 - 50 years	5,000
Parks, open space and streetscapes	10 - 75 years	5,000
Aerodromes	10 -100 years	5,000
Off street car parks	45 - 90 years	5,000
Intangible assets		
Landfill air space	4 years	5,000

**Land under roads**

Land under roads acquired after 30 June 2008 is brought to account using the fair value basis. Council does not recognise land under roads that it controlled prior to that period in its financial report.

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021****6.2 PROPERTY, INFRASTRUCTURE, PLANT AND EQUIPMENT (Cont.)****Depreciation of property, infrastructure, plant and equipment**

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

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

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

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

Depreciation periods used are listed above and are consistent with the prior year unless otherwise stated.

**Repairs and maintenance**

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

**Valuation of buildings**

Valuation of buildings were undertaken by a qualified independent company, AGIS Australian Geographic Information Systems. The valuation of buildings is at fair value, being market value based on highest and best use permitted by relevant land planning provisions. Where land use is restricted through existing planning provisions the valuation is reduced to reflect this limitation. This adjustment is an unobservable input in the valuation. The adjustment has no impact on the comprehensive income statement.

**Valuation of land**

Valuation of land was undertaken by a qualified independent valuer, Ben Sawyer, Certified Practising Valuer of Preston Rowe Paterson Reg No. 63163. The valuation of land is at fair value, being market value based on highest and best use permitted by relevant land planning provisions. Where land use is restricted through existing planning provisions the valuation is reduced to reflect this limitation. This adjustment is an unobservable input in the valuation. The adjustment has no impact on the comprehensive income statement.

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

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

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**6.2 PROPERTY, INFRASTRUCTURE, PLANT AND EQUIPMENT (Cont.)**

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

An indexed based revaluation was conducted in the current year on non-specialised land, this valuation was based on the Valuer-General Victoria vacant land indexation factors for 2020-2021 at an indexation rate of 1.20.

Details of the Council's land and buildings and information about the fair value hierarchy as at 30 June 2021 are as follows:

	Level 1 \$ '000	Level 2 \$ '000	Level 3 \$ '000	Date of valuation
Non specialised land	-	44,887	-	June 2021
Specialised land	-	-	838	n/a
Non specialised buildings	-	-	70,388	July 2020
Total	-	44,887	71,226	

**Valuation of infrastructure**

Valuation of road and road associated infrastructure assets has been determined in accordance with an independent valuation undertaken by Mr Peter Moloney, Dip CE. CE. EWS. MIEAust, Moloney Asset Management Services.

Valuation of other infrastructure classes were undertaken by a qualified independent company, AGIS Australian Geographic Information Systems.

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

The valuation is at fair value based on replacement cost less accumulated depreciation as at the date of valuation.

Details of the Council's infrastructure and information about the fair value hierarchy as at 30 June 2021 are as follows:

	Level 1 \$ '000	Level 2 \$ '000	Level 3 \$ '000	Date of valuation
Roads	-	-	264,519	July 2018
Bridges	-	-	17,842	July 2018
Footpaths and cycleways	-	-	14,193	July 2018
Drainage	-	-	42,018	July 2021
Recreation & leisure facilities	-	-	8,697	June 2021
Waste management	-	-	2,094	June 2021
Parks, open space/streetscapes	-	-	8,759	June 2021
Aerodromes	-	-	1,960	June 2021
Off street car parks	-	-	2,392	July 2018
Other infrastructure	-	-	36,554	June 2021
Total	-	-	399,028	

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**6.2 PROPERTY, INFRASTRUCTURE, PLANT AND EQUIPMENT (Cont.)**

**Description of significant unobservable inputs into level 3 valuations**

**Specialised land and land under roads** is valued using a market based direct comparison technique. Significant unobservable inputs include the extent and impact of restriction of use and the market cost of land per square metre. The extent and impact of restrictions on use varies and results in a reduction to surrounding land values between 5% and 95%. The market value of land varies significantly depending on the location of the land and the current market conditions. Currently land values range between \$1 and \$625 per square metre.

**Specialised buildings** are valued using a depreciated replacement cost technique. Significant unobservable inputs include the current replacement cost and remaining useful lives of buildings. Current replacement costs are calculated on a square metre basis and ranges from \$353 to \$7,070 per square metre. The remaining useful lives of buildings are determined on the basis of the current condition of buildings and vary from 15 years to 100 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of buildings are sensitive to changes in expectations or requirements that could either shorten or extend the useful lives of buildings.

**Infrastructure assets** are valued based on the depreciated replacement cost. Significant unobservable inputs include the current replacement cost and remaining useful lives of infrastructure. The remaining useful lives of infrastructure assets are determined on the basis of the current condition of the asset and vary from 3 years to 110 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of infrastructure are sensitive to changes in use, expectations or requirements that could either shorten or extend the useful lives of infrastructure assets.

	2021 \$'000	2020 \$'000
Reconciliation of specialised land		
Land under roads	838	838
Total specialised land	838	838

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**6.3 INVESTMENTS IN ASSOCIATES**

	2021 \$'000	2020 \$'000
Council's investment in the Wimmera Regional Library Corporation is based on the equity method of accounting.		
Council's interest in equity	72.67%	72.67%
<b>Equity in Wimmera Regional Library Corporation - at valuation</b>	993	992
	993	992
<b>Council's share of accumulated surplus</b>		
Council's share of accumulated surplus at start of year	615	285
Change in equity share apportionment	55	(10)
Reported surplus/(loss) for year	11	345
Transfers to/(from) reserves	(31)	(5)
Council's share of accumulated surplus at end of year	650	615
<b>Council's share of reserves</b>		
Council's share of reserves at start of year	377	678
Change in equity share apportionment	(65)	(306)
Transfers to/(from) reserves	31	5
Council's share of reserves at end of year	343	377
<b>Movement in carrying value of specific investment</b>		
Carrying value of investment at start of year	992	963
Change in equity share apportionment	(10)	(316)
Share of surplus/(loss) for year	11	345
Carrying value of investment at end of year	993	992
Council's share of expenditure commitments	Nil	Nil
Council's share of contingent liabilities and contingent assets	Nil	Nil

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**6.3 INVESTMENTS IN ASSOCIATES (cont.)**

	2021 \$'000	2020 \$'000
Council's investment in the Wimmera Development Association is based on the equity method of accounting.		
Council's interest in equity	48.14%	48.14%
<b>Equity in Wimmera Development Association - at valuation</b>	992	471
	992	471
	=====	=====
<b>Council's share of accumulated surplus</b>		
Council's share of accumulated surplus at start of year	222	239
Reported surplus/(loss) for year	521	16
Transfers to/(from) reserves	(1)	(33)
	-----	-----
Council's share of accumulated surplus at end of year	742	222
	=====	=====
<b>Council's share of reserves</b>		
Council's share of reserves at start of year	249	216
Transfers to/(from) reserves	1	33
	-----	-----
Council's share of reserves at end of year	250	249
	=====	=====
<b>Movement in carrying value of specific investment</b>		
Carrying value of investment at start of year	471	455
Share of surplus/(loss) for year	521	16
	-----	-----
Carrying value of investment at end of year	992	471
	=====	=====
Council's share of expenditure commitments	Nil	
Council's share of contingent liabilities and contingent assets	Nil	

Associates are all entities over which Council has significant influence but not control or joint control. Investments in associates are accounted for using the equity method of accounting, after initially being recognised at cost.

The consolidated financial statements of Council incorporate all entities controlled by Council as at 30 June 2021, and their income and expenses for that part of the reporting period in which control existed.

Subsidiaries are all entities over which Council has control. Council controls an entity when it is exposed to, or has rights to, variable returns from its involvement with the entity and has the ability to affect those returns through its power to direct the activities of the entity. Subsidiaries are fully consolidated from the date on which control is transferred to the Council. They are deconsolidated from the date that control ceases.

Where dissimilar accounting policies are adopted by entities and their effect is considered material, adjustments are made to ensure consistent policies are adopted in these financial statements.

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**6.3 INVESTMENTS IN ASSOCIATES (cont.)**

The entity that is controlled by Council and could be consolidated into Council financial statements is Horsham Performing Arts. This company is a cultural charitable organisation set up for the promotion of the performing arts and for other cultural purposes of the benefit of the community.

Horsham Performing Arts Company is controlled by 6 directors, of which 3 are Horsham Rural City Councillors and one officer, therefore Council has control of this entity, however due to the small turnover value, the Horsham Performing Arts accounts have not been consolidated, but are included below for information.

Horsham Performing Arts Company was wound up on 22nd December 2020, with assets being transferred to Horsham Rural City Council at that date.

**Summarised financial information**

**Summarised statement of comprehensive income**

	2021 \$'000	2020 \$'000
Total income	-	-
Total expenses	-	-
	-----	-----
Surplus/(Deficit) for year	-	-
	=====	=====
<b>Total comprehensive result</b>	-	-
	=====	=====

**Summarised balance sheet**

Total Current Assets	-	14
	-----	-----
<b>Total assets</b>	-	14
	=====	=====

**Summarised statement of cash flows**

Net cash provided by operating activities	-	-
	-----	-----
<b>Net increase/(decrease) in cash and cash equivalents</b>	-	-
	=====	=====

**Committees of Management**

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

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**6.4 INVESTMENT PROPERTY**

	2021 \$'000	2020 \$'000
Balance at beginning of financial year	2,450	2,450
Additions	12	-
Fair value adjustments	58	-
	-----	-----
Balance at end of financial year	2,520	2,450
	=====	=====

Investment property, comprising freehold rental properties, is held to generate long-term rental yields. Investment property is measured initially at cost, including transaction costs. Costs incurred subsequent to initial acquisition are capitalised when it is probable that future economic benefit in excess of originally assessed performance of the asset will flow to the Council. Subsequent to initial recognition at cost, investment property is carried at fair value, determined annually by independent valuers. Changes to fair value are recorded in the comprehensive income statement in the period that they arise.

**Valuation of investment property**

Valuation of investment property has been determined in accordance with an independent valuation by Ben Sawyer, Certified Practising Valuer of Preston Rowe Paterson who has recent experience in the location and category of property being valued. The valuation is at fair value, based on the current market value for the property.

**NOTE 7 PEOPLE AND RELATIONSHIPS**

**7.1 COUNCIL AND KEY MANAGEMENT REMUNERATION**

**(a) Related parties**

Parent Entity

Horsham Rural City Council is the parent entity.

Subsidiaries and associates

Interests in subsidiaries and associates are detailed in note 6.2.

**(b) Key management personnel**

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

Cr. R. Gulline	Mayor Duly elected to office 10/11/20
Cr. C. Haenel	Duly elected to office 10/11/20
Cr. P. Flynn	Duly elected to office 10/11/20
Cr. D. Bowe	Duly elected to office 10/11/20
Cr. D. Bell	Duly elected to office 10/11/20
Cr. I. Ross	Duly elected to office 10/11/20
Cr L.V. Power	Duly elected to office 10/11/20
Cr M.A. Radford	Mayor Retired from office on 10/11/20
Cr P.N. Clarke	Retired from office on 10/11/20
Cr A.D. Grimble	Retired from office on 10/11/20
Cr J.T. Koenig	Retired from office on 10/11/20
Cr J.T. Robinson	Retired from office on 10/11/20
Cr A.N. Gulvin	Retired from office on 10/11/20
Mr S. Bhalla	Chief Executive Officer
Mr K. O'Brien	Director Communities and Place
Mr G.A. Harrison	Director Corporate Services
Ms A. Murphy	Director Development Services to Oct 2020
Mr J. Martin	Director Infrastructure



**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**7.1 COUNCIL AND KEY MANAGEMENT REMUNERATION (Cont.)**

<b>(b) Key management personnel (Cont.)</b>	2021	2020
	No.	No.
Total number of councillors	13	7
Total of chief executive and other key management personnel	5	5
<b>Total number of key management personnel</b>	<b>18</b>	<b>12</b>

<b>(c) Remuneration of key management personnel</b>	2021	2020
	\$'000	\$'000
Total remuneration of key management personnel was as follows:		
Short-term benefits	1,156	1,198
Long-term benefits	22	24
Post-employment benefits	94	91
<b>Total</b>	<b>1,272</b>	<b>1,313</b>

The number of key management personnel, whose total remuneration from council and any related entities, falls within the following bands:	No.	No.
\$ 1,000 - \$ 9,999	5	-
\$ 10,000 - \$ 19,999	5	-
\$ 20,000 - \$ 29,999	2	6
\$ 40,000 - \$ 49,999	1	-
\$ 60,000 - \$ 69,999	-	1
\$ 90,000 - \$ 99,999	1	-
\$180,000 - \$189,999	-	1
\$209,000 - \$219,999	1	2
\$220,000 - \$229,999	1	1
\$240,000 - \$249,999	1	-
\$260,000 - \$269,999	-	1
\$280,000 - \$289,999	1	-
	<b>18</b>	<b>12</b>

**(d) Senior officer remuneration**

A senior officer is an officer of Council, other than key management personnel, who:

- a) has management responsibilities and reports directly to the Chief Executive Officer; or
- b) whose total annual remuneration exceeds \$151,000.

Based on the above criteria, there are no other senior officers whose remuneration is required to be disclosed. (2019/20 nil).

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**7.2 RELATED PARTY DISCLOSURES**

**(a) Transactions with related parties**

During the period Council entered the following transactions with responsible persons or related parties of responsible persons.

Fees and charges charged to associates is nil, (2019/20 nil).

Fees and charges charged to entities controlled by key management personnel is nil. (2019/20 nil).

Infrastructure contributions from entities controlled by key management personnel is nil. (2019/20 nil).

Purchase of materials and services from entities controlled by key management personnel is nil.

Purchase of materials and services from associates by key management personnel is as follows:

Council is one of 2 member councils that contributed to Wimmera Regional Library Corporation in 2020/21. Council contributed \$568,654 in 2020/21 and \$518,473 in 2019/20.

Council is a one of 2 member councils that contribute to Wimmera Regional Development Association. Council contributed \$207,483 in 2020/21 and \$207,483 in 2019/20.

**(b) Outstanding balances with related parties**

The following balances are outstanding at the end of the reporting period in relation to transactions with related parties is nil (2019/20 nil).

**(c) Loans to/from related parties**

The aggregate amount of loans in existence at balance date that have been made, guaranteed or secured by the council to a related party is nil, (2019/20 nil).

**(d) Commitments to/from related parties**

The aggregate amount of commitments in existence at balance date that have been made, guaranteed or secured by the council to a related party is nil, (2019/20 nil).

**NOTE 8 MANAGING UNCERTAINTIES**

**8.1 CONTINGENT ASSETS AND LIABILITIES**

**(a) CONTINGENT ASSETS**

**Operating lease receivables**

At the reporting date, Horsham Rural City Council had entered into commercial property leases on its investment property, consisting of surplus freehold shop complexes. These properties held under operating leases have remaining cancellable lease terms of between 1 and 5 years. All leases include a CPI based revision of the rental charge annually.

Council has also entered into a long term lease of the Horsham Caravan Park. The 21 year lease includes an annual CPI increase on the rental charge.

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

	2021 \$'000	2020 \$'000
Not later than one year	139	239
Later than one year and not later than 5 years	249	370
Later than 5 years	1,080	1,236
	1,468	1,845
	=====	=====

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**8.1 CONTINGENT ASSETS AND LIABILITIES**

**(b) CONTINGENT LIABILITIES**

Contingent assets and contingent liabilities are not recognised in the Balance Sheet, but are disclosed and if quantifiable, are measured at nominal value. Contingent assets and liabilities are presented inclusive of GST receivable or payable, respectively.

**Superannuation**

Council has obligations under a defined benefit superannuation scheme that may result in the need to make additional contributions to the scheme, matters relating to this potential obligation are outlined below. As a result of the volatility in financial markets the likelihood of making such contributions in future periods exists.

**Future superannuation contributions**

In addition to the disclosed contributions, Horsham Rural City Council has not paid any unfunded liability payments to Vision Super during 20/21 or 19/20. There were no contributions outstanding and no loans issued from or to the above schemes as at 30 June 2021. The expected contributions paid to the Defined Benefit category of Vision Super for the year ending 30 June 2022 will be approx. \$92k.

**Landfills**

**Finance Assurance for Dooen Landfill**

Council has a responsibility under the *Environment and Protection Act 1970*, for remedial action and site aftercare at the Dooen Landfill. Council progressively rehabilitates the John's site each year.

**Reinstatement of Ladlow's hard waste cell – Dooen Landfill**

A fire occurred in Ladlow's hard waste site in December 2020. Since that time Council has worked with the EPA to reduce the effect on the environment and the site. Costs were incurred for removing material stored in the cell, and auditing and monitoring the site. Further costs will be incurred during 2021/22 financial year with the reinstatement of those removed materials back into the cell (approx. \$350,000), as well as ongoing auditing and monitoring of the site, all undertaken in conjunction with EPA. Other than reinstatement and monitoring, it is not expected there will be any further costs to comply with EPA requirements for this event. Once reinstated, the cell will continue to be used with solid inert materials being deposited for a further 2 years.

**Bank Guarantees**

At balance date, the Council's exposure as a result of bank guarantees is:

	\$'000
	-----
Minister for Agriculture and Resources	12
Minister for Energy and Resources	5
Environment Protection Authority	625

## NOTES TO THE FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2021

### 8.1 CONTINGENT ASSETS AND LIABILITIES

#### (b) CONTINGENT LIABILITIES (cont.)

##### **Liability Mutual Insurance**

Council is a participant in the MAV Liability Mutual Insurance (LMI) Scheme. The LMI scheme provides public liability and professional indemnity insurance cover. The LMI scheme states that each participant will remain liable to make further contributions to the scheme in respect of any insurance year in which it was a participant to the extent of its participants share of any shortfall in the provision set aside in respect of that insurance year and such liability will continue whether or not the participant remains a participant in future insurance years.

##### **MAV Workcare**

In November 2017, the Victorian WorkCover Authority (the Authority) granted the Municipal Association of Victoria (MAV) a three-year self-insurance licence allowing it to provide workers' compensation insurance to Victorian councils. When the MAV WorkCare Scheme commenced, there were 31 inaugural members, including the MAV.

In accordance with the Authority's decision not to review the MAV's self-insurance licence, the MAV WorkCare Scheme ceased operation on 30 June 2021. The MAV is continuing to support the orderly transition of claims management responsibilities to the Authority.

Council was a participant of the MAV WorkCare Scheme.

The MAV WorkCare Scheme participation agreement stated that each participant would remain liable to make further contributions to the scheme in respect of any insurance year in which it was a participant to the extent of its participant's share of any shortfall in the provision set aside in respect of that insurance year, and such liability would continue whether or not the participant remains a participant in future insurance years.

The net financial impact on Council is a result of the cessation of the MAV WorkCare Scheme for the year 2020/21 financial year is yet to be determined. Any obligation is dependent upon the Authority's initial actuarial assessment of the tail claims liabilities of the MAV WorkCare Scheme.

In accordance with the Workplace Injury Rehabilitation and Compensation Act 2013, there is a six-year liability period following the cessation of the MAV WorkCare Scheme. During the liability period, adjustment payments may be required (or received) by Council. The determination of any adjustment payments is dependent upon revised actuarial assessments of the Scheme's tail claims liabilities as undertaken by the Authority.

### 8.2 CHANGE IN ACCOUNTING STANDARDS

Certain new Australian Accounting Standards and interpretations have been published that are not mandatory for the 30 June 2021 reporting period. Council assesses the impact of these new standards. As at 30 June 2021 there were no new accounting standards or interpretations issued by the AASB which are applicable for the year ending 30 June 2022 that are expected to impact Council.

### 8.3 FINANCIAL INSTRUMENTS

#### **(a) Objectives and policies**

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

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**8.3 FINANCIAL INSTRUMENTS (cont.)**

**(b) Market risk (cont.)**

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

**Interest rate risk**

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

Investment of surplus funds is made with approved financial institutions under the *Local Government Act 1989*. Council manages interest rate risk by ensuring:

- conformity with State and Federal regulations and standards,
- appropriate liquidity,
- diversification of financial institution and investment product,
- monitoring of return on investment,
- benchmarking of returns and comparison with budget.

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

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

**(c) Credit risk**

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

- council have a policy for establishing credit limits for the entities council deal with;
- council may require collateral where appropriate; and
- Council only invest surplus funds with financial institutions that conform with State and Federal regulations and standards.

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

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

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

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

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**8.3 FINANCIAL INSTRUMENTS (cont.)**

**(d) Liquidity risk**

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

To help reduce these risks Council:

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

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

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

With the exception of borrowings, all financial liabilities are expected to be settled within normal terms of trade.

Details of the maturity profile for borrowings are disclosed at note 5.4.

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

**(e) Sensitivity disclosure analysis**

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

- A parallel shift of +0.25% and -0.25% in market interest rates (AUD) from year end rates of 1.67%.

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

**8.4 FAIR VALUE MEASUREMENT**

**Fair value hierarchy**

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

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

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021****8.4 FAIR VALUE MEASUREMENT (Cont.)**

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

Level 1 - Quoted (unadjusted) market prices in active markets for identical assets and liabilities.

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

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

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

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

**Revaluation**

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

Fair value valuations are determined in accordance with a valuation hierarchy. Changes to the valuation hierarchy will only occur if an external change in the restrictions or limitations of use of an asset result in changes to the permissible or practical highest and best use of the asset.

In addition, Council undertakes a formal revaluation of land, buildings, and infrastructure assets on a regular basis ranging from 2 to 5 years. The valuation is performed either by experienced council officers or independent experts.

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

**Impairment of assets**

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

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**8.5 EVENTS OCCURRING AFTER BALANCE DATE**

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

**NOTE 9 OTHER MATTERS**

**9.1 RESERVES**

**(A) ASSET REPLACEMENT RESERVES**

2021	Balance at beginning of reporting period \$'000	Transfer from accumulated surplus \$'000	Transfer to accumulated surplus \$'000	Balance at end of reporting period \$'000
Central Activity District development	2,839	54	154	2,739
Office equipment replacement	640	298	243	695
Plant replacement	4,870	1,350	2,006	4,214
Recreation contribution	501	-	-	501
Waste management replacement	4,323	1,603	3,965	1,961
Contingency funding - capital	567	194	253	508
Firebrace St properties	634	-	12	622
Major capital projects	803	-	171	632
Aquatic centre replacement	198	42	83	157
Aerodrome reseal	484	83	-	567
Industrial estate	3,257	16	-	3,273
Library asset replacement	32	9	40	1
Livestock exchange	409	38	90	357
Loan funded capital projects	2,031	423	-	2,454
Capital projects internal loans	(1,410)	190	1,832	(3,052)
Quarry & road rehabilitation	292	-	111	181
Road construction	32	-	-	32
Headworks drainage	397	45	-	442
Unfunded superannuation	600	-	-	600
Wimmera Business Centre	135	16	-	151
Wimmera Freight Terminal	660	99	-	759
Infrastructure gap	27	-	-	27
Sustainability capital projects	238	146	52	332
Total other reserves	22,559	4,606	9,012	18,153



**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**9.1 RESERVES (Cont.)**

**(A) ASSET REPLACEMENT RESERVES**

2020	Balance at beginning of reporting period \$'000	Transfer from accumulated surplus \$'000	Transfer to accumulated surplus \$'000	Balance at end of reporting period \$'000
Central Activity District development	2,817	251	229	2,839
Office equipment replacement	563	279	202	640
Plant replacement	4,915	1,286	1,331	4,870
Recreation contribution	371	130	-	501
Waste management replacement	3,568	1,314	559	4,323
Contingency funding - capital	175	392	-	567
Firebrace St properties	580	54	-	634
Major capital projects	856	121	174	803
Aquatic centre replacement	583	132	517	198
Aerodrome reseal	441	43	-	484
Industrial estate	3,970	46	759	3,257
Library asset replacement	43	16	27	32
Livestock exchange	332	277	200	409
Loan funded capital projects	1,608	423	-	2,031
Capital projects internal loans	-	100	1,510	(1,410)
Quarry & road rehabilitation	111	181	-	292
Road construction	32	-	-	32
Headworks drainage	633	39	275	397
Unfunded superannuation	600	-	-	600
Wimmera Business Centre	135	-	-	135
Wimmera Freight Terminal	616	44	-	660
Infrastructure gap	829	-	802	27
Sustainability capital projects	248	144	154	238
<b>Total other reserves</b>	<b>24,026</b>	<b>5,272</b>	<b>6,739</b>	<b>22,559</b>

The above transfers represent an appropriation of funds for the future replacement and expansion of assets.

The loan funded capital projects reserve is held to meet the future increased loan repayments required for planned capital renewal and expansion projects.

The capital projects internal loans reserve represents cash used for replacement and expansion of assets.

Unfunded superannuation reserve is an appropriation of funds for future call on the defined benefits superannuation scheme.

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**9.1 ASSET REVALUATION RESERVES**

<b>2021</b>	Balance at beginning of reporting period \$'000	Impairments and reversals \$'000	Revaluation increment \$'000	Balance at end of reporting period \$'000
Property				
Land	25,184	-	7,064	32,248
Other land improvements	2,975	-	-	2,975
Buildings	20,425	-	10,448	30,873
<b>Total property</b>	<b>48,584</b>	<b>-</b>	<b>17,512</b>	<b>66,096</b>
Plant and equipment				
Works of art	1,330	-	-	1,330
<b>Total plant and equipment</b>	<b>1,330</b>	<b>-</b>	<b>-</b>	<b>1,330</b>
Infrastructure				
Roads	146,562	-	-	146,562
Kerb and channel	11,351	-	-	11,351
Drainage	15,884	-	-	15,884
Footpaths and cycleways	10,857	-	-	10,857
Bridges	7,227	-	-	7,227
Other infrastructures	8,067	-	27,883	35,950
<b>Total Infrastructure</b>	<b>199,948</b>	<b>-</b>	<b>27,883</b>	<b>227,831</b>
Other				
Land held for sale	1,075	-	11	1,086
<b>Total asset revaluation reserve</b>	<b>250,937</b>	<b>-</b>	<b>45,406</b>	<b>296,343</b>
<b>2020</b>				
Property				
Land	24,919	-	265	25,184
Other land improvements	2,975	-	-	2,975
Buildings	20,425	-	-	20,425
<b>Total property</b>	<b>48,319</b>	<b>-</b>	<b>265</b>	<b>48,584</b>
Plant and equipment				
Works of art	1,330	-	-	1,330
<b>Total plant and equipment</b>	<b>1,330</b>	<b>-</b>	<b>-</b>	<b>1,330</b>
Infrastructure				
Roads	146,562	-	-	146,562
Kerb and channel	11,351	-	-	11,351
Drainage	15,884	-	-	15,884
Footpaths and cycleways	10,857	-	-	10,857
Bridges	7,227	-	-	7,227
Other infrastructures	8,067	-	-	8,067
<b>Total Infrastructure</b>	<b>199,948</b>	<b>-</b>	<b>-</b>	<b>199,948</b>
Other				
Land held for sale	1,075	-	-	1,075
<b>Total asset revaluation reserve</b>	<b>250,672</b>	<b>-</b>	<b>265</b>	<b>250,937</b>

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

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**9.2 RECONCILIATION OF CASH FLOWS FROM OPERATING ACTIVITIES TO SURPLUS/(DEFICIT)**

	2021 \$'000	2020 \$'000
Surplus/(Deficit) for the year	3,089	(411)
Depreciation and amortisation	11,770	12,355
Loss on disposal of property, infrastructure, plant and equipment	1,609	993
Contributions - Non-monetary assets	(121)	(405)
Share of (profits)/loss of associates	(522)	(45)
Fair value (increment) adjustments for Investment property	(58)	-
Financing Costs	222	248
Change in Accounting Policy - Govt Grants	-	(1,733)
Change in assets and liabilities:		
Increase/(decrease) in provisions	(1,418)	1,596
(Increase)/decrease in intangible assets	214	(63)
(Increase)/decrease in right-of-use assets	55	(438)
Increase/(decrease) in lease liabilities	(51)	445
(Increase) in prepayments	(117)	(6)
Increase in trade and other payables and other liabilities	2,736	789
Decrease/(increase) in inventories	308	(175)
Decrease in trade and other receivable	82	1,595
(Increase)/decrease in accrued income	(929)	633
Net cash provided by/(used in) operating activities	16,869	15,378

**9.3 SUPERANNUATION**

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

**Accumulation**

Council makes both employer and employee contributions to the Fund's accumulation category, Vision My Super/Vision Super Saver, receives both employer and employee contributions on a progressive basis. Employer contributions are normally based on a fixed percentage of employee earnings, (for the year ended 30 June 2021, this was 9.5% as required under Superannuation Guarantee (SG) Legislation).

**Defined Benefit**

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

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

## NOTES TO THE FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2021

### 9.3 SUPERANNUATION (Cont.)

#### Funding Arrangements

Council makes employer contributions to the defined benefit category of the Fund at rates determined by the Trustee on the advice of the Fund's actuary.

A triennial actuarial review for the Defined Benefit category as at 30 June 2020 was conducted and completed by the due date of 31 December 2020.

The vested benefit index (VBI) of the Defined Benefit category of which Council is a contributing employer was 104.6%.

The financial assumptions used to calculate the VBI's were:

Net Investment Return	5.60% p.a.
Salary Information	2.5% pa for two years and 2.75% pa thereafter
Price Inflation (CPI)	2.00% p.a.

As at 30 June 2021, an interim actuarial investigation is underway as the Fund provides lifetime pensions in the Defined Benefits Category.

Vision Super has advised that the VBI at 30 June 2021 was 109.7%. The financial assumptions used to calculate this VBI were:

Net investment returns	4.8% p.a.
Salary information	2.75% p.a.
Price Inflation (CPI)	2.25% p.a.

The VBI is used as the primary funding indicator. Because the VBI was above 100%, the 30 June 2020 actuarial investigation determined the Defined Benefit category was in a satisfactory financial position and that no change was necessary to the Defined Benefit category's funding arrangements from prior years.

#### Employer contributions

##### Regular contributions

On the basis of the results of the 2020 triennial actuarial investigation conducted by the Fund's actuary, Council makes employer contributions to the Fund's Defined Benefit category at rates determined by the Fund's Trustee. For the year ended 30 June 2021, this rate was 9.5% of members' salaries (9.5% in 2019/2020). This rate is expected to increase in line with any increases in the SG contribution rate and was reviewed as part of the 30 June 2020 triennial valuation.

In addition, Council reimburses the Fund to cover the excess of the benefits paid as a consequence of retrenchment above the funded resignation or retirement benefit.

#### Funding Calls

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

In the event that the Fund Actuary determines that there is a shortfall based on the above requirement, the Fund's participating employers (including Horsham Rural City Council) are required to make an employer contribution to cover the shortfall.

Using the agreed methodology, the shortfall amount is apportioned between the participating employers based on the pre-1 July 1993 and post-30 June 1993 service liabilities of the Fund's defined benefit category, together with the employer's payroll at 30 June 1993 and at the date of the shortfall has been calculated.

Due to the nature of the contractual obligations between the participating employers and the Fund, and that the Fund includes lifetime pensioners and their reversionary beneficiaries, it is unlikely that the Fund will be wound up.

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021**

**9.3 SUPERANNUATION (Cont.)**

**Funding Calls cont.**

If there is a surplus in the Fund, the surplus cannot be returned to the participating employers.

In the event that a participating employer is wound-up, the defined benefit obligations of that employer will be transferred to that employer's successor.

**The 2020 triennial actuarial investigation surplus amounts**

An actuarial investigation is conducted annually for the Defined Benefit category of which Council is a contributing employer. Generally, a full actuarial investigation conducted every three years and interim actuarial investigations are conducted for each intervening year. A full investigation was conducted as at 30 June 2020.

The Fund's actuarial investigations identified the following in the defined benefit category of which Council is a contributing employer:

	2020 (Triennial) \$m	2019 (Interim) \$m
A VBI Surplus	\$100.0	\$151.3
A total service liability surplus	\$200.0	\$233.4
A discounted accrued benefits surplus	\$217.80	\$256.7

The VBI surplus means that the market value of the fund's assets supporting the defined benefit obligations exceed the vested benefits that the defined benefit members would have been entitled to if they had all exited on 30 June 2020.

The total service liability surplus means that the current value of the assets in the Fund's defined benefit category plus expected future contributions exceeds the value of expected future benefits and expenses as at 30 June 2020.

The discounted accrued benefit surplus means that the current value of the assets in the Fund's Defined Benefit category exceeds the value of benefits payable in the future but accrued in respect of service to 30 June 2020.

Horsham Rural City Council was notified of the 30 June 2020 VBI during August 2020 (2019: August 2019).

**The 2021 interim actuarial investigation**

An interim actuarial investigation is being conducted for the Fund's position as at 30 June 2021. as the Fund provides lifetime pensions in the Defined Benefits category. It is anticipated that this actuarial investigation will be completed by October 2021.

Horsham Rural City Council was notified of the 30 June 2021 VBI during August 2021 (2020: August 2020).

**Superannuation contributions**

Contributions by Horsham Rural City Council (excluding any unfunded liability payments) to the above superannuation plans for the financial year ended 30 June 2021 are detailed below:

Scheme	Type of Scheme	Rate	2021 \$'000	2020 \$'000
Vision Super	Defined benefits	9.5%	130	140
Vision Super and other funds	Accumulation funds	9.5%	1,546	1,440

**NOTES TO THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2021****9.3 SUPERANNUATION (Cont.)**

Council has not paid any unfunded liability payments to Vision Super in 2020/21 or in 2019/20.

There were \$167,000 contributions outstanding and no loans issued from or to the above schemes as at 30 June 2021.

The expected contributions to be paid to the Defined Benefit category of Vision Super for the year ended 30 June 2022 is \$92,000.

**10.0 CHANGE IN ACCOUNTING POLICY**

Council has adopted AASB 1059 Service Concession Arrangements : Grantors, from 1 July 2020. This has resulted in changes in accounting policies and adjustments to the amounts recognised in the financial statements.

AASB 2018 -7 Amendments to Australian Accounting Standards - Definition of Material (applies 2020/2 for LG Sector).

Council has adopted AASB 2018-7 Amendments to Australian Accounting Standards - Definition of Material from 1 July 2020.

AASB 2019 -1 Amendments to Australian Accounting Standards - References to the Conceptual Framework applies 2020/21 for LG Sector)

Council has adopted AASB 2019-1 Amendments to Australian Accounting Standards - References to the Conceptual Framework from 1 July 2020.

It is not expected that these standards will have any significant impact on council.

## Performance Statement

For the year ended 30 June 2021

### Description of municipality

Horsham Rural City is a regional city in the Wimmera Southern Mallee region of Western Victoria. The Wimmera Southern Mallee is unique in that it encompasses 20 percent of the area of Victoria and only 1 percent of the population. Horsham Rural City has an estimated residential population of 20,018 people (2020), a number expected to reach 20,599 by 2036. Approximately three quarters of residents live within the urban area of Horsham.

Located along the Wimmera River, Horsham is approximately 300 kilometres north-west of Melbourne. The municipality covers an area of 4,267 square kilometres and includes the major centres of Horsham and Natimuk, and the localities of:

Arapiles	Grass Flat	Longerenong	Quantong
Blackheath	Green Lake	Lower Norton	Riverside
Brimpaen	Greenland Dam	McKenzie Creek	St Helen's Plains
Bungalally	Haven	Mitre	Telangatuk East
Clear Lake	Jilpanger	Mockinya	Tooan
Dadswells Bridge	Jung	Mount Talbot	Toolondo
Dooen	Kalkee	Murra Warra	Vectis
Douglas	Kanagulk	Noradjuha	Wail
Drung	Kewell	Nurrabel	Wartook
Duchembegarra	Laharum	Pimpinio	Wonwondah

Horsham is a hub in the Wimmera for health care, niche retail, community services and arts and culture opportunities. A dryland and broadacre agricultural municipality, Horsham is home to the Grains Innovation Park (a nationally acclaimed agricultural research centre) and quality educational facilities including private and public secondary colleges, a university and an agricultural college. The municipality also has a rich indigenous history and an abundance of diverse natural assets including recreational lakes, wetlands, the Wimmera River, Mount Arapiles (widely regarded as Australia's best rock climbing area) and the Wartook Valley with the Grampians National Park nearby.

## Sustainable Capacity Indicators

For the year ended 30 June 2021

	Results	Results	Results	Results	
Indicator / measure	2018	2019	2020	2021	Comments
<b>Population</b>					
Expenses per head of municipal population [Total expenses / Municipal population]	\$2,524	\$2,706	\$2,710	\$2,828	
Infrastructure per head of municipal population [Value of infrastructure / Municipal population]	\$21,267	\$22,479	\$22,523	\$24,433	Large increases to the value of infrastructure assets held, has occurred after the 2020-21 revaluation, which has resulted in a significant increase to this ratio.
Population density per length of road [Municipal population / Kilometres of local roads]	6.66	6.68	6.70	6.86	
<b>Own-source revenue</b>					
Own-source revenue per head of municipal population [Own-source revenue / Municipal population]	\$1,808	\$1,785	\$1,877	\$1,853	
<b>Recurrent grants</b>					
Recurrent grants per head of municipal population [Recurrent grants / Municipal population]	\$540	\$500	\$496	\$526	
<b>Disadvantage</b>					
Relative Socio-Economic Disadvantage [Index of Relative Socio-Economic Disadvantage by decile]	4	4	4	4	
<b>Workforce turnover</b>					
Percentage of staff turnover [Number of permanent staff resignations and terminations / Average number of permanent staff for the financial year] x100	11.5%	13.7%	10.1%	24.8%	Council withdrew from providing home care services on December 31, 2020 resulting in 34 staff terminations, representing 11% of the increase in the ratio.

### Definitions

"adjusted underlying revenue" means total income other than—

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

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

"local road" means a sealed or unsealed road for which the Council is the responsible road authority under the *Road Management Act 2004*

"population" means the resident population estimated by Council

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

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

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

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



## Service Performance Indicators

For the year ended 30 June 2021

Service/indicator/measure	Results 2018	Results 2019	Results 2020	Results 2021	Comments
<b>Aquatic Facilities</b>					
<b>Utilisation</b> <i>Utilisation of aquatic facilities</i> [Number of visits to aquatic facilities / Municipal population]	8.20	8.77	6.73	3.03	Utilisation of aquatic facilities has decreased due to the impacts of COVID-19 restrictions.
<b>Animal Management</b>					
<b>Health and safety</b> <i>Animal management prosecutions</i> [Number of successful animal management prosecutions / Number of animal management prosecutions] x 100	New in 2020	New in 2020	0%	100%	Council made 1 animal management prosecution during 2020-21, which was successful. In 2019-20 there were zero animal management prosecutions.
<b>Food Safety</b>					
<b>Health and safety</b> <i>Critical and major non-compliance outcome notifications</i> [Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises followed up / Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises] x100	0.00%	93.75%	75.86%	76.47%	
<b>Governance</b>					
<b>Satisfaction</b> <i>Satisfaction with Council decisions</i> [Community satisfaction rating out of 100 with how Council has performed in making decisions in the interest of the community]	49.00	49.00	39.00	48.00	Satisfaction levels have improved post the Council Election.
<b>Libraries</b>					
<b>Participation</b> <i>Active library borrowers in municipality</i> [Number of active library borrowers in the last three years / The sum of the population for the last three years] x100	11.83%	11.06%	10.84%	9.08%	Reduction of 887 active library borrowers between 2018-19 and 2020-21, mainly due to COVID-19 stay at home lockdowns, where less borrowers have been able to physically access the library branch.
<b>Maternal and Child Health (MCH)</b>					
<b>Participation</b> <i>Participation in the MCH service</i> [Number of children who attend the MCH service at least once (in the year) / Number of children enrolled in the MCH service] x100	89.63%	90.16%	87.94%	91.31%	

<b>Participation</b> <i>Participation in the MCH service by Aboriginal children</i> [Number of Aboriginal children who attend the MCH service at least once (in the year) / Number of Aboriginal children enrolled in the MCH service] x100	86.54%	94.12%	88.76%	97.30%	MCH staff have been working hard to improve outcomes for aboriginal families and this is reflected in the data.
<b>Roads</b> <b>Satisfaction</b> <i>Satisfaction with sealed local roads</i> [Community satisfaction rating out of 100 with how Council has performed on the condition of sealed local roads]	44.00	45.00	39.00	47.00	Council was successful in various grant funding's in 2020-21 that enabled Council to reconstruct more sealed roads than in previous years.
<b>Statutory Planning</b> <b>Decision making</b> <i>Council planning decisions upheld at VCAT</i> [Number of VCAT decisions that did not set aside Council's decision in relation to a planning application / Number of VCAT decisions in relation to planning applications] x100	0.00%	50.00%	0.00%	0.00%	There were no planning decisions taken to VCAT in 2020-21.
<b>Waste Collection</b> <b>Waste diversion</b> <i>Kerbside collection waste diverted from landfill</i> [Weight of recyclables and green organics collected from kerbside bins / Weight of garbage, recyclables and green organics collected from kerbside bins] x100	22.75%	22.13%	20.49%	19.91%	

#### Definitions

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

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

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

"annual report" means an annual report prepared by a Council under section 98 of the Act

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

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

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

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

"local road" means a sealed or unsealed road for which the Council is the responsible road authority under the *Road Management Act 2004*

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

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

"population" means the resident population estimated by Council

## Financial Performance Indicators

For the year ended 30 June 2021

Dimension/ <i>indicator/measure</i>	Results				Forecasts				Material Variations
	2018	2019	2020	2021	2022	2023	2024	2025	
<b>Efficiency</b>									
<b>Expenditure level</b> <i>Expenses per property assessment</i> [Total expenses / Number of property assessments]	\$4,172	\$4,483	\$4,499	\$4,354	\$4,146	\$4,062	\$4,164	\$4,270	
<b>Revenue level</b>									
<i>Average rate per property assessment</i> [General rates and Municipal charges / Number of property assessments]	New in 2020	New in 2020	\$2,015	\$1,914	\$1,957	\$1,983	\$2,034	\$2,086	
<b>Liquidity</b>									
<b>Working capital</b> <i>Current assets compared to current liabilities</i> [Current assets / Current liabilities] x100	338%	423%	219%	220%	244%	246%	255%	200%	
<b>Unrestricted cash</b> <i>Unrestricted cash compared to current liabilities</i> [Unrestricted cash / Current liabilities] x100	11%	-32%	-18%	-46%	-40%	-25%	-7%	6%	Taking advantage of longer term deposits directly affects unrestricted cash held, this ratio only measures term deposits held for less than three months.

<b>Obligations</b>									
<b><i>Loans and borrowings</i></b>									
<i>Loans and borrowings compared to rates</i> [Interest and principle repayments on Interest bearing loans and borrowings / Rate revenue] x100	23%	20%	18%	15%	15%	22%	31%	28%	Council did not draw down any new loans during 2021 financial year which has resulted in a decreased ratio and favourable variance. This trend will continue until Council increases its external loan borrowings.
<b><i>Loans and borrowings</i></b>									
<i>Loans and borrowings repayments compared to rates</i> [Interest and principal repayments on interest bearing loans and borrowings / Rate revenue] x100	3%	3%	3%	2%	1%	1%	1%	3%	In line with loan repayment schedules, Council has been reducing reliance on borrowings over the past three years. Council has some long term plans for large capital projects in future years which may require extra funding, which will increase the ratio.
<b><i>Indebtedness</i></b>									
<i>Non-current liabilities compared to own source revenue</i> [Non-current liabilities / Own source revenue] x100	26%	25%	23%	23%	28%	37%	43%	28%	

<b>Asset renewal and upgrade</b> <i>Asset renewal and upgrade compared to depreciation</i> [Asset renewal and upgrade expense / Asset depreciation] x100									
	New in 2020	New in 2020	89%	108%	106%	108%	99%	62%	Council intends to continue its focus on asset renewal over the longer term.
<b>Operating position</b> <b>Adjusted underlying result</b> <i>Adjusted underlying surplus (or deficit)</i> [Adjusted underlying surplus (deficit)/ Adjusted underlying revenue] x100									
	-3%	-3%	-9%	-1%	-7%	-7%	-7%	-8%	During 2021 financial year, additional COVID-19 grants were received improving the ratio.
<b>Stability</b> <b>Rates concentration</b> <i>Rates compared to adjusted underlying revenue</i> [Rate revenue / Adjusted underlying revenue] x100									
	53%	51%	56%	51%	60%	62%	62%	62%	
<b>Rates effort</b> <i>Rates compared to property values</i> [Rate revenue / Capital improved value of rateable properties in the municipality] x100									
	0.6%	0.6%	0.6%	0.6%	0.6%	0.6%	0.6%	0.6%	

**Definitions**

"adjusted underlying revenue" means total income other than:

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

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

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

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

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

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

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

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

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

"population" means the resident population estimated by council

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

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

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

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

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

## Other Information

For the year ended 30 June 2021

### 1. Basis of preparation

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

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

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

The forecast figures included in the performance statement are those adopted by Council in the Horsham Rural City Council Budget 2021-22 on 28 June 2021. The budget includes estimates based on key assumptions about the future that were relevant at the time of adoption and aimed at achieving sustainability over the long term. Detailed information on the actual financial results is contained in the General Purpose Financial Statements.

### 2. Impact of COVID-19 pandemic on Horsham Rural City Council

On 30 January 2020, COVID-19 was declared as a global pandemic by the World Health Organisation. Since then, various measures have been taken by all three levels of Government in Australia to reduce the spread of COVID-19. This crisis continued to have an impact on HRCC operations in the 2020-21 financial year in the following areas:

Several community facilities have been closed, including: performing arts centre, aquatic centre, visitor information centre, library and community centres and staff impacted were redeployed to other funded and vacant roles. The majority of office staff have been working remotely from their own homes from 1 July 20 to mid to late March 2021 and then again for a short period in June 21.

Financial impacts include: Reduction in rental receipts, footpath trading permit fees, health registration fees, parking fees/fines collected and financial hardship policy including interest free terms and rate deferrals. There has also been an increased operational costs to continue providing services to the community with a COVID-19 restricted environment.

Council adopted its 2020-21 budget on 27 July 2020, being very mindful of the impact of the COVID-19 pandemic, but also of the need for Council to play a role in the economic stimulus of the local community. The budget reflected decreases in service delivery for 2020-21 particularly for performing arts and recreation and increased costs for social and business recovery. The budget adopted included a minor cash surplus and did not include any new borrowings.

## Certification of the performance statement

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

---

Graeme Harrison B. Econ, CPA, GAICD  
**Principal Accounting Officer**  
 Dated: xx September 2021

In our opinion, the accompanying performance statement of the Horsham Rural City Council for the year ended 30 June 2021 presents fairly the results of Council's performance in accordance with the *Local Government Act 1989* and the Local Government (Planning and Reporting) Regulations 2014.

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

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

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

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Robyn Gulline  
 Councillor  
 Dated: xx 2021

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Ian Ross  
 Councillor  
 Dated: xx 2021

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Sunil Bhalla B Eng (Civil), M Tech (Const), MBA, GAICD  
 Chief Executive Officer  
 Dated: xx 2021





## 1. PURPOSE

To provide Horsham Rural City Council with a borrowing management policy based on sound, long-term financial management guidelines. The purpose of this Loan Borrowings Policy is to:

- Establish objectives and principles that outline when it is appropriate for Council to undertake borrowings within a sound financial management framework
- Ensure Council keeps within the relevant prudential requirements provided by State Government
- Set out the manner in which Council may establish and manage a debt portfolio.

## 2. INTRODUCTION

Loan borrowings are an important source of funding for Council. This policy provides a structured and disciplined approach to the borrowing of funds for the purpose of funding new infrastructure, renewal of existing infrastructure and, in special circumstances, operational expenditure. All borrowings must be approved and shown in Council's budget. If a reason for borrowing arises that is not included in Council's budget then a revised budget must be prepared and approved.

## 3. SCOPE

The Loan Borrowing Policy applies to all new borrowings undertaken by Council, as well as existing borrowings.

## 4. PRINCIPLES

### 4.1 Legislative Framework

The *Local Government Act 2020* (The Act) provides Councils with the power to borrow.

The legislation states that:

- Council must approve all borrowings
- Council can not delegate the power to borrow money.
- Council cannot borrow money unless the proposed borrowings were included in the budget or a revised budget.

The Victorian Government established the Local Government Performance Reporting Framework (LGPRF) in 2014. It outlines the measures Council must report in its performance report, which forms part of Council's Annual Report. Certain indicators must also be included in Council's Annual Budget and Four-Year Budget. This framework includes financial performance of a Council, and specific to this policy includes measures in relation to Council's obligations (to determine whether debt and other long term obligations are appropriate to the size and nature of Council's activities).



## 4.2 Borrowing Principles

The following principles have been set to ensure Council has a structured and disciplined approach to borrowing of funds that fit with a longer term financially sustainable framework.

- Borrowings can provide an alternative financing option for:
  - capital works projects that are of strategic significance (that could not otherwise be financed from ongoing income sources and provide benefit across generations); or to
  - meet Council's obligations in relation to future defined benefit calls, if required
- Borrowings need to be linked to the financing of an identified project and not be drawn down until the completion of the project
- Council will not borrow to fund operating expenditure (other than large defined superannuation benefit calls)
- All borrowings will be considered as part of Council's Long Term Financial planning using sound financial management principles (and fall within the borrowing ratios outlined in section 4.3 of this policy)
- The nature of any borrowings (short or long term) and the interest rate (fixed or variable) will take into account the purpose of the loan.

## 4.3 Borrowings Ratios and Limits

Borrowings shall not be undertaken if the effect of such borrowings is projected to result in borrowing ratios greater than the maximum of Council's Target Ratios as indicated in the table below.

In addition, the Local Government Performance Reporting Framework (LGPRF) borrowing ratios will be projected in Council's Annual and Four Year Budget and reported in Council's Annual Performance Report.

Measure	Council's Target Ratios	LGPRF Target Band	LGPRF Acceptable Range
<b>Debt Commitment Ratio</b> Interest and principal repayments on interest bearing loans and borrowings / Rate Revenue	0% to 10%	0% to 5%	0% to 20%
<b>Borrowing Rates Ratio</b> Interest bearing loans and borrowings / Rate revenue	0% to 60%	20% to 60%	0% to 70%
<b>Liquidity ratio</b> Current assets / Current Liabilities	> 120%	120% to 200%	100% to 400%



#### 4.4 Determining the appropriate lending institution

In May 2014, Council entered into an arrangement to participate in the Local Government Funding Vehicle (LGFV), established by Municipal Association of Victoria (MAV). The LGFV provides aggregated funding on behalf of participating Councils, from the public bond market via a 7 or 10 year loan term with a fixed interest rate.

Whilst the LGFV provides one source of borrowings, Council reserves the right to directly engage with other appropriate lending institutions via a written tender process, as appropriate.

#### 4.5 Borrowing Arrangements

When entering into borrowing arrangements, Council will seek to minimise interest costs over the long-term without introducing undue volatility in annual interest costs.

Council's borrowings will be appropriately structured to constrain risk and will be consistent with the following parameters:

- Council will consider the appropriateness of the various types of debt products available
- The tenure of a loan will not be greater than the expected useful life of the asset being funded by the loan (A ten year loan is the most often used term)
- Loan repayments will be made in a regular schedule, such as quarterly, semi-annually or otherwise determined at the time of entering the loan agreement. Consideration should be given to efficiency of payment while minimising interest costs
- When borrowing via an interest only loan council will establish a cash funded reserve to set aside the final principal due at the end of the borrowing term.

#### 4.6 Roles and Responsibilities

Council is responsible for approving borrowings by way of inclusion of all borrowings in the Annual Budget or through a formal Revised Budget.

The Finance Manager is responsible for ensuring policies and procedures are followed when borrowing funds.

The Chief Executive Officer has authority to accept loan offers, following the resolution of Council, so long as the requirements of this Policy are adhered to.

### 5. COMMUNICATION

This policy will be circulated to Council and Council officers involved with loan borrowings. It will also be posted on the Horsham Rural City Council website and intranet.

### 6. RESPONSIBILITY

**Policy Owner:** Finance Manager



## 7. DEFINITIONS

Provide a list and brief description (in alphabetical order) of all key terms used in the policy.

Term	Meaning
LGPRF	Local Government Performance Reporting Framework
VAGO	Victorian Auditor General's Office

## 8. SUPPORTING DOCUMENTS

Document	Location
<i>Local Government Act 2020</i>	<a href="http://www.austlii.edu.au/au/legis/vic/consol_act/lga1989182/">http://www.austlii.edu.au/au/legis/vic/consol_act/lga1989182/</a>
Local Government (Planning & Reporting) Regulations 2014 No.17	<a href="http://www8.austlii.edu.au/cgi-bin/viewtoc/au/legis/vic/num_reg/toc-L.html">http://www8.austlii.edu.au/cgi-bin/viewtoc/au/legis/vic/num_reg/toc-L.html</a>
Department of Environment, Land, Water and Planning: Local Government Better Practice Guide, Planning and Reporting 2016-17	<a href="https://www.localgovernment.vic.gov.au">https://www.localgovernment.vic.gov.au</a>
Department of Environment, Land, Water and Planning: Local Government performance Reporting Indicator Workbook 2016-17	<a href="https://www.localgovernment.vic.gov.au">https://www.localgovernment.vic.gov.au</a>

## 9. DOCUMENT CONTROL

Version Number	Approval Date	Approval By	Amendment	Review Date
01	18 Dec 17	Council	New framework. Replaces existing Loan Borrowing Policy adopted by Council in 2012	18 Dec 19
02	27 Sep 2021	Council	Update re 10 Year Financial Plan and New Local government Act 2020	27 Sep 2025



## 1. PURPOSE

To provide Horsham Rural City Council with a borrowing management ~~policy~~ strategy based on sound, long-term financial management guidelines. The purpose of this Loan Borrowings ~~p~~Policy is to:

- Establish objectives and principles that outline when it is appropriate for Council to undertake borrowings within a sound financial management framework
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The Victorian Government established the Local Government Performance Reporting Framework (LGPRF) in 2014. It outlines the measures Council must report in its performance report, which forms part of Council's Annual Report. Certain indicators must also be included in Council's Annual Budget and ~~Four-Year Budget Strategic Resource Plan (SRP)~~ Four-Year Budget Strategic Resource Plan (SRP). This framework includes financial performance of a Council, and specific to this policy includes measures in relation to Council's obligations (to determine whether debt and other long term obligations are appropriate to the size and nature of Council's activities).



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- Borrowings need to be linked to the financing of an identified project and not be drawn down until the ~~completion~~commencement of the project
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## 4.3 Borrowings Ratios and Limits

Borrowings shall not be undertaken if the effect of such borrowings is projected to result in borrowing ratios greater than the maximum ~~of levels indicated in the table below~~ Council's Target Ratios as indicated in the table below.

In addition, the Local Government Performance Reporting Framework (LGPRF) borrowing ratios will be projected in Council's ~~SRP and~~ Annual and Four Year Budget and reported in Council's Annual Performance Report.

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Whilst the LGFV provides one source of borrowings, Council reserves the right to directly engage with other appropriate lending institutions via a written tender process, as ~~Council appropriate may from time to time wish to enter into principal and interest loans.~~

#### 4.5 Borrowing Arrangements

When entering into borrowing arrangements, Council will seek to minimise interest costs over the long-term without introducing undue volatility in annual interest costs.

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Provide a list and brief description (in alphabetical order) of all key terms used in the policy.

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<del>SRP</del>	<del>Strategic Resource Plan</del>
VAGO	Victorian Auditor General's Office

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Local Government (Planning & Reporting) Regulations 2014 No.17	<a href="http://www8.austlii.edu.au/cgi-bin/viewtoc/au/legis/vic/num_reg/toc-L.html">http://www8.austlii.edu.au/cgi-bin/viewtoc/au/legis/vic/num_reg/toc-L.html</a>
Department of Environment, Land, Water and Planning: Local Government Better Practice Guide, Planning and Reporting 2016-17	<a href="https://www.localgovernment.vic.gov.au">https://www.localgovernment.vic.gov.au</a>
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<u>02</u>	<u>27 Sep 2021</u>	<u>Council</u>	<u>Update re 10 Year Financial Plan and New Local government Act 2020</u>	<u>27 Sep 2025</u>



## APPENDIX 9.1A

## 2021/22 NATIMUK SPECIAL COMMUNITY GRANTS ROUND - ALLOCATIONS

ORGANISATION	GRANTS	PURPOSE (PROJECT TITLE / DESCRIPTION)
Natimuk Tennis Club	1,000	Resurface of Tennis courts
Natimuk United Football Netball Club Inc	1,000	Resurface Netball Court
Arapiles Art and Craft Centre	985	Banners to advertise opening times of Craft Shop
CFA Natimuk Group of Fire Brigades	2,000	Support purchase of a Forward Command Vehicle for CFA Natimuk Group
Natimuk Climbing Club	2,860	Beginners Bouldering Wall at Natimuk Showgrounds
Arapiles Historical Society Inc	5,000	Pictorial history of Natimuk
Natimuk and District Gymnastics Club	999	Fun Fitness Wheel for kinder program
Natimuk Urban Landcare Group	2,000	Natimuk Town Entrance Improvements
Natimuk Brass Band Inc	1,320	Purchase 4 filing cabinets for Band's sheet music
Natimuk Bowling Club Inc	750	Replace 25 lt hot water unit, replace water pump
Natimuk Golf Club Inc	800	Flag sticks and flags
Natimuk Kindergarten	3,600	Multi-level Climbing Frames
	<b>22,314</b>	<b>Total Grant Allocation</b>

## NATIMUK SPECIAL COMMUNITY GRANTS 2021/2022 – CONFLICT OF INTEREST DECLARATIONS

### CONFLICT OF INTEREST DECLARATIONS FOR INTERNAL GRANT PROJECT TEAM – 2/9/2021

Team Member	Conflict of Interest Declared
Dianna Blake	Nil
Stephanie Harders	Nil
Mandy Kirsopp	Landcare application by Enga – direct report to Mandy. No participation in discussion of this item. Arapiles Historical Society - Kirsopp family may be included in the booklet. No participation in discussion of this item.
Heather Proctor	Nil
Susan Surridge (non-voting)	Nil

### CONFLICT OF INTEREST DECLARATIONS FOR EMT – 7/9/2021

EMT Member	Conflict of Interest Declared
Sunil Bhalla	Nil
Graeme Harrison	Nil
John Martin	Nil
Kevin O'Brien	Nil

### CONFLICT OF INTEREST DECLARATIONS FOR COUNCILLORS – 13/9/2021

Councillor	Conflict of Interest Declared
Robyn Gulline (Mayor)	Nil
Di Bell	Nil
David Bowe	Nil
Penny Flynn	Nil
Claudia Haenel	Nil
Les Power	Nil
Ian Ross	Nil

**INFORMAL MEETINGS OF COUNCILLORS****COUNCIL BRIEFING HELD BY ZOOM  
ON MONDAY 6 SEPTEMBER 2021 AT 5.07PM**

**Present:** Cr R Gulline, Mayor, Cr D Bell, Cr D Bowe, Cr P Flynn, Cr C Haenel, Cr L Power, Cr I Ross (from 5.13pm); Sunil Bhalla, Chief Executive Officer; Graeme Harrison, Director Corporate Services; Kevin O'Brien, Director Communities and Place; John Martin, Director Infrastructure; Robyn Spiller, Local Laws Review Project Officer (item 4 only); Mandi Stewart, Manager Community Services and Safety (item 4 only); Mandy Kirsopp, Co-ordinator Recreation and Open Space (item 5.1 only); Carolynne Hamdorf, Manager Arts Culture and Recreation (item 5.1 only); Evan Burman, Strategic Planner/Urban Design Lead (item 5.2 only); Stephanie Harder, Co-ordinator Strategic Planning and Heritage (item 5.2 only); Fiona Gormann, Manager Investment Attraction and Growth (item 5.2 only); Heather Proctor, Finance Manager (item 6 only)

**1. WELCOME AND INTRODUCTION**

Cr Gulline welcomed everyone.

**2. DISCLOSURE OF CONFLICT OF INTEREST SEC 130 and 131, LOCAL GOVERNMENT ACT 2020 AND HORSHAM RURAL CITY COUNCIL GOVERNANCE RULES**

Nil.

**3. COMMUNITY LOCAL LAW HEARINGS**

**Attending:** Kath Dumesny and Angela (*full name not given*)

Kath Dumesny presented her points that were made in her submission and those of Angela.

**4. COMMUNITY LOCAL LAW SUBMISSIONS**

Issues of the Local Law were raised by each Councillor and discussed.

**5. PRESENTATIONS****5.1 Regional Multi Purpose Sports Facility**

**Attending:** Consultants – Kate Maddock and Ben Bainbridge, Otium Planning

Discussed the presentation provided by Kate Maddock, Otium Planning.

**5.2 Horsham North Urban Design Framework Review**

A presentation was provided by Evan Burman, Strategic Planner/Urban Design Lead for discussion around the planned review.

**6. JUNE 2021 FINANCE AND PERFORMANCE REPORT**

Heather Proctor, Finance Manager discussed the report.

## **7. COUNCIL REPORTS FOR DISCUSSION**

## **APPENDIX 13.1A**

### **7.1 Mutual Respect Charter**

Discussed, will bring a future report back to the next Briefing session.

### **7.2 Quarterly Performance Report**

Discussed the report and some of the individual Council Plan items.

### **7.3 COVID Impacts – Budget Review**

Discussed the report and the summarised impacts from COVID actuals compared to budget.

### **7.4 COVID Support Options**

Discussed opportunities for support. A detailed report will be circulated for further discussion at next week's Council Briefing.

## **8 GENERAL DISCUSSION**

Discussed Council Plan and online recording.

## **9. CEO REMUNERATION AND EMPLOYMENT POLICY**

Discussed.

## **10. MEETING CLOSE**

Meeting closed at 10.15pm

**INFORMAL MEETINGS OF COUNCILLORS****COUNCIL BRIEFING HELD BY ZOOM  
ON MONDAY 13 SEPTEMBER 2021 AT 5.00PM**

**Present:** Cr R Gulline, Mayor, Cr D Bell, Cr D Bowe, Cr P Flynn, Cr C Haenel, Cr L Power, Cr I Ross (from 5.10pm); Sunil Bhalla, Chief Executive Officer; Graeme Harrison, Director Corporate Services; Kevin O'Brien, Director Communities and Place; John Martin, Director Infrastructure; Fiona Gormann, Manager Investment Attraction and Growth (items 4.1, 4.2, 4.3 and 4.7 only); Carolynne Hamdorf, Manager Arts Culture and Recreation (item 4.4 only); Mandy Kirsopp, Co-ordinator Recreation and Open Spaces (item 4.4 only); Diana McDonald, Acting Manager Governance and Information (items 4.5 and 4.6 only); Susan Surridge, Co-ordinator Community Relations and Advocacy (items 4.8 and 4.9 only); Michael McCarthy, Project Officer (item 4.8 only)

**1. WELCOME AND INTRODUCTION**

Cr Gulline welcomed everyone.

**2. DISCLOSURE OF CONFLICT OF INTEREST SEC 130 and 131, LOCAL GOVERNMENT ACT 2020 AND HORSHAM RURAL CITY COUNCIL GOVERNANCE RULES**

Nil.

**3. FINANCE AND PERFORMANCE COMMITTEE**

For information only.

**4. COUNCIL REPORTS FOR DISCUSSION****4.1 Investment Attraction and Growth Report**

Discussed the draft report.

**4.2 Grampians Live Regional Initiative**

Discussed the Initiative and the outputs from the program.

**4.3 VCAT / Planning Building Update**

Discussed.

**4.4 Greening Horsham Plan**

Discussed the draft report.

**4.5 Local Government Victoria (LGV) Virtual Participation Meetings**

Discussed the proposed changes to Policy by LGV.

**4.6 Mutual Respect Charter**

Discussed.

Discussed.

4.8 Committee Review Update

Discussed.

4.9 Natimuk Special Grants

Discussed. No Councillors identified any conflicts of interest.

4.10 City to River Contracts

John Martin provided an update on the tender process and successful contractors. Reports will be issued prior to next Council meeting for comments and questions.

4.11 Plant Tenders – Patcher and Garbage Truck

John Martin provided an update on the tender process and successful suppliers. Reports will be issued prior to next Council meeting for comments and questions.

4.12 Wesley Development Update

Discussed.

4.13 YMCA Contract Variations 2020-21

Discussed.

4.14 Onsite Wastewater Charges

Discussed the draft report, proposed charges and implications for budget.

4.15 Live Streaming Council Meetings

Discussed.

**5. GENERAL DISCUSSION**

**6. MEETING CLOSE**

Meeting closed at 9.52pm

**INFORMAL MEETINGS OF COUNCILLORS****COUNCIL BRIEFING HELD BY ZOOM  
ON WEDNESDAY 15 SEPTEMBER 2021 AT 5.00PM**

**Present:** Cr R Gulline, Mayor, Cr D Bell, Cr D Bowe, Cr P Flynn, Cr C Haenel, Cr I Ross; Sunil Bhalla, Chief Executive Officer; Kevin O'Brien, Director Communities and Place; Robyn Spiller, Local Laws Review Project Officer; Mandi Stewart, Manager Community Services and Safety

**Apologies:** Cr L Power; Graeme Harrison, Director Corporate Services; John Martin, Director Infrastructure

**1. WELCOME AND INTRODUCTION**

Cr Gulline welcomed everyone.

**2. DISCLOSURE OF CONFLICT OF INTEREST SEC 130 and 131, LOCAL GOVERNMENT ACT 2020  
AND HORSHAM RURAL CITY COUNCIL GOVERNANCE RULES**

Nil.

**3. PRESENTATION**

3.1 Local Law Review Workshop

**4. MEETING CLOSE**

Meeting closed at 6.01pm



## MINUTES

**Horsham Tidy Towns Committee Meeting**  
**held on Tuesday, 20<sup>th</sup> July 2021 at 12:30 pm**  
**via Zoom**

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**Attendees:** David Eltringham (Chair), Don Mitchell, Gary Aitken, Jan Morris, John Martin, Kola Kennedy, Lucy De Wit (Secretary), Neil King

**Apologies:** Gillian Vanderwaal, Cheryl Linke, Mary-Jean Kerr (Deputy Chair), Geraldine Drum

**1. Welcome**

**2. Guests - Tom Magee, Daryl Dower**

**3. Minutes of the previous meeting – Tuesday 16<sup>th</sup> June 2021**

**Moved:** Jan Morris **Seconded:** Neil King **that the minutes of the previous meeting were true and correct.**

**4. Business arising from previous minutes (Review Action List)**

- **Railway Station Update-** Daryl- Meeting on 23 June was held, good to see Tidy Town members there at meeting with Kevin Obrien and Craig Morrow from ARTC. Positive meeting and has taken on board to cleanup yard and graffiti. Kevin mentioned that Council has a contractor that may be able to be done and charged to ARTC, Craig was agreeable to that. Kevin wrote letter to Vic track about the station building and the maintenance of it. Look forward to response. Nothing happened yet, hopefully things start to in the next month or so.

**5. Correspondence**

**5.1 Inwards**

- Press Report – Advertiser 7/7/21 – Horsham Times 15/7/21
- Awards Program KVB
- Highway/ Rest Stop Clean Ups- Letter has been sent to the Ben Carroll (Minister for Roads and Safety) from Emma Kealy regarding our letter to RRV re litter. David will pass on Committee's thanks for following it up.

**5.2 Outwards**

- Press Release- Highway Litter
- Letter to RRV re Litter

**6. Report from Horsham Rural City Council (John Martin)**

- 2021/22 Tidy Towns Budget- around \$8800 last year, will be around the same this year but will provide the detail at the next meeting.  
**Letter to Sunil 30/03**
- TOR- council committee review process- has advanced considerably. Gone to Council, changes to local government act. Lengthy process.



- Entrance signs- Progressing, consultant about to be appointed. This year's budget- First entrance sign to be placed at the Stawell bridge next to river on the Wilson Bolton side.
- Pick up sticks and rubbish bags will be supplied by RRV however need to purchase gloves and vests. Subcommittee
- Graffiti- try to work with ARTC and VicTrack- have high safety standards. Merits to be input into system by Committee when they see graffiti.
- Drinking fountains- taps were turned off by GWMWater along river due to led contamination. John to follow up why they haven't been turned back on.
- Weir park toilets- touch ups in paint to be given to public toilet blocks to improve the aesthetics of them. Enhanced focus on broader upgrade and replacement program over next few years.

**Letter to Sunil 19/07**

- Stawell Road Median- challenging area for things to grow there and also safety issues. Committee suggesting for tree line be continued.
- Bus Terminal- looking at doing something at old police station building. Return of ticket purchasing in original area with V Line personnel there managing it. Would like to keep it there as it is central.

**7. General Business (discussion items):**

- **KVB Tidy Town Awards Weekend (Hastings October 15/16/17)**- need to work out who will be attending. Discuss and decide at August meeting.
- **Purchase of PPE**- Lucy to arrange.
- **Application for 'Adopt a Roadside' permit**- application is in for continuing Committees ongoing work on the highway. 'Adopt a Spot' signage needs to be placed at Dooen Road Roadside stop, Weigh Bridge site, Burnt Creek site and one out Dimboola Road.

**8. Committee Member Reports (Tidy Town Initiatives)**

- **Kola**- Entrance signage- idea to involve the Men's Shed and Wood Turners group in the works. John to share idea with Sue Sheridan. John to Report back at next meeting. (Action List).  
Letter to Hungry Jacks re the need for cigarette butt out bin in carpark and need for separate bins etc. Also letter to KFC to commend them on their efforts to cut out plastics to recyclable materials.
- **Don**- Anti-graffiti paint to be provided by Council for Power boxes. John to follow up with Jillian Pearce.
- **Gary**- nil
- **Jan**- ticket office for Bus has to happen.
- **Thomas**- likes ideas that Committee has. Could try getting other people on board such as schools and bigger clubs to try help the Committee with Cleanups etc.
- **Daryl**- need to get the message across in the media/social media about what Tidy Towns is trying to achieve.

- 9. Action:** Tidy Towns notice in the Council page- promote the ongoing presence- Meet at the Carpark at the Miniature Railway- Invite anyone to come along.

<b>Highway Cleanup Roster</b>	
<b>1<sup>st</sup> Monday of Month 9:30am</b>	
August 2 <sup>nd</sup>	David Eltringham and Neil King
September 6 <sup>th</sup>	David Eltringham and Neil King
October 4 <sup>th</sup>	David Eltringham and Neil King
November 1 <sup>st</sup>	David Eltringham and Neil King

December 6 <sup>th</sup>	David Eltringham
December 20 <sup>th</sup>	David Eltringham

**10. Next Meeting-** Tuesday 17<sup>th</sup> August - 12:30pm

**11. Meeting Close**

David Eltringham

**Chairman**

**Horsham Tidy Towns Committee**



**MINUTES**  
**Friday 13<sup>th</sup> August 2021**  
**11am – 12pm**

**Welcome**

Cr Milne welcomed all members.

**Attendees**

Cr. Glenn Milne (Mildura), Cr. Graeme Milne (Buloke), Mr. Michael MacDonagh (Shepparton), Cr. Graeme Milne (Buloke), Cr. Tim Meyer (West Wimmera), Cr. Albert Calvano (Southern Grampians), Cr Tony Driscoll (Northern Grampians), Cr. Chris Raeburn (Strathbogie), Cr. Graeme Middlemiss (Latrobe), Cr. Robyn Gulline (Horsham), Mr. John Martin (Horsham), Mr. Dean Ellis (Wyndham), Mr. Stephen Hoy (Warrnambool), Cr. Ron Eason (Pyrenees), Ms. Laura-Jo Mellan (Melton), Cr. Claudia Haenel (Horsham), Cr. Ross Stanton (Gannawarra).

**Apologies**

Cr. Anita Rank (Glenelg), Ms. Geraldine Christou (Shepparton), Cr. Jo Armstrong (Ararat), Cr. Shane Sali (Shepparton), Cr. Stuart King (Swan Hill).

**In Attendance**

Mr. Reid Mather

**Motion**

That the apologies be received.

**Moved** Cr. Albert Calvano

**Seconded** Cr. Chris Raeburn

**Carried**

**Minutes**

**Motion**

That the minutes of the meeting, May 7<sup>th</sup>, 2021, be adopted.

**Moved** Cr. Graeme Middlemiss

**Seconded** Cr. Graeme Milne

**Carried**

**Correspondence**

**Out**

RFA Submission to the Transport Climate Change Adaptation Action Plan.

Hon. Lilly D'Ambrosio

**Motion**

That correspondence be noted.

**Moved** Cr. Chris Raeburn

**Seconded** Cr. Robyn Gulline

**Carried**

**CEO Report August 13<sup>th</sup>, 2021****Meetings Attended**

Rail Futures Institute  
 Ouyen Inc  
 ARA  
 MBIRP Conference  
 Roads Australia

**Policy Statement**

RFA Members  
 Anne Webster MP  
 Prime Minister's Office  
 Damian Drum MP  
 Peter Walsh MP  
 Clifford Hayes MLC  
 Raff Ciccone MP  
 Janet Rice MP

**Membership Invoices**

Membership invoices largely receipted.

**RFA Policy Statement**

Policy has been distributed in hard copy and meetings being scheduled.

**RFA Submission to the Transport Climate Change Adaptation Action Plan.**

Thank you to delegates how provided comments to the RFA Submission.

The submission can be accessed here:-

[RFA-Submission-to-the-Transport-Climate-Change-Adaption-Action-Plan.pdf \(railfreightalliance.com\)](https://www.railfreightalliance.com/RFA-Submission-to-the-Transport-Climate-Change-Adaption-Action-Plan.pdf)

**RFA MBRP Advocacy**

- Logo designed.
- Letter drafted.

*Waiting on the appropriate timing, as this is a grass roots campaign involving businesses, community & Premier is distracted by COVID.*

*Work in progress to assess pathway through Ballarat*

**Ports Victoria**

The RFA put forward a submission to *Independent Review of the Victorian Ports System*.

Following the review the Victorian Government has announced a new ports body, Ports Victoria.

Ports Victoria brings together the Victorian Regional Channels Authority (VRCA) and Victorian Ports Corporation (Melbourne). Ports Victoria began operations out of Geelong on 1 July, and the future relocation of the Spirit of Tasmania.

The Ports Victoria Board:-

Chair	Howard Ronaldson
Deputy Chair	Elaine Carbines
Board Members	Des Powell AM, Janice van Eryk & Peter Tuohey

**Changes to VLine**

From 1 July, V/Line will transition from a State-Owned Enterprise to a Statutory Authority.

**The Changes**

- The VLine CEO will report to the Secretary of the Department of Transport.
- An Advisory Board will be established to provide advice and support to the CEO.

**VLine CEO**

Matt Carrick has been appointed V/Line CEO for 12 months to oversee the implementation of VLine reform, a recruitment for a future CEO will commence in late 2021.

**ARTC Inland Rail CEO**

The Australian Rail Track Corporation (ARTC) Board has begun the search to find a new CEO of the Inland Rail Program, Rebecca Pickering has been appointed Interim Chief Executive.

**Pacific National**

Paul Scurrah is the new MD and CEO, while Mike Cory has been appointed as chief operating officer. Scurrah commenced on 19 April, with the current CEO, Dean Dalla Valle, having announced in January his decision to retire from full time executive work, and will take on an advisory role. Pacific National has also announced the appointment of Mike Cory as chief operating officer, with a focus on driving the operational elements of the company.

**Qube**

Paul Digney is the new Managing Director of Qube effective July 1.

**ARTC CEO**

ARTC has announced the appointment of Mark Campbell as our new CEO. Prior to joining ARTC Mark was from construction materials firm Holcim.

**ALC CEO**

Brad Williams is the new CEO of Australian Logistics Council, commencing in the role on 2 August.

Brad has more than 25 years' experience in policy development and advocacy, across a range of sectors including agriculture, resources, government, and energy. He has held senior corporate affairs and government relations roles and has served as a Chief of Staff to a former Deputy Prime Minister and Minister for Transport and Regional Services.

**Melbourne to Brisbane Inland Rail Alliance (MIRPA)****New Executive**

Chair	Cr. Paul Antonio
Deputy Chair	Cr. Barbara Newton
Member	Vacancy
Member	Mr. Reid Mather

**VAGO Report**

The RFA has consistently recommended to Victorian Governments the need to develop and endorse a transport plan (RFA Policy 2.2) as required in the Transport Integration Act 2010. VAGO found that given the record investment in transport infrastructure a plan is needed to optimise these investments.

The report can be accessed here.

<https://www.audit.vic.gov.au/report/integrated-transport-planning>

**Port of Melbourne & Qube**

The Port of Melbourne and Qube have secured a short-term agreement which makes available empty container park (ECP) capacity for up to 9,000 Twenty-foot Equivalent Units (TEU). Allocation of the 60,000sqm site within the Port of Melbourne's Swanson Dock precinct, which is operational immediately under Qube's management.

**ACCC 2019/20 Container Stevedoring Report**

The report can be accessed here

[Container stevedoring monitoring report 2019-20 | ACCC](#)

Note Page 26 of our [2019-20 Container stevedoring monitoring report](#) has the relevant graph showing the trends in freight on rail to Australian ports from 2011-12 to 2019-20.

The 2020/21 Report is due out soon.

The figures corresponding to the Port of Melbourne chart are:

Year	% Containers on rail
2011-12	12.2
2012-13	12.3
2013-14	13.9
2014-15	11.5
2015-16	9.1
2016-17	9.5
2017-18	9.6
2018-19	8.0
2019-20	7.0

**Murray Basin Rail Project****VAGO MBRP**

<https://www.audit.vic.gov.au/report/freight-outcomes-regional-rail-upgrades>

**Recent Funding Announcement**

Fed \$195.2 Million + \$5 Million for planning (to be matched by Victoria).

Vic \$48.8 Million.

**Works Identified**

- Rerail Maryborough to Ararat
- Reinstate sidings removed during Stage 2.
- Sleeper maintenance within the MBRP catchment.
- Replace some passing loops removed some years ago.

**141km Korong Vale-Sea Lake Sea Line**

- 70,000 Sleepers
- Maintenance of 4 Level Crossings
- 3000 Track Joints
- 23,000 sleepers replaced between Inglewood and Korong Vale.
- 28,000 new sleepers between Dunolly and Inglewood.

**Waurin Ponds Upgrade**

- Contractors are invited to submit EOI's for stage two of the South Geelong to Waurin Ponds upgrade.
- Duplicating 8 kms of track & upgrading signalling.
- Two level crossings will be removed at Surf Coast Highway and Fryans Street.
- Funding for the business case for stage three of the project, (upgrading the 400m rail tunnel between Geelong and South Geelong).

**Regional Rail Revival Program****Ballarat Line Upgrade. \$602.2 Million (\$505/\$98.2) Complete**

- 125 new weekly services
- New second platforms at Ballan, Bacchus Marsh & Wendouree Stations
- New Passing Loops at Ballan and Millbrook
- Cobblebank 225 extra weekly services.
- Rockbank Station extra 210 weekly services.
- Deer Park Station 200 extra weekly services.
- Ballarat Station 100 extra weekly services
- Ballan Station 100 extra weekly services.
- Melton Station 140 extra weekly services.
- 1 additional weekday service to Ararat.

**Warrnambool Line \$114 Million****Stage 1: Underway**

Signalling upgrades between Warrnambool and Waurn Ponds.

Crossing Loop at Booran

12 Level crossing Upgrades

**Stage 2 Not Commenced**

Upgrading train detection technology

Stabling Upgrade at Warrnambool Station

**Bendigo Echuca Line**

Train Ordering System

10 Level Crossing Upgrades

Track Upgrades between Epsom and Echuca

New Stations at Goornong, Raywood & Huntly

Business Case for track upgrades between Bendigo and Kyneton

Planning study to reopen Harcourt Station

**Shepparton \$445 million for Stages 1, 2 & 3.****Stage 1: Complete**

Stabling upgrade at Shepparton Station

**Stage 2: Ongoing**

Crossing loop extension near Murchison East for crossing passenger and freight service

59 Level Crossing Upgrades

Stabling to house VLocity Trains

Business Case to finalise a scope & costs for delivering 9 return services between Melbourne and Shepparton.

**Stage 3: Not commenced**

Signalling and Track Upgrades between Seymour and Shepparton

Expanding Stabling

**Gippsland \$530 Million**

New Rail Bridge over the Avon River at Stratford. **COMPLETE**

Second Platforms & Station amenity improvements at Bunyip, Longwarry, Morwell & Traralgon Stations.

Track Duplication at Bunyip and Longwarry

Extension of the Morwell Crossing Loop

Maryvale rail siding in Gippsland. **COMPLETE**

Level Crossing & Signalling Upgrades

Drainage Structure Improvements

**Pakenham East Station**

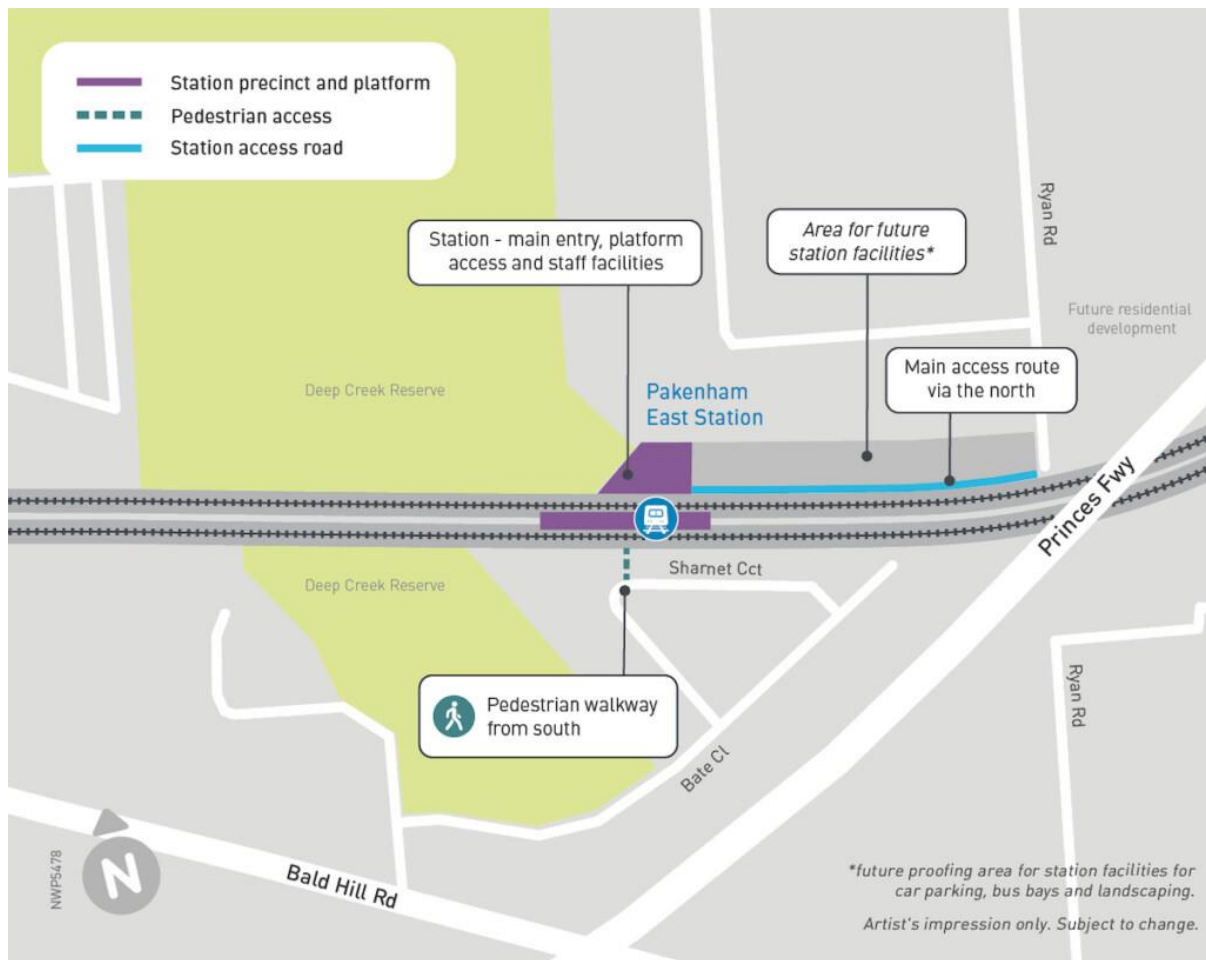
The new station will be built between Deep Creek and the Princes Freeway; 3 more level crossings will be removed and allow for an extension of the rail line to the new suburb to be completely boom gate-free in 2023/24.

The rail line will be elevated through Pakenham to remove 3 level crossings Level Crossings being.

- McGregor Road
- Main Street
- Racecourse Road.



The metropolitan rail line will be extended by 2km, servicing 2 new stations at Pakenham and Pakenham East.

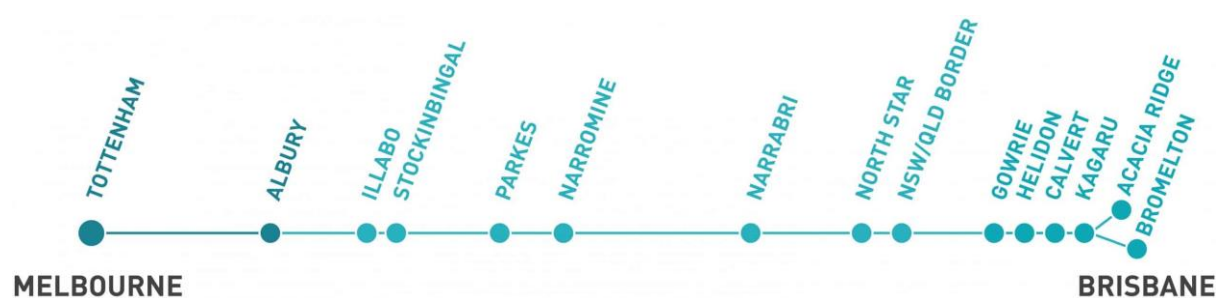


### Melbourne to Brisbane Inland Rail Project (MBIRP) (13 Projects)

Allocations have increased

2017 \$8.5 Billion

2020 \$15 Billion



### Committee Inquiry into the MBIRP

The report from the Rural and Regional Affairs and Transport References Committee has been released.

The report can be accessed here:-

[https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/024401/toc\\_pdf/InlandRailderrailedfromthestart.pdf;fileType=application%2Fpdf](https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/024401/toc_pdf/InlandRailderrailedfromthestart.pdf;fileType=application%2Fpdf)

The major issues raised were the increased costings to complete the project.

- Estimated \$20 Billion +
- Critical of ARTC's stakeholder Engagement
- Critical of the resolving the Port connections in Victoria and Queensland
- Committee raised concerns over flood modelling in Queensland.
- The Port of Gladstone (525 Kms north of Brisbane) was recommended to be considered as an extension to the MBIRP.
- The committee questioned whether access to the Port of Brisbane is unachievable. Much of the PPP from Acacia Ridge to Brisbane is commercially in confidence.

Next Steps

*MIRPA scheduled to discuss an approach to the report to avoid politicising the project, given that the completion date is not estimated to be 2027.*

*RFA Focus*

*Be aware that this is not a disaster despite the title.*

*What is critical is that the connections to Port are achieved.*

**Victoria Section \$200 Million +**

**Now identified in 2 stages being**

**Stage 1 Beveridge to Albury**

**Stage 2: Metropolitan Melbourne**

This stage is temporarily on hold while a study is undertaken to determine the location, configuration and timing of a new intermodal terminal in Melbourne.

There are five sites that require rail track to be lowered or bridges to be raised to allow safe clearance for the double-stacked trains that will be using this line. Work on this section is now underway.

- Anderson Street Bridge, Euroa
- Benalla Station Approach Road, Benalla
- Beaconsfield Parade Bridge, Glenrowan
- Wangaratta Station, Wangaratta
- Murray Valley Highway, Barnawartha North

### **Western Intrastate Freight Precinct**

DOT has completed a study interfacing the MBIRP and a new intermodal facility in Victoria.

The study has been submitted to the Victorian Government, prior to the State Budget.

The Federal Government committed \$2 Billion prior to the Victorian Budget to be matched by the Victorian Government.

No funding allocation was committed by the Victorian 2021/22 Budget.

### **New South Wales**

**The Parkes to Narramine Section**

Complete.

### **Narrabri to the North Star Section (171 Kilometre)**

The first sod on phase one of the Narrabri to the North Star section of Inland Rail was turned on Friday, November 27 in the north-western NSW town of Moree. This is the last section before crossing into Queensland.

Earlier in November, the joint venture (Trans4m) was awarded the \$693.8m contract.

Phase two of the project, which building new track across the Mehi Gwydir floodplain and upgrading 15km of existing track is currently in the environmental assessment and technical investigation

stage. The Narrabri-Turrawan line is being upgraded as part of Inland Rail's Narrabri-North Star section. It will connect the Hunter rail line, which carries bulk and containerised commodities including grain, pulses and cotton to Newcastle.

#### **Queensland Agreement**

The Federal and Queensland Governments have signed an \$7 Billion agreement for the Queensland section of Inland Rail to move forward, including additional funding to develop a business case for a freight rail from Acacia Ridge to the Port of Brisbane.

#### **Port of Melbourne Rail Transformational Project**

- \$125 Million
- Funded by \$9.75/TEU
- Operational 2023

WSP and Seymour Whyte Constructions have been engaged to develop new rail infrastructure at the port, including a new rail terminal interfacing with the container terminal at Swanson Dock East. WSP will provide the design consultancy services, and Seymour Whyte Constructions the early contractor involvement.

The works will include a new rail terminal interfacing with the container terminal at East Swanson Dock.

Construction planned to commence in July 2021. The project is scheduled to be completed in the first half of 2023.

#### **Dandenong to Pakenham**

Work to be done with the Gippsland Group of Councils

#### **Mode Shift Incentive Scheme**

Currently funded at \$3.6 Million until June 2021.

Difficult to justify its removal, given there is little investment at Port, RFA's argument needs to stress the importance up the regional attraction.

*RFA focus should be to maintain the MSIS will be to continue to focus on the first mile.*

#### **Meeting 2020 Meeting Calendar.**

**Date** November 5th

**Time** 11am – 1pm

**Venue** TBC

#### **RFA AGM & Meeting**

**Date** February 18<sup>th</sup>, 2022.

**Time** 11am – 1pm

**Venue** TBC

#### **Motion**

That the CEO's Report be received.

**Moved** Cr. Graeme Middlemiss

**Seconded** Cr. Ron Eason

**Carried**

**Finance Report**

**Motion**

That delegates receive and note the 2020/21 & the 2021 YTD Finance Reports.

**Moved** Cr. Ron Eason

**Seconded** Cr. Robyn Gulline

**Carried**

**Meeting Closed** **12.00**



## Minutes

**Horsham Regional Livestock Exchange Board of Management Meeting  
Held on Thursday, 2 September 2021 at 5.00pm  
Via Zoom**

**Present:** Andrew McIlree - Horsham Stock Agents Association  
Kevin Pymmer - Victorian Farmers Federation Representative  
Ray Zippel - Community Representative  
David Grimble – Community Representative  
Tim Martin – Community Representative  
Paul Christopher – HRLE Superintendent  
John Martin – Director Infrastructure  
Amy Sluggett

### 1. Welcome / Apologies

#### Apologies

Gordon Fischer  
Robyn Evans

***Moved: Ray Zippel / Tim Martin that the apologies be accepted. Carried***

The Chair welcomed Andrew and Amy to the meeting.

David asked that Ray take over the chair should David's video link fail.

### 2. Disclosure of Conflicts of Interest

Nil

### 3. Minutes of previous meeting – 17 June 2021

Correction that Paul was an apology at the previous meeting.

***Motion: That the minutes of the meeting be accepted as a true and correct record subject to the change noted. Tim Martin / Andrew McIlree. Carried.***

### 4. Business arising from previous minutes

- Footwear signage - done
- Response from Council to HSAA (see correspondence)
- Previous finance report (attached)
- Ladders – query about being funded from general revenue.
  - Confirmed that in the case of HRLE this implies the HRLE general revenue

- Note the actual cost of the ladders was \$12,869, which was well under the early estimate.
- Timing of invoices to agents:
  - These are sent out in March of each year, including a fixed component (\$7500 inc GST per agent in 2020-21), and the balance apportioned based on throughput.
- Burnt Ck developments – John to monitor and report on issues of potential relevance to the Board. Ongoing.
- Terms of Reference motion. See general business – Committees
- Herd's paddock utilisation. See general business.
- Planning overlay to protect HRLE operations – being checked.
  - John to refer to the Planners
  - Planning overlay will take some time
  - The Chair referred to Burnt Ck industrial estate guideline and conditions.
    - Document dates from 2007
    - This has a preamble about constraints
    - We should update that document to protect the HRLE operations (and/or check its currency).
  - Discussion – seeking an overlay to protect HRLE. We don't want an industry that is not compatible with the HRLE.
- HRLE Roof loan amount. \$2,087,143. This is \$919 different from previous advice due to some costs that arose after acquitting the project to Fed Govt. It was \$114,856 under budget, reflecting a reduced loan.
- Welcome to HRLE sign. Refer general business

## 5. Correspondence

- Letter from HRCC in response to HSAA.

## 6. Reports

### 6.1 Chairman's Report

- Yesterday's *The Age* had an article about shortage of labour, in particular in abattoirs.
  - Andrew hasn't heard any particular concerns raised about it.
- Paul is now on the NSQA Board.
- Rabbits are an issue. Paul has raised this with Chris Vincent and it will be attended to.

### 6.2 Infrastructure Director Report

- Staffing. Key issue for HRLE. Hope to have resolution next week.
- Finance report – next time
- Burnt Ck development – general business

### 6.3 Operations of Exchange - Paul Christopher

- Numbers are up on last year
- Prices have been good
- Covid continues to be a major challenge. Monitoring personnel attendance has been an obligation. Will try to get legitimate store buyers if possible.
- Washing two-thirds of the sale yard each week – because we are using our own water and power. We will go back to sweeping when it dries off.

- Option to sell water back to GWMWater – wait until we have this year's data.
- Jaden has been there nearly 20 years.
- Parks and Gardens team staff have been providing resourcing to HRLE.
- Fletchers were back in the market for a few weeks, but are not at present. It helps the market when are they present.
- Victoria Police and Agriculture Victoria were checking sheep for RFID compliance and welfare. Their initial visit they were acting in an advisory capacity, rather than penalising for non-compliance. VicPol is present on a monthly basis – which is a positive thing.
- Questions / discussion
  - Action - Invite VicPol to give a presentation to next Board meeting

#### 6.4 Horsham Stock Agents Association – Andrew McIlree

- Yards are running smoothly
- Sucker lambs are a bit later this season
- Larger numbers are 3-4 weeks away
- AWM seems to be running smoothly
- Nutrien – may have more numbers in spring proper.

#### 6.5 VFF Representative – Kevin Pymer

(Video link was patchy)

- Kevin had asked to mention that the lambs will be later this year.

#### 6.6 Transport – Gordon Fischer

Apology

#### 6.7 DJPR – Amy Sluggett – Ag Vic

- The operation with VicPol was good.
- Only a few minor issues, one load was the first for a producer, who wasn't familiar with NVD
- Considering doing this again as it was productive.

#### 6.8 Throughput

Refer to spreadsheet

11,000 up on last year, but well behind 2-3 years ago

Discussion

- Competition from online sales – AuctionsPlus – is a factor in numbers.

***Motion: That the reports be received. Moved: Andrew McIlree / Ray Zippel – carried.***

## 7. General Business

### 7.1 Planning overlay

John has indicated that he will raise with the Board new developments that are proposed. Planning permits will be required for changes of use outside the permitted uses within the zone.

Discussion:

- Concerns about possible impacts on food production.
- Concern about dust breaking up – would fill gutters on the roof
- How can we manage this.
- Want to attract industry, so don't want to make it too hard.
- Need to present concerns to Council
- Seek a report back on how these issues can be addressed
- Need to ensure industries are compatible with HRLE

## 7.2 Committees review update

Anticipate resolution of this matter by the next Board meeting. Likely to be considered at the September Council meeting.

Discussion about the expectation to have a Councillor representative on the Board.

***Motion: That the HRLE Board write to the Mayor seeking a Cr rep on the Board. Moved: Ray Zippel / Andrew McIlree. Carried.***

## 7.3 Herd's paddock – business case

Robyn working on this with WDA. Report to next meeting, for engagement with Board members.

Intent to present a case on the importance of HRLE to the regional economy, and then, the importance of the agistment paddocks to HRLE. This will address the issue of whether there should be formal assignment of the paddocks to the HRLE operation.

***Action – Paul to fix fence on Mackies Rd. To be funded by HRLE.***

## 7.4 Welcome to HRLE signage

There should be some suitable branding – large so that it is clear when video / news footage is taken. This should be placed opposite the administration building.

Naracoorte has some suitable signage.

***Action – JM to arrange a plaque for roofing project. Will be done. Under canteen for WIFT.***

## 7.5 Burnt Ck development

John outlined the planned works to facilitate subdivision of the northern part of the estate, including road works and service provision. An updated plan will be circulated with the minutes.

It was suggested that a shelter belt should be established along HRLE's northern edge.

## 8. Next Meeting

- 20 October 2021, 5:00 pm

## 9. Meeting Close



David Grimble

**Chair**

**Horsham Regional Livestock Exchange Board**



## MINUTES

**Horsham Tidy Towns Committee Meeting**  
**held on Tuesday, 24 August 2021 at 12:30 pm**  
**Via Zoom**

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**Attendees:** Cheryl Linke, David Eltringham (Chair), Gary Aitken, Gillian Vanderwaal, Kola Kennedy, Lucy De Wit (Secretary), Mary-Jean Kerr (Deputy Chair), Neil King

**Apologies:** Daryl Dower, John Martin, Jan Morris, Don Mitchell

**1. Welcome-** 12:34pm

**2. Guests-** Geraldine Drum, Tom Magee

**3. Minutes of the previous meeting –** Tuesday 20 July 2021

**4. Business arising from previous minutes (Refer Action List)**

**5. Correspondence**

**5.1 Inwards**

- Letter from Ben Carroll to Emma Kealy- Western Highway Rubbish Bins and Freeway rubbish
- HRCC Committees Framework Policy
- RRV Response re Letter
- Aldi Response re Carpark- taken action.  
 Motion that we encourage an equipment hire business in town to make available a street sweeper to hire out to businesses. Moved: Gillian, Seconded Kola.
- Committee Structure- Susan Surridge Response.

**5.2 Outwards**

- Letter to Aldi re Carpark
- Media Release re Tidy Town Submissions

**6. General Business (discussion items):**

- Arrangements for the Awards Videos (Thursday 26 August)- each person who has been submitted into the awards is to put together a video.
- Tidy Town Awards Weekend in Hastings- Cancelled- now via Zoom on 16 October.
- Discussion between Mayor, CEO and Committee members (Neil and Kola)- good discussion, Sunil apologised around the uncertainty if the committee will exist or not.
- PPE Update- ordered 15 yellow jackets and hats.

**7. Committee Member Reports (Tidy Town Initiatives)**

- **Gary-** WRIC taken care of rubbish along the river.
- **Gillian-** Boomerang Bags- excited that Kola has organised Centre for Participation migrant women to help- still high demand out there for bags. Keep Victoria Beautiful week was held last week.
- **Mary-Jean-** Impressed with Monday Cleanups. Possibility of doing a less frequent weekend cleanup for those who work during the week. Need a family friendly spot for kids so they can help also.
- **Tom-** idea for baskets around the river for people to collect and fill with rubbish, empty and return- more flexible to encourage others to pick up rubbish anytime. Drop off and pickup point of baskets between both bridges for those to complete on their walks. Gary, Gillian, Mary-Jean and Tom to meet outside this meeting- establish basket pick up point at Anzac Centenary Bridge on walking track. Action list.  
Will see if he can get sponsorship on behalf of the school to get jackets with Tidy Town and School logo on them for kids to use for cleanups.
- **Neil-** Madden St Powercor box- Jillian Pearce, Rotary Club and Don have reached an agreement with Powercor to paint the power box. Don to start in middle of September.
- **David-** Adopt a spot signage to be put up.

**8.**

<b>Highway Cleanup Roster</b>	
<b>1<sup>st</sup> Monday of Month 9:30am</b>	
6 September	David Eltringham and Neil King
4 October	David Eltringham and Neil King
1 November	David Eltringham and Neil King
6 December	David Eltringham
20 December	David Eltringham

- Need to put on Facebook a map of where we meet.
- David to see if rubbish can be taken to the Transfer Station.

**9. Next Meeting-** Tuesday 20 September - 12:30pm**10. Meeting Close – 2:00pm.**

David Eltringham  
**Chairman**  
**Horsham Tidy Towns Committee**

**MEETING HELD FRIDAY 17 SEPTEMBER 2021**

**Via TEAMS (Covid Restrictions)**  
**Meeting start 12:30**

**1. Welcome – Chair Cr Kevin Erwin**

Cr Rob Gersch – Hindmarsh  
Cr Kevin Erwin – Northern Grampians  
Cr Alan Getley – Buloke  
Cr Claudia Haenel - Horsham

Angela Hoy – Hindmarsh  
Michael Evans – Yarriambiack  
Trenton Fithall – Northern Grampians  
Naga Sundararajah – Buloke  
John Martin – Horsham

Angela Daraxoglou – DoT

**2. Apologies**

Cr Karly Kirk - Yarriambiack  
Barry Crewther – Centre for Participation

***Motion: That the apologies be accepted. Moved Cr Gersch / Cr Getley. Carried.***

**3. Minutes of Meeting held 23 July 2021**

***Motion: That the minutes of the meeting held 23 July 2021 be accepted as a true record of that meeting. Moved M Evans / N Sundararajah. Carried.***

**4. Business Arising from Minutes**

- Nil

**5. Financial Statement**

As circulated.

No change from previous balance of \$16,434.46.

***Noted***

**6. Correspondence**

- In:
  - Anne Webster MP, Road projects funding
  - Minister Carroll, Road maintenance funding
  - RRV, Road maintenance program
- Out:
  - Reminder email to ARTC about Maroona – Portland line correspondence.

***Motion: That the correspondence be received. Moved J Martin / N Sundararajah. Carried.***

**7. Reports**

**7.1. Regional Roads Victoria / Department of Transport – Angela Daraxoglou**

- Angela back in her substantive role. Thanks to Adam Lorensene for filling in while she was acting Regional Director.
- Covid testing support at Nhill trailer exchange established.
- Federal funding support for some C-class roads in the region. Works about to start. Will be completed by end of December 2021.
  - Horsham-Kalkee Road
  - Dimboola-Rainbow Road
  - Murtoa- Glenorchy Road
  - Nhill-Jeparit Road
- Federal highway funding

- Western Highway – 3 projects
  - Very indicative only timeline all due to start during 2022
    - Nhill – Jeparit Rd intersection with Western Highway.
    - Sebey St signals, Stawell.
    - Horsham intersection.
- Some works also on Sunraysia Highway, including some intersection alignments.
- Website will be updated with progress on maintenance program. Refer the link in the report.
- Quarterly meetings with DoT / NHVR and Councils. Are being well attended. Happy to receive suggestions for agenda items.
- Discussion
  - Positive feedback about the Covid testing station at Nhill. The site is operating well.
  - Also positive feedback about the DoT / NHVR quarterly meetings.

**7.2. Victorian Farmers Federation – absent**

**7.3. Centre for Participation – apology**

**7.4. Wimmera Development Association – absent**

**7.5. Regional Development Victoria – absent**

## **7.6. Council Representative Reports**

- **Buloke**
  - River front projects at Donald and Charlton are coming together well
  - Berriwillock play space project will start next week
  - Funding for 14 self-contained cabins at lakes across the municipality
  - Capex program on track
  - Asset Plan being developed
  - Pleased with the funding for intersection improvements
- **Hindmarsh**
  - New Covid restrictions – ban on Metro – Regional travel.
  - Had been mobilising today on Albacutya Bridge – Melbourne contractors
  - Majority of Council's construction staff are already vaccinated
- **Horsham**
  - HVSPF funding delay. Program has not yet commenced, but normally the outcomes of successful funding are released by now.
  - Western Rail – Passenger Rail
    - Article in today's Horsham Times – further advocacy by MLC Stuart Grimley
    - DoT - working group – wound up – awaiting a report on the rationale for this
    - DoT not proposing to pursue the shuttle rail
    - Re Stuart Grimley advocacy
      - Angela D response.
        - Return of passenger rail is complicated
        - Need to turn trains around at Ararat / Horsham.
        - Timetabling issues – with freight services
        - Need for additional passing loops
        - Rolling stock
          - Old rolling stock from north east Victoria line is at end of working life
        - Signalling and level crossing upgrades required
        - DoT is not preparing a business case to examine the shuttle service
        - Continuing to work on bus / coach services
  - B-doubles in residential streets around Wimmera Base Hospital – Covid testing when SA border rules changed.
  - Some Melbourne-based contractors – potentially impacted
  - Recent highway fatalities. Concern from Dadswells Bridge Caravan Park re turning lanes, and risk of trucks being too close.
  - Rural Road Network Plan – out for consultation
  - Road Management Plan – consultation closed.

- B-triples – VFF is seeking greater access.
  - There are already A-doubles on some of the major highways
    - It was always stated that these trucks wouldn't be on the highways until the highway was duplicated. This has been overlooked.
    - Concerns about community safety
  - Suggestion about length of truck being signed on the rear of trucks.
    - Action – JM and DoT to follow-up earlier correspondence about this.
  - Discussion about need for passing lanes to be longer – Stawell to SA Border priority.
    - Action – invite Ian Mond and/or David Moore for a session (/JM)
- Alternative Truck Route - status
  - Planning has commenced – formation of a working group.
- **Northern Grampians**
  - Similar issues about contractors. This will lead to issues with meeting funding deadlines
  - HVSP – share the concern about the grant availability for the regular rounds of funding
  - Ramping up for construction season
- **West Wimmera - Nil**
- **Yarriambiack**
  - Similar issues re construction activities
  - Consultation meetings re Road Management Plan cancelled due to Covid restrictions
    - This may impact on timelines for completion of the RMP update.
  - Roadside spraying program to start in next week or two

#### **7.7. Other Reports - Nil**

***Motion: That the reports be received. Moved: Cr Gersch / Cr Haenel. Carried***

### **8. General Business**

#### **8.1 Items as raised by members**

- Fire meeting earlier in the week
  - DoT has started its fire slashing program
  - DoT has no funds for spraying
  - Grass is very high already – as high as white posts in many places
- Beaufort through to Buangor
  - On one side – steel barrier, on the other side wire rope – why?
  - The treatment will depend on the type of hazard that is being guarded against.

### **9. Next meeting**

- Friday 12 November

### **10. Close**

Cr Kevin Erwin

**Chairman**

**Wimmera Southern Mallee Regional Transport Group**