



AGENDA

ORDINARY MEETING OF COUNCIL

Tuesday, 16 August 2016

To be held Robinvale Community
Centre, McLennan Drive, Robinvale.

Commencing at 2:00 PM

COUNCIL:

Cr LT McPhee – Mayor

Cr JN Katis

Cr GW Norton

Cr GI Cruickshank

Cr JA Kiley

Cr JB Crowe

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SECTION B – REPORTS

B.16.83 LIFT REPORT FROM TABLE – CHILD SAFE STANDARDS POLICY

Responsible Officer: Director Community & Cultural Services
File Number: S23.01.01
Attachments: Nil.

Declarations of Interest:

Bruce Myers - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

This report provides a recommendation to Council to lift the report pertaining to the new Child Safe Standards Policy from the table for consideration.

Discussion

Originally presented at the July 2016 General Meeting, the Child Safe Standards Policy report contained the incorrect version of the Policy. A correct version of the Policy is now included with the report.

Consultation

Not applicable.

Financial Implications

Not applicable.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

Council is required to have an adopted Policy relating to the Child Safe Standards in place within the 2016 calendar year. As a Category 1 organisation, the adoption of a Policy is necessary to begin formal compliance with the new legislation.

Council Plan Strategy Addressed

Community Wellbeing - Community services that are efficient and responsive to needs.

Options

1. Decide to lift the report from the table for consideration, or
2. Defer to the report to a future meeting.

Recommendation

That Council lift the Child Safe Standards Policy report from the table for consideration.

B.16.84 CHILD SAFE STANDARDS POLICY

Responsible Officer: Director Community & Cultural Services
File Number: S23.01.01
Attachments: 1 Child Safe Standards Policy

Declarations of Interest:

Bruce Myers - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

This report outlines the new Child Safe Standards Policy as a requirement of Council's compliance with the recently-introduced legislation relating to the Child Wellbeing and Safety Amendment Act 2015 (Vic), and changes to the Crimes Act. Commonly-referred to as the Child Safe Standards legislation, it requires Council to comply through the adoption of an appropriate Policy, followed by an ongoing process of actions across the organisation.

Discussion

From 2012: Various inquiries were conducted, from which recommendations for changes to legislation were adopted and implemented:

Jan 2012: *Protecting Victoria's Vulnerable Children Inquiry* recommends a formal investigation into how religious organisations respond to child abuse within their organisations

April 2012: Parliamentary Inquiry initiated into handling of child abuse by religious and other non-government organisations

Nov 2013: *Betrayal of Trust* report tabled in Parliament

May 2014: The Victorian Government accepted in principle all fifteen recommendations and outlined three phases for implementation: criminal law reform, civil law reform and child safe organisations. The Government further committed to implement the remaining Betrayal of Trust recommendations in November 2014.

Three new crimes were introduced: grooming, failure to disclose child sexual abuse, and failure to protect a child from sexual abuse.

The recommendations recognised that there was an over-reliance on the Working with Children Check and a limited use of other prevention tools, gaps and inconsistencies in policies and practices to prevent abuse, and that more support needed to assist organisations to implement child safe policies.

Council were named as Category 1 organisations under the legislation, which came into effect 1 January 2016. It is a requirement that Category 1 organisations make significant progress towards compliance in the first year. The requirements include:

- A child safe policy as a commitment to child safety
- Strategies to embed an organisational culture of child safety, including through effective leadership arrangements
- A code of conduct that establishes clear expectations for appropriate behaviour with children
- Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel
- Processes for responding to and reporting suspected child abuse
- Strategies to identify and reduce or remove risks of child abuse

Council officers have established a working group to undertake the necessary background work to achieve this compliance, and the approach is similar to the introduction of Occupational Health and Safety (OH&S) legislation.

In effect, similarly to OH&S, new legislation has been introduced requiring Council to adopt an appropriate Policy, introduce a process to audit the level of risk in work and service areas and establish workplace representatives. These representatives will be tasked over time to review existing policies, directives and procedures, and ensure that Council's recruitment, background-checking, induction, and any other internal processes are compliant with the intent of the legislation.

Workplace audits will identify and examine the level of risk for children accessing any of Council's services or assets, and these risks will be eliminated or mitigated as required.

New information in relation to assessment of compliance is being received and incorporated into the process, and further reports will be provided to Council.

Consultation

Initial compliance requires internal consultation across any work area that comes into contact with children and families.

As audits are completed and actions are determined, consultation to the wider community will be required, as some changes to services may become evident. External consultation may also assist in determining risk in service delivery.

Financial Implications

The initial process will be undertaken with existing resources. Some additional cost may be incurred when a more rigorous Police Check and Working with Children Check process is developed. This will be discussed with Council when the full cost implications become apparent. However these costs are not expected to be substantial.

Social Implications

This legislation is intended to protect children. Council compliance will assist in increasing the level of protection through the services it provides to the community.

Council may choose to undertake a community leadership role.

This topic has inherent sensitivities, and all processes will be undertaken with a high level of consideration of any impacts on staff and community members.

Economic Implications

The provision of child-safe services and facilities will contribute to the health and wellbeing of the community and increase the livability of the region.

Environmental Implications

Not applicable.

Risk Management Implications

The entire process, from adoption of this Policy to the introduction of change in the workplace and to services, is a risk management and mitigation process.

Council Plan Strategy Addressed

Community Wellbeing - Community services that are efficient and responsive to needs.

Options

Council may adopt the Policy as presented

Or

Council may suggest changes to the Policy.

Recommendation

That Council adopt the new Child Safe Standards Policy.

Date Adopted
Date Reviewed
To be Reviewed

Fully compliant with Victorian
Charter of Human Rights and
Responsibilities Act 2006



POLICY TITLE CHILD SAFE STANDARDS POLICY

POLICY NUMBER POL/HUMAN 615

PURPOSE

Council is committed to promoting and protecting the interests and safety of children. We have zero tolerance for child abuse.

SCOPE

This Policy applies to Councillors, staff, contractors and volunteers engaged by Council.

POLICY

1. To prevent child abuse within Council.
2. To work towards an organisational culture of child safety.
3. To ensure that all parties are aware of their responsibilities for identifying possible occasions for child abuse and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs.
4. To provide guidance to employees/volunteers/contractors as to action that should be taken where they suspect any abuse within or outside of the organisation.
5. To provide a clear statement to employees/volunteers/contractors forbidding any such abuse.
6. To provide assurance that any and all suspected abuse will be reported and fully investigated.

RELATED POLICIES/DOCUMENTS

- Police and Working with Children Check DIR PRO STAFF119

RELATED LEGISLATION

- Crimes Act 1958 (Vic)
- Child Wellbeing and Safety Amendment Act 2015 (Vic)

Signed: _____ **Mayor** **Date:** _____

B.16.85 REAPPOINTMENT TO AUDIT COMMITTEE

Responsible Officer: Director Corporate Services
File Number: 42-02-03
Attachments: Nil

Declarations of Interest:

David Lenton - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

The term of appointment for the Independent Member Mr Warren Pollock, Chairman of the Audit Committee expires on 21 August 2016 and the term of appointment for Mr Rodney Saville expires on 18 November 2016.

Council needs to consider whether to reappoint Mr Pollock for a further three year term which would expire on 21 August 2019 and Mr Rodney Saville for a further two year term which would expire on 18 November 2018.

Discussion

Council has an Audit Committee consisting of five members, two Councillors and three Independent Members. The external members are chosen for their business, financial and project management acumen, to aid Council in its role to oversee the operations and risk management of the organisation.

The term of the current Chairman, Mr Warren Pollock, expires on 21 August 2016 and he has expressed an interest in being reappointed to the Committee.

Mr Pollock's knowledge, skills and experience are of great assistance to the Committee. His leadership of the Committee is very much appreciated. Mr Pollock's professional involvement as an auditor of Local Government ensures that he has an up to date knowledge of the issues relevant to the sector and how Councils operate.

If Mr Pollock is not re-appointed a selection process for a new Chairperson will have to take place as soon as possible. This process would take two to three months.

The term of Mr Rodney Saville expires on 18 November 2016 and he has expressed an interest in being reappointed to the Committee.

Mr Saville's qualification and experience as an Accountant and member of various governing Boards mean's he is well placed to continue to provide valuable input to the Audit Committee.

Consultation

Mr Warren Pollock has been approached and confirmed his desire to be reappointed to the Audit Committee.

Mr Rodney Saville has been approached and confirmed his desire to be reappointed to the Audit Committee.

Financial Implications

The Audit Committee Chairperson currently receives a meeting allowance of \$1,026.51 per meeting plus travel per kilometre based on Australian Taxation office rates. These costs are included in Council's budget.

The Audit Committee members currently receive a meeting allowance of \$382.31 per meeting plus travel per kilometer based on Australian Taxation office rates. These costs are included in Council's budget.

The Audit Committee receives administration support from Council staff. To not re-appoint Mr Pollock or Mr Saville will require advertising the vacancies and additional resources to select candidates (if any).

Social Implications

Not applicable

Economic Implications

Not applicable

Environmental Implications

Not applicable

Risk Management Implications

Council's Audit Committee oversees the management of risks within Council.

Council Plan Strategy Addressed

Governance and Leadership - Effective and efficient utilisation of resources.

Options

Council could choose to advertise for a new Chairperson and Independent Member of the Audit Committee.

Recommendations

That Council:

- 1. Reappoint Mr Warren Pollock as Chairperson to the Audit Committee for a further term of 3 years effective from 21 August 2016.**
- 2. Reappoint Mr Rodney Saville as Independent Member to the Audit Committee for a further term of 2 years effective from 18 November 2016.**

B.16.86 S5 INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER

Responsible Officer: Director Corporate Services
File Number: 74-00-23
Attachments: 1 Maddocks Letter 20 June 2016
2 S5 Delegation CEO

Declarations of Interest:

David Lenton - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

Section 98 of the Local Government Act (1989) enables council to delegate to a member of council staff, with specified exemptions, 'any power, duty or function of a council under this Act or any other Act' and delegate the Chief Executive Officer the power to delegate a power of the council, other than power of delegation, to another member of council staff.

Maddocks, in their attached letter, has recommended that council should refresh the Chief Executive Officer's delegations as a matter of course.

Discussion

In order to comply with the various legislative requirements, Council delegates a range of powers to the Chief Executive Officer. These delegations are made in accordance with section 98 of the Local Government Act 1989.

As per letter attached from Maddocks dated 20 June 2016 it has been advised that all Instruments of Delegation should be updated, or refreshed, on a regular basis to ensure that they incorporate all recent legislative developments. This includes the Instrument of Delegation to Council's Chief Executive Officer, even though it is expressed in general terms.

Section 94A of the Act states:

- (1) A Council's Chief Executive Officer is responsible for –
 - (a) Establishing and maintaining an appropriate organizational structure for the Council; and
 - (b) Ensuring that the decisions of the Council are implemented with undue delay; and
 - (c) The day to day management of the Council's operations in accordance with the Council's Corporate Plan; and
 - (d) Providing timely advice to the Council.

- (2) The Chief Executive Officer may appoint as many members of Council staff as are required to enable the functions of the Council under this Act or any other Act to be carried out and to enable the Chief Executive Officer to carry out his or her functions.
- (3) The Chief Executive Officer is responsible for appointing, directing, managing and dismissing Council staff and for all other issues that relate to Council staff.

The delegation to the Chief Executive Officer is a 'delegation by exception'.

Consultation

This is a statutory requirement of Council and as such consultation is not part of the process.

Financial Implications

Not applicable

Social Implications

Not applicable

Economic Implications

Not applicable

Environmental Implications

Not applicable

Risk Management Implications

Not applicable

Council Plan Strategy Addressed

Governance and Leadership - Effective and efficient utilisation of resources.

Options

Council can choose to vary the level of delegations however the efficiency of day to day management of Council would be affected.

Recommendations

That Council:

- 1. Exercise the powers conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Instrument of Delegation to the Chief Executive Officer as attached.**
- 2. Delegate to the person holding the position of Chief Executive Officer, or Acting Chief Executive Officer, the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer as attached to the report, subject to the conditions and limitations specified in that Instrument.**
- 3. Affix the common seal of the Council to the Instrument.**

Email Letter

From Erin Tucker	Date 20 June 2016
Direct 03 9258 3712	Email erin.tucker@maddocks.com.au
Partner Melanie Olynyk	

**Maddocks**

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DX 259 Melbourne

Dear Subscriber

**Delegations and Authorisations Service Update
First update for 2016**

We are pleased to provide you with our first update to the Delegations and Authorisations Service for 2016. This update takes into account legislative changes made since our last update in December 2015, which affect councils' powers, functions and duties.

We have set out below a summary of the changes made to the Service in this update.

All of the updates are contained on our Delegations and Authorisations Website, which can be accessed by clicking on the following link: <https://indepth.maddocks.com.au>

As always, please carefully review this explanatory letter and refer to the updated instruments to ensure that you are aware of the recent legislative changes that affect your council's delegations and authorisations.

CHANGES MADE IN THIS UPDATE

This update amends our S6, S7, S11 and S13 Instruments. We have outlined some of the changes to each instrument below.

Changes to the S6 Instrument of Delegation from Council to Staff

In relation to the S6 Instrument of Delegation, we note the following in particular:

1. the new duties and powers which were inserted in the *Cemeteries and Crematoria Act 2003* and added in the December 2015 update, including ss 86(2)-(6), 86(A), and 110A, have now come into effect;
2. we have included amendments to the *Planning and Environment Act 1987* which allow for infrastructure contributions plans to be included in a planning scheme, and made other minor amendments;
3. the *Cemeteries and Crematoria Regulations 2015* have come into force, with the 2005 regulations being revoked;

[628721: 17028210_1]



Maddocks

4. the *Planning and Environment (Fees) Interim Regulations 2015* have replaced the *Planning and Environment Regulations (Fees) Interim Regulations 2014*; and
5. the *Road Management (General) Regulations 2016* have replaced the *Road Management (General) Regulations 2005*, with minor amendments to council duties where it is the coordinating road authority.

Changes to the S7 Instrument of Sub-Delegation from Council's CEO to Staff

The S7 Instrument of Sub-Delegation has been updated to reflect the following:

6. recent additions to the *Aboriginal Heritage Act 2006* which gives councils the power to enter into Aboriginal cultural heritage agreements (this power does not come into operation until 1 August 2016);
7. there have been updates to the *Building Act 1993*, increasing functions to receive checklists and notices of appointment for managers for private building surveyors' businesses (these changes come into effect on 1 July 2017);
8. the addition of councils' duty as a 'category 1 entity' under the *Child Wellbeing and Safety Act 2005* to comply with the Child Safe Standards;
9. the new function of a council to receive details of alleged contraventions as inserted into the *Domestic Building Contracts Act 1995* (which commences in 1 July 2017);
10. the new duty under the *Education and Training Reform Act 2006* to respond to s 4.9.4 information requests made by the Victorian Registration and Qualifications Authority;
11. changes to the *Emergency Management Act 2013*, relating to a council's obligations to the Inspector-General for Emergency Management;
12. the new powers, duties and functions inserted into the *Fines Reform Act 2014*, especially those relating to a council's relationship with the Director of Fines Victoria. The introduction of the *Fines Reform Act* has been delayed to 31 December 2017;
13. the new powers, duties and functions set out in the *Infringements Act 2006*, some of which will commence on 1 July 2017, and others on 1 December 2017, if not proclaimed earlier;
14. the insertion of s 103 of the *Land Tax Act 2005*, requiring councils to give notice of acquisitions to prescribed persons when acquiring land;
15. amendments to the *Local Government Act 1989* imposing duties relating to Strategic Resource Plans and environmental upgrade agreements;
16. the introduction of the *Rooming House Operators Act 2016* (to commence on 1 July 2017), which will require councils to comply with requests under s 49(1) to answer any questions;
17. the council power to prepare an emergency management plan under the *Geothermal Energy Resources Regulations 2006* has been revoked;
18. the *Infringements (General) Regulations 2006* will be revoked on 26 June 2016 by the *Infringements Regulations 2016*, which impose certain conditions on councils as an enforcement agency under the *Infringements Act*;
19. the *Subdivision (Fees) Interim Regulations 2015* are due to expire on 14 October 2016; and



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20. we have deleted the powers contained under the heading 'Human Resources' in the Miscellaneous and Administrative powers section of the S7 Instrument of Sub-Delegation and moved these instead to the S13 Instrument of Delegation from the CEO to staff.

This is because we regard the responsibilities for staffing and human resources functions to properly form part of the CEO's role, under s 94A(3) of the *Local Government Act 1989*, rather than being council powers. We therefore suggest that all staffing related powers are included in the S13 Instrument, to be directly delegated by the CEO, rather than sub-delegated by the CEO through the S7 Instrument.

However, if you do not use the S13 Instrument, then we recommend that you do not remove the 'Human Resources' provisions in the Miscellaneous and Administrative powers section of the S7 Instrument of Sub-Delegation and continue to rely on these provisions.

Changes to the S11 Instrument of Appointment and Authorisation

21. Part B of the S11 Instrument now provides for the appointment of a Principal Conduct Officer, under s 81Y of the *Local Government Act 1989*. As noted in the S11 Instrument, only an eligible person can be appointed to this role, so we encourage councils to check the requirements of s 81Y prior to appointing a Principal Conduct Officer.
22. Also, we have included the *Land Act 1958* in Part A of the S11 Instrument, for consistency, given that it is included in Part B of the Instrument.

Changes to the S13 Instrument of Delegation of CEO powers, duties and functions

In relation to the S13 Instrument of Delegation, we note the following:

23. the *Independent Broad-Based Anti-Corruption Commission Act 2011* will have amendments come into force on 10 December 2016, requiring councils to comply with particular requests from the Independent Broad-Based Anti-Corruption Commission;
24. the *Local Government Act 1989* has been amended in relation to the duties of the CEO concerning elections, and Schedule 5 has been repealed. Two new provisions relating to documents being signed by Councillors and witnessed by the CEO have also come into effect (ss 63(3) and 76C(6B)). However, we have not included these matters as we think it is more appropriate that CEOs do this;
25. as mentioned above, we have moved the 'Human Resources section', previously contained in the Miscellaneous and Administrative powers section of the S7 Instrument, to the S13 Instrument;
26. the *Rooming House Operators Act 2016* is due to commence on 1 July 2017, and will impose obligations on CEOs regarding liaising with the Business Licencing Authority; and
27. the *Victorian Inspectorate Act 2011* is included, as the CEO is invited to respond to adverse material about Council when informed by the Victorian Inspectorate.

While we are aware that not all councils use the S13 Instrument, we remind councils of the importance of ensuring that the CEO's powers, duties and functions have been delegated where the CEO is not personally exercising those powers or responsibilities. Further, and as noted above, if the S13 Instrument is not used, then we recommend that you do not remove the 'Human Resources' provisions in the Miscellaneous and Administrative powers section of the S7 Instrument of Sub-Delegation.



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UPDATING YOUR INSTRUMENTS

Lastly, we recommend that you re-make all of your council delegations on a regular basis to ensure that they remain up to date and cover all relevant provisions. This includes the S5 Instrument of Delegation from the council to the CEO.

Please feel free to contact us if you have any questions regarding the Service or you would like assistance with your council's Instruments of Delegation or Authorisation.

Yours sincerely
Maddocks

Transmission authorised by:
Melanie Olynyk
Partner



Maddocks

Maddocks Delegations and Authorisations

S5. Instrument of Delegation to Chief Executive Officer

Swan Hill Rural City Council

Instrument of Delegation

to

The Chief Executive Officer



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Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989 (the Act)* and all other powers enabling it, the Swan Hill Rural City Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

- 1. this Instrument of Delegation is authorised by a Resolution of Council passed on 16 August, 2016;
- 2. the delegation
- 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
- 2.2 is subject to any conditions and limitations set out in the Schedule;
- 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 2.4 remains in force until Council resolves to vary or revoke it.
- 3. The member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

The COMMON SEAL OF THE SWAN HILL)
 RURAL CITY COUNCIL was hereunto)
 affixed in the presence of:)

.....
 Chief Executive Officer

 (Print Name)

.....
 Councillor

 (Print Name)

.....
 Councillor

 (Print Name)



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SCHEDULE

The power to

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

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

Conditions and Limitations

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

4. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 4.1 awarding a contract exceeding the value of \$1,000,000;
 - 4.2 making a local law under Part 5 of the Act;
 - 4.3 approval of the Council Plan under s.125 of the Act;
 - 4.4 adoption of the Strategic Resource Plan under s.126 of the Act;
 - 4.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
 - 4.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
 - 4.7 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
 - 4.8 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
 - 4.9 appointment of councillor or community delegates or representatives to external organisations; or
 - 4.10 the return of the general valuation and any supplementary valuations;
5. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
6. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
7. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 7.1 policy; or



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

B.16.87 S6 INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF

Responsible Officer: Director Corporate Services
File Number: 74-00-23
Attachments:
1 Maddocks Letter 20 June 2016
2 S6 Delegations Members of Staff

Declarations of Interest:

David Lenton- as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

In order to deliver services to the community and discharge obligations placed on Council by legislation in an efficient and effective manner, Council has in place a range of delegations to members of Council staff. Periodically these delegations need to be reviewed and, if appropriate, updated. This report recommends changes to some delegations made by Council to members of Council staff.

The changes are the result of legislative changes to the relevant Acts, changes to position titles and organisational structure.

The vast majority of the delegations have not changed.

Some new Acts have come into force. Delegations of power for these Acts are also included in the attached document.

Discussion

In order to comply with the various legislative requirements, Council delegates a range of powers and accountabilities to appropriately qualified and experienced members of Council staff. These delegations are made in accordance with section 98 of the Local Government Act 1989. A delegation may be made subject to limitations on these powers, such as the need to inform Council of a determination.

The powers and obligations delegated are mostly procedural in nature, allowing the delivery of services in accordance with Council policy, adopted strategies and plans, the authorised budget, and discharging Council obligations in accordance with legislative requirements.

The delegation of powers and obligations to Council staff by Council is managed by the Maddocks 'delegations and authorizations service'. Maddocks monitors changes to state legislation, and every six months provides a listing of the sections of legislation that a municipality could delegate to enable efficient and effective delivery of services.

The six monthly review of legislative changes has resulted in the recommended amendments in the attached document which are summarized in the attached letter from Maddocks.

Council delegations are made to positions in the organisation rather than to individual members of staff to avoid the need to change the delegation upon the departure of a staff member or the staff member taking up a different position in the Council.

Consultation

Community consultation is not appropriate for the subject of this report.

Financial Implications

Not applicable

Social Implications

Not applicable

Economic Implications

Not applicable

Environmental Implications

Not applicable

Risk Management Implications

Not applicable

Council Plan Strategy Addressed

Governance and Leadership - Effective and efficient utilisation of resources.

Options

Council can choose to vary the delegations however the efficiency of Council operations would be affected.

Recommendations

That Council:

- 1. Amend the schedule of delegated authorities, duties and functions of the various officers as detailed in the attached document.**
- 2.a) Delegate to the members of Council staff holding or acting in the officer's position referred to in the Instrument of Delegation the powers, duties and functions once amended by the attached changes, subject to the conditions and limitations specified in that amended Instrument effective from the date that the Common Seal of Council is affixed to the instrument.**
- b) Revoke all the previous delegations related to the amended instrument on the coming into force of the amended instrument.**

Email Letter

From Erin Tucker	Date 20 June 2016
Direct 03 9258 3712	Email erin.tucker@maddocks.com.au
Partner Melanie Olynyk	

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Dear Subscriber

**Delegations and Authorisations Service Update
First update for 2016**

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We have set out below a summary of the changes made to the Service in this update.

All of the updates are contained on our Delegations and Authorisations Website, which can be accessed by clicking on the following link: <https://indepth.maddocks.com.au>

As always, please carefully review this explanatory letter and refer to the updated instruments to ensure that you are aware of the recent legislative changes that affect your council's delegations and authorisations.

CHANGES MADE IN THIS UPDATE

This update amends our S6, S7, S11 and S13 Instruments. We have outlined some of the changes to each instrument below.

Changes to the S6 Instrument of Delegation from Council to Staff

In relation to the S6 Instrument of Delegation, we note the following in particular:

1. the new duties and powers which were inserted in the *Cemeteries and Crematoria Act 2003* and added in the December 2015 update, including ss 86(2)-(6), 86(A), and 110A, have now come into effect;
2. we have included amendments to the *Planning and Environment Act 1987* which allow for infrastructure contributions plans to be included in a planning scheme, and made other minor amendments;
3. the *Cemeteries and Crematoria Regulations 2015* have come into force, with the 2005 regulations being revoked;

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4. the *Planning and Environment (Fees) Interim Regulations 2015* have replaced the *Planning and Environment Regulations (Fees) Interim Regulations 2014*; and
5. the *Road Management (General) Regulations 2016* have replaced the *Road Management (General) Regulations 2005*, with minor amendments to council duties where it is the coordinating road authority.

Changes to the S7 Instrument of Sub-Delegation from Council's CEO to Staff

The S7 Instrument of Sub-Delegation has been updated to reflect the following:

6. recent additions to the *Aboriginal Heritage Act 2006* which gives councils the power to enter into Aboriginal cultural heritage agreements (this power does not come into operation until 1 August 2016);
7. there have been updates to the *Building Act 1993*, increasing functions to receive checklists and notices of appointment for managers for private building surveyors' businesses (these changes come into effect on 1 July 2017);
8. the addition of councils' duty as a 'category 1 entity' under the *Child Wellbeing and Safety Act 2005* to comply with the Child Safe Standards;
9. the new function of a council to receive details of alleged contraventions as inserted into the *Domestic Building Contracts Act 1995* (which commences in 1 July 2017);
10. the new duty under the *Education and Training Reform Act 2006* to respond to s 4.9.4 information requests made by the Victorian Registration and Qualifications Authority;
11. changes to the *Emergency Management Act 2013*, relating to a council's obligations to the Inspector-General for Emergency Management;
12. the new powers, duties and functions inserted into the *Fines Reform Act 2014*, especially those relating to a council's relationship with the Director of Fines Victoria. The introduction of the *Fines Reform Act* has been delayed to 31 December 2017;
13. the new powers, duties and functions set out in the *Infringements Act 2006*, some of which will commence on 1 July 2017, and others on 1 December 2017, if not proclaimed earlier;
14. the insertion of s 103 of the *Land Tax Act 2005*, requiring councils to give notice of acquisitions to prescribed persons when acquiring land;
15. amendments to the *Local Government Act 1989* imposing duties relating to Strategic Resource Plans and environmental upgrade agreements;
16. the introduction of the *Rooming House Operators Act 2016* (to commence on 1 July 2017), which will require councils to comply with requests under s 49(1) to answer any questions;
17. the council power to prepare an emergency management plan under the *Geothermal Energy Resources Regulations 2006* has been revoked;
18. the *Infringements (General) Regulations 2006* will be revoked on 26 June 2016 by the *Infringements Regulations 2016*, which impose certain conditions on councils as an enforcement agency under the *Infringements Act*;
19. the *Subdivision (Fees) Interim Regulations 2015* are due to expire on 14 October 2016; and



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20. we have deleted the powers contained under the heading 'Human Resources' in the Miscellaneous and Administrative powers section of the S7 Instrument of Sub-Delegation and moved these instead to the S13 Instrument of Delegation from the CEO to staff.

This is because we regard the responsibilities for staffing and human resources functions to properly form part of the CEO's role, under s 94A(3) of the *Local Government Act 1989*, rather than being council powers. We therefore suggest that all staffing related powers are included in the S13 Instrument, to be directly delegated by the CEO, rather than sub-delegated by the CEO through the S7 Instrument.

However, if you do not use the S13 Instrument, then we recommend that you do not remove the 'Human Resources' provisions in the Miscellaneous and Administrative powers section of the S7 Instrument of Sub-Delegation and continue to rely on these provisions.

Changes to the S11 Instrument of Appointment and Authorisation

21. Part B of the S11 Instrument now provides for the appointment of a Principal Conduct Officer, under s 81Y of the *Local Government Act 1989*. As noted in the S11 Instrument, only an eligible person can be appointed to this role, so we encourage councils to check the requirements of s 81Y prior to appointing a Principal Conduct Officer.
22. Also, we have included the *Land Act 1958* in Part A of the S11 Instrument, for consistency, given that it is included in Part B of the Instrument.

Changes to the S13 Instrument of Delegation of CEO powers, duties and functions

In relation to the S13 Instrument of Delegation, we note the following:

23. the *Independent Broad-Based Anti-Corruption Commission Act 2011* will have amendments come into force on 10 December 2016, requiring councils to comply with particular requests from the Independent Broad-Based Anti-Corruption Commission;
24. the *Local Government Act 1989* has been amended in relation to the duties of the CEO concerning elections, and Schedule 5 has been repealed. Two new provisions relating to documents being signed by Councillors and witnessed by the CEO have also come into effect (ss 63(3) and 76C(6B)). However, we have not included these matters as we think it is more appropriate that CEOs do this;
25. as mentioned above, we have moved the 'Human Resources section', previously contained in the Miscellaneous and Administrative powers section of the S7 Instrument, to the S13 Instrument;
26. the *Rooming House Operators Act 2016* is due to commence on 1 July 2017, and will impose obligations on CEOs regarding liaising with the Business Licencing Authority; and
27. the *Victorian Inspectorate Act 2011* is included, as the CEO is invited to respond to adverse material about Council when informed by the Victorian Inspectorate.

While we are aware that not all councils use the S13 Instrument, we remind councils of the importance of ensuring that the CEO's powers, duties and functions have been delegated where the CEO is not personally exercising those powers or responsibilities. Further, and as noted above, if the S13 Instrument is not used, then we recommend that you do not remove the 'Human Resources' provisions in the Miscellaneous and Administrative powers section of the S7 Instrument of Sub-Delegation.



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UPDATING YOUR INSTRUMENTS

Lastly, we recommend that you re-make all of your council delegations on a regular basis to ensure that they remain up to date and cover all relevant provisions. This includes the S5 Instrument of Delegation from the council to the CEO.

Please feel free to contact us if you have any questions regarding the Service or you would like assistance with your council's Instruments of Delegation or Authorisation.

Yours sincerely
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Transmission authorised by:
Melanie Olynyk
Partner



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Maddocks Delegations and Authorisations

S6. Instrument of Delegation – Members of Staff

Swan Hill Rural City Council

Instrument of Delegation

to

Members of Council Staff



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Instrument of Delegation

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

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;

2. record that a references in the Schedule are as follows:

“AC” means Asset Coordinator
 “AO” means Authorised Officer
 “CEO” means Chief Executive Officer
 “CSC” means Commercial Service & Revenue Coordinator
 “CSO” means Customer Service Officer
 “DDP” means Director Development & Planning
 “DE” means Design Engineer
 “DI” means Director Infrastructure
 “DM” Means Development Manager
 “EHO” means Environmental Health Officer
 “EPAM” means Engineering Projects & Assets Manager
 “MBS” means Municipal Building Surveyor
 “MERO” means Municipal Emergency Resource Officer
 “MFPO” means Municipal Fire Prevention Officer
 “PHRSC” means Public Health & Regulatory Services Coordinator
 “PO” means Planning Officer
 “SPC” means Statutory Planning Coordinator
 “SRO” means Senior Revenue Officer
 “TOS” means Technical Officer Survey

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 16 August 2016 and

3.2 the delegation:

3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

3.2.2 remains in force until varied or revoked;

3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and

3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

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

3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or



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

The COMMON SEAL OF THE SWAN HILL RURAL CITY COUNCIL)

Was hereunto affixed in the presence of)

Chief Executive Officer

(Print Name)

Councillor _____ Councillor _____

(Print Name) _____ (Print Name) _____



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SCHEDULE



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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.41A(1)	power to declare a dog to be a menacing dog	DDP, DM, PHRSC, AO	Council may delegate this power to an authorised officer

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



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



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



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



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



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



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



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.4B	power to prepare an amendment to the Victoria Planning Provisions	Not delegated, considered by Council.	if authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	DDP, DM, SPC, PO	
s.4H	duty to make amendment to Victoria Planning Provisions available	DDP, DM, SPC, PO	
s.4I	duty to keep Victoria Planning Provisions and other documents available	DDP, DM, SPC, PO	
s.8A(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	DDP, DM, SPC	
s. 8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	Not delegated, considered by Council.	
s.8A(5)	function of receiving notice of the Minister's decision	DDP, DM, SPC	
s.8A(7)	power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	DDP, DM	
s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	DDP, DM, SPC	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(3)	power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	DDP, DM, SPC, PO	
s.12A(1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under section 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	Not delegated, considered by Council.	
s.12B(1)	duty to review planning scheme	Not delegated, considered by Council.	
s.12B(2)	duty to review planning scheme at direction of Minister	Not delegated, considered by Council.	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	Not delegated, considered by Council.	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	Not delegated, considered by Council.	
s.17(1)	duty of giving copy amendment to the planning scheme	DDP, DM, SPC, PO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(2)	duty of giving copy s.173 agreement	DDP, DM, SPC, PO	
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CEO, DDP, DM, SPC, PO	
s.18	duty to make amendment etc. available	DDP, DM, SPC, PO	
s.19	power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under section 19 to a planning scheme	DDP, DM, SPC	
s.19	function of receiving notice of preparation of an amendment to a planning scheme	DDP, DM, SPC	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s.20(1)	power to apply to Minister for exemption from the requirements of section 19	CEO, DDP, DM, SPC	
s.21(2)	duty to make submissions available	DDP, DM, SPC, PO	
s.21A(4)	duty to publish notice in accordance with section	DDP, DM, SPC, PO	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.22	duty to consider all submissions	Not delegated, considered by Council	
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	DDP, DM	
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	CEO, DDP, DM, SPC	
s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in section 96D)	DDP, DM, SPC, PO	
s.26(1)	power to make report available for inspection	DDP, DM, SPC	
s.26(2)	duty to keep report of panel available for inspection	DDP, DM, SPC, PO	
s.27(2)	power to apply for exemption if panel's report not received	DDP, DM, SPC	
s.28	duty to notify the Minister if abandoning an amendment	DDP, DM, SPC	Note: the power to make a decision to abandon an amendment cannot be delegated
s.30(4)(a)	duty to say if amendment has lapsed	DDP, DM, SPC, PO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.30(4)(b)	duty to provide information in writing upon request	DDP, DM, SPC, PO	
s.32(2)	duty to give more notice if required	DDP, DM, SPC, PO	
s.33(1)	duty to give more notice of changes to an amendment	DDP, DM, SPC, PO	
s.36(2)	duty to give notice of approval of amendment	DDP, DM, SPC, PO	
s.38(5)	duty to give notice of revocation of an amendment	DDP, DM, SPC	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	Not delegated considered by Council	
s.40(1)	function of lodging copy of approved amendment	DDP, DM, SPC, PO	
s.41	duty to make approved amendment available	DDP, DM, SPC, PO	
s.42	duty to make copy of planning scheme available	DDP, DM, SPC, PO	
s.46A(5)(a)	power to request the Growth Areas Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	DDP, DM	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GF	duty to comply with directions issued by the Minister	DDP, DM, SPC, PO	
s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	DDP, DM, SPC, PO	
s.46GH(1)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	DDP, DM	where council is a collecting agency
s.46GH(2)	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	DDP, DM	where council is a collecting agency
s.46GH(3)	duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant	DDP, DM	where council is a collecting agency
s.46GI(1)	duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the <i>Planning and Environment Act 1987</i>	DDP, DI, FM	must be done in accordance with <i>Local Government Act 1989</i> .
s.46GI(2)	duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency	DDP	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46G(3)	duty to apply levy amount only in accordance with s.46G(3) (a) and (b)	DDP	
s46G(4)	power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the <i>Planning and Environment Act 1987</i> if satisfied that the development is not to proceed	DDP	
s.46G(5)	duty to take action described in s.46G(5)(c) – (e) where s.46G(5)(a) and (b) applies.	DDP	
s.46GL	power to recover any amount of infrastructure levy as a debt due to Council	DDP	where council is a collecting agency
s.46GM	duty to prepare report and give a report to the Minister	DDP	where council is a collecting agency or development agency
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	DDP, DM, SPC PO	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	DDP, DM, SPC PO	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DDP, DM, SPC	
s.46O(1)(a) & (2)(a)	power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	DDP, DM, SPC	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46Q(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	DDP, DM, SPC	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	DDP, DM, SPC	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	DDP, DM, SPC	
s.46Q(1)	duty to keep proper accounts of levies paid	DCS, SRO, DM, SPC, PO	
s.46Q(1A)	duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	DDP, DM, SPC	
s.46Q(2)	duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	DDP, DM, SPC	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	Only applies when levy is paid to Council as a development agency.	only applies when levy is paid to Council as a 'development agency'

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46Q(4)(c)	duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the council or for the provision by the council of works, services or facilities in an area under s.46Q(4)(a)	DDP, DM, SPC	must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s.46Q(4)(d)	duty to submit to the Minister an amendment to the approved development contributions plan	DDP, DM, SPC	must be done in accordance with Part 3
s46Q(4)(e)	duty to expend that amount on other works etc.	DDP, DM, SPC	with the consent of, and in the manner approved by, the Minister
s.46QC	power to recover any amount of levy payable under Part 3B	DDP, DM, SPC	
s.46QD	duty to prepare report and give a report to the Minister	DDP	where council is a collecting agency or development agency
s.46V(3)	duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	Not Applicable	
s.46Y	duty to carry out works in conformity with the approved strategy plan	Not Applicable	
s.47	power to decide that an application for a planning permit does not comply with that Act	CEO, DDP, DM, SPC	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	DDP, DM, SPC, PO	
s.49(2)	duty to make register available for inspection	DDP, DM, SPC, PO	
s.50(4)	duty to amend application	DDP, DM, SPC, PO	
s.50(5)	power to refuse to amend application	DDP, DM, SPC	
s.50(6)	duty to make note of amendment to application in register	DDP, DM, SPC, PO	
s.50A(1)	power to make amendment to application	DDP, DM, SPC, PO	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	DDP, DM, SPC, PO	
s.50A(4)	duty to note amendment to application in register	DDP, DM, SPC, PO	
s.51	duty to make copy of application available for inspection	DDP, DM, SPC, PO	
s.52(1)(a)	duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	DDP, DM, SPC, PO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	DDP, DM, SPC, PO	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	DDP, DM, SPC, PO	
s.52(1)(ca)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	DDP, DM, SPC, PO	
s.52(1)(cb)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	DDP, DM, SPC, PO	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	DDP, DM, SPC, PO	
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	DDP, DM, SPC, PO	
s.52(3)	power to give any further notice of an application where appropriate	DDP, DM, SPC, PO	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	DDP, DM, SPC, PO	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	DDP, DM, SPC, PO	
s.54(1)	power to require the applicant to provide more information	DDP, DM, SPC, PO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54(1A)	duty to give notice in writing of information required under section 54(1)	DDP, DM, SPC, PO	
s.54(1B)	duty to specify the lapse date for an application	DDP, DM, SPC, PO	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	DDP, DM, SPC, PO	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	DDP, DM, SPC, PO	
s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	DDP, DM, SPC, PO	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	CEO, DDP, DM, SPC	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	DDP, DM, SPC, PO	
s.57(5)	duty to make available for inspection copy of all objections	DDP, DM, SPC, PO	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	DDP, DM, SPC, PO	
s.57A(5)	power to refuse to amend application	DDP, DM, SPC	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57A(6)	duty to note amendments to application in register	DDP, DM, SPC, PO	
s.57B(1)	duty to determine whether and to whom notice should be given	DDP, DM, SPC, PO	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	DDP, DM, SPC, PO	
s.57C(1)	duty to give copy of amended application to referral authority	DDP, DM, SPC, PO	
s.58	duty to consider every application for a permit	DDP, DM, SPC, PO	
s.58A	power to request advice from the Planning Application Committee	DDP, DM, SPC	
s.60	duty to consider certain matters	DDP, DM, SPC, PO	
s60(1A)	duty to consider certain matters.	DDP, DM, SPC, PO	
s.60(1B)	duty to consider number of objectors in considering whether use or development may have significant social effect	DDP, DM, SPC, PO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(1)A	power to determine permit application, either to decide to grant a permit.	CEO, DDP, DM, SPC	the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i> Where no objections are received in relation to the permit application.
s.61(1)B	power to determine permit application, to decide to grant a permit with conditions.	CEO, DDP, DM, SPC	the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i> Where no objections are received in relation to the permit application.
s.61(1)C	power to determine permit application or to refuse a permit application.	Not Delegated considered by Council	the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, DDP, DM, SPC, PO	
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, DDP, DM, SPC, PO	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	DDP, DM, PC	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	DDP, DM, SPC, PO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DDP, DM, SPC, PO	
s.62(1)	duty to include certain conditions in deciding to grant a permit	DDP, DM, SPC, PO	
s.62(2)	power to include other conditions	DDP, DM, SPC, PO	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DDP, DM, SPC, PO	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	DDP, DM, SPC, PO	
s.62(5)(b)	power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	DDP, DM, SPC, PO	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	DDP, DM, SPC, PO	
s.62(6)(a)	duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with section 62(5) or section 46N	DDP, DM, SPC, PO	
s.62(6)(b)	duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in section 62(1)(a)	DDP, DM, SPC, PO	



PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	DDP, DM, SPC, PO		
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	DDP, DM, SPC, PO	this provision applies also to a decision to grant an amendment to a permit - see section 75	
s.64(3)	duty not to issue a permit until after the specified period	DDP, DM, SPC, PO	this provision applies also to a decision to grant an amendment to a permit - see section 75	
s.64(5)	duty to give each objector a copy of an exempt decision	DDP, DM, SPC, PO	this provision applies also to a decision to grant an amendment to a permit - see section 75	
s.64A	duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	DDP, DM, SPC	this provision applies also to a decision to grant an amendment to a permit - see section 75A	
s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	DDP, DM, SPC, PO		
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	DDP, DM, SPC, PO		
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	DDP, DM, PM, PO	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.66(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	DDP, DM, PM, PO	if the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s.66(6)	duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65	DDP, DM, SPC	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s.69(1)	function of receiving application for extension of time of permit	DDP, DM, SPC, PO	
s.69(1A)	function of receiving application for extension of time to complete development	DDP, DM, SPC	
s.69(2)	power to extend time	DDP, DM, SPC	
s.70	duty to make copy permit available for inspection	DDP, DM, SPC, PO	
s.71(1)	power to correct certain mistakes	DDP, DM, SPC, PO	
s.71(2)	duty to note corrections in register	DDP, DM, SPC, PO	
s.73	power to decide to grant amendment subject to conditions	DDP, DM, SPC	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.74	duty to issue amended permit to applicant if no objectors	DDP, DM, SPC	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DDP, DM, SPC, PO	
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	DDP, DM, SPC, PO	
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DDP, DM, SPC	if the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	DDP, DM, SPC, PO	if the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under section 64 or 76	DDP, DM, SPC	if the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s.76D	duty to comply with direction of Minister to issue amended permit	CEO, DDP, DM, SPC	
s.83	function of being respondent to an appeal	CEO, DDP, DM, SPC	
s.83B	duty to give or publish notice of application for review	DDP, DM, SPC, PO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DDP, DM, SPC	
s.84(2)	duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	DDP, DM, SPC	
s.84(3)	duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	DDP, DM, SPC	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	DDP, DM, SPC	
s.86	duty to issue a permit at order of Tribunal within 3 working days	DDP, DM, SPC	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	CEO, DDP, DM, SPC	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	DDP, DM, SPC	
s.91(2)	duty to comply with the directions of VCAT	DDP, DM, SPC, PO	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	DDP, DM, SPC, PO	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	DDP, DM, SPC, PO	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.93(2)	duty to give notice of VCAT order to stop development	DDP, DM, SPC, PO	
s.95(3)	function of referring certain applications to the Minister	CEO, DDP, DM, SPC, PO	
s.95(4)	duty to comply with an order or direction	DDP, DM, SPC, PO	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	CEO, DDP, DM, SPC, PO	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, DDP, DM, SPC, PO	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	DDP, DM, SPC	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	DDP, DM, SPC	
s.96F	duty to consider the panel's report under section 96E	Not Delegated considered by Council	
s.96G(1)	power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under section 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	DDP, DM, SPC	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.96H(3)	power to give notice in compliance with Minister's direction	DDP, DM, SPC, PO	
s.96J	power to issue permit as directed by the Minister	DDP, DM, SPC, PO	
s.96K	duty to comply with direction of the Minister to give notice of refusal	DDP, DM, SPC, PO	
s. 96Z	duty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate	DDP, DM, SPC, PO	
s.97C	power to request Minister to decide the application	Not delegated, considered by Council.	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	CEO, DDP, DM, SPC	
s.97G(3)	function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	CEO, DDP, DM, SPC	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	CEO, DDP, DM, SPC	
s.97L	duty to include Ministerial decisions in a register kept under section 49	CEO, DDP, DM, SPC	
s.97MH	duty to provide information or assistance to the Planning Application Committee	DDP, DM, SPC	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	DDP, DM, SPC	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	DDP, DM, SPC	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, DDP, DM, SPC	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, DDP, DM, SPC	
s.97Q(4)	duty to comply with directions of VCAT	CEO, DDP, DM, SPC	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	CEO, DDP, DM, SPC	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	CEO, DDP, DM, SPC	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	CEO, DDP, DM, SPC	
s.101	function of receiving claim for expenses in conjunction with claim	CEO, DDP, DM, SPC	
s.103	power to reject a claim for compensation in certain circumstances	CEO, DDP, DM, SPC	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.107(1)	function of receiving claim for compensation	CEO, DDP, DM, SPC	
s.107(3)	power to agree to extend time for making claim	CEO, DDP, DM, SPC	
s.114(1)	power to apply to the VCAT for an enforcement order	CEO, DDP, DM, SPC	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	CEO, DDP, DM, SPC, PO	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	CEO, DDP, DM, SPC, PO,	
s.123(1)	power to carry out work required by enforcement order and recover costs	DDP, DM, SPC	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	CEO, DDP, DM, SPC	except Crown Land
s.129	function of recovering penalties	DDP, DM, SPC	
s.130(5)	power to allow person served with an infringement notice further time	CEO, DDP, DM, SPC	
s.149A(1)	power to refer a matter to the VCAT for determination	CEO	
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	DDP, DM, SPC	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (2A)); and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B)power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	CEO, DDP, DM, SPC	where council is the relevant planning authority
s.177(2)(f)	power to carry out studies and commission reports	Not delegated, considered by Council.	
s.177(2)(g)	power to grant and reserve easements	Not delegated, considered by Council.	
s.173	power to enter into agreement covering matters set out in section 174	DDP, DI, EPAM, DM, SPC	
---	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	DDP, DI, EPAM, DM, SPC	
---	power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	Not delegated, considered by Council.	
s.177(2)	power to end a section 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	Not delegated, considered by Council.	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178	power to amend a s.173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	Not delegated, considered by Council.	
s.178A(1)	function of receiving application to amend or end an agreement	CEO, DDP	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	DDP	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, DDP	
s.178A(5)	power to propose to amend or end an agreement	CEO, DDP	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	DDP, DM, SPC	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	DDP, DM, SPC	
s.178C(2)	duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	DDP, DM, SPC	
s.178C(4)	function of determining how to give notice under s.178C(2)	DDP, DM, SPC	
s.178E(1)	duty not to make decision until after 14 days after notice has been given	CEO, DDP	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	CEO, DDP	If no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DDP	If no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(c)	power to refuse to amend or end the agreement	CEO, DDP	If no objections are made under s.178D Must consider matters in s.178B
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	CEO, DDP	After considering objections, submissions and matters in s.178B
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DDP	After considering objections, submissions and matters in s.178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, DDP	After considering objections, submissions and matters in s.178B
s.178E(3)(d)	power to refuse to amend or end the agreement	CEO	After considering objections, submissions and matters in s.178B
s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	CEO, DDP	
s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	CEO, DDP	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178F(4)	duty not to proceed to amend or end an agreement under s.178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	CEO, DDP	
s.178G	duty to sign amended agreement and give copy to each other party to the agreement	CEO	
s.178H	power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	CEO, DDP	
s.178I(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, DDP	
s.179(2)	duty to make available for inspection copy agreement	DDP, PO, DM, PC	
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DDP, DM,SPC	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	DDP, DM,SPC	
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	DDP, DM,SPC	
s.182	power to enforce an agreement	CEO, DDP, DM, SPC	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	DDP, DM, SPC, PO,	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.184F(1)	power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	CEO, DDP	
s.184F(2)	duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	CEO, DDP	
s.184F(3)	duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	DDP, DM, SPC	
s.184F(5)	function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	DDP, DM, SPC	
s.184G(2)	duty to comply with a direction of the Tribunal	DDP, DM, SPC	
s.184G(3)	duty to give notice as directed by the Tribunal	DDP, DM, SPC	
s.198(1)	function to receive application for planning certificate	DDP, DM, SPC, PO,	
s.199(1)	duty to give planning certificate to applicant	DDP, DM, SPC, PO,	
s.201(1)	function of receiving application for declaration of underlying zoning	DDP, DM, SPC, PO,	
s.201(3)	duty to make declaration	DDP, DM, SPC	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
-	power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	DDP, DM, SPC, PO	
	power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	DDP, DM, SPC, PO	
	power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	DDP, DM, SPC, PO	
-	power to give written authorisation in accordance with a provision of a planning scheme	DDP, DM, SPC, PO	
s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	Not Applicable	
s.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	Not Applicable	



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RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.33	duty to comply with a direction of the Safety Director under this section	DI, EPAM	where council is a utility under section 3
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	DI, EPAM	duty of council as a road authority under the <i>Road Management Act 2004</i>
s.34	duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under section 33(1)	DI, EPAM	where council is a utility under section 3
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	DI, EPAM	where council is the relevant road authority
s.34D(1)	function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	DI, EPAM	where council is the relevant road authority
s.34D(2)	function of receiving written notice of opinion	DI	where council is the relevant road authority
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	DI, EPAM	where council is the relevant road authority
s.34E(1)(a)	duty to identify and assess risks to safety	DI, EPAM	where council is the relevant road authority
s.34E(1)(b)	duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)	DI, EPAM	where council is the relevant road authority
s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	DI, EPAM	where council is the relevant road authority



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



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



RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.525(4)	duty to issue identity card to authorised officers	CEO	
s.526(5)	duty to keep record of entry by authorised officer under section 526	PHRSC, EHO, MBS	
s.526A(3)	function of receiving report of inspection	PHRSC, EHO, MBS	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	PHRSC, EHO, MBS	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	Not delegated considered by Council.	obtain consent in circumstances specified in section 11(2)
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	Not delegated considered by Council.	
s.11(9)(b)	duty to advise Registrar	DI, AC, EPAM	
s.11(10)	duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DI, AC, EPAM	clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DI, AC, EPAM	where council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	DI, AC, EPAM	were council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	Not delegated, considered by Council.	power of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(5)	duty to consider written submissions received within 28 days of notice	DI, AC, EPAM	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(6)	function of hearing a person in support of their written submission	DI, AC, EPAM	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	DI, AC, EPAM	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(10)	duty to notify of decision made	DI, AC, EPAM	duty of coordinating road authority where it is the discontinuing body does not apply where an exemption is specified by the regulations or given by the Minister
s.13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	DI, AC, EPAM	power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate
s.14(4)	function of receiving notice from VicRoads	CEO, DI	
s.14(7)	power to appeal against decision of VicRoads	DI, AC, EPAM	
s.15(1)	power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	CEO, DI, AC, EPAM	
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	CEO, DI, AC, EPAM	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.15(2)	duty to include details of arrangement in public roads register	DI, AC, EPAM	
s.16(7)	power to enter into an arrangement under section 15	CEO, DI, AC, EPAM	
s.16(8)	duty to enter details of determination in public roads register	DI, AC, EPAM	
s.17(2)	duty to register public road in public roads register	DI, AC, EPAM	where council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	DI, AC, EPAM	where council is the coordinating road authority
s.17(3)	duty to register a road reasonably required for general public use in public roads register	DI, AC, EPAM	where council is the coordinating road authority
s.17(4)	power to decide that a road is no longer reasonably required for general public use	Not delegated, considered by Council.	where council is the coordinating road authority
s.17(4)	duty to remove road no longer reasonably required for general public use from public roads register	EPAM, TOS, AC	where council is the coordinating road authority
s.18(1)	power to designate ancillary area	DI, AC, EPAM	where council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)
s.18(3)	duty to record designation in public roads register	DI, AC, EPAM	where council is the coordinating road authority
s.19(1)	duty to keep register of public roads in respect of which it is the coordinating road authority	DI, AC, EPAM	



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19(4)	duty to specify details of discontinuance in public roads register	DI, AC, EPAM	
s.19(5)	duty to ensure public roads register is available for public inspection	DI, AC, EPAM	
s.21	function of replying to request for information or advice	CEO, DI, AC, EPAM	obtain consent in circumstances specified in section 11(2)
s.22(2)	function of commenting on proposed direction	CEO, DI, AC, EPAM	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	CEO, DI, AC, EPAM	
s.22(5)	duty to give effect to a direction under this section.	DI, EPAM	
s.40(1)	duty to inspect, maintain and repair a public road.	DI, AC, EPAM	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	DI, AC, EPAM	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	AC, EPAM	
s.42(1)	power to declare a public road as a controlled access road	DI, AC, EPAM	power of coordinating road authority and Schedule 2 also applies
s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	DI, AC, EPAM	power of coordinating road authority and Schedule 2 also applies



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



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	DI, AC, EPAM	
s.54(6)	power to amend road management plan	DI, AC, EPAM	
s.54(7)	duty to incorporate the amendments into the road management plan	DI, AC, EPAM	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	DI, AC, EPAM	
s.63(1)	power to consent to conduct of works on road	DI, AC, EPAM	where council is the coordinating road authority
s.63(2)(e)	power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	DI, AC, EPAM	where council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	DI, AC, EPAM	where council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	DI, AC, EPAM	where council is the coordinating road authority
s.67(2)	function of receiving the name & address of the person responsible for distributing the sign or bill	DI, AC, EPAM	where council is the coordinating road authority
s.67(3)	power to request information	DI, AC, EPAM	where council is the coordinating road authority
s.68(2)	power to request information	DI, AC, EPAM	where council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	CEO, DI, AC, EPAM	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.72	duty to issue an identity card to each authorised officer	CEO	
s.85	function of receiving report from authorised officer	DI, AC, EPAM	
s.86	duty to keep register re section 85 matters	DI, AC, EPAM	
s.87(1)	function of receiving complaints	DI, AC, EPAM	
s.87(2)	duty to investigate complaint and provide report	CEO, DI, AC, EPAM	
s.112(2)	power to recover damages in court	CEO, DI, AC, EPAM	
s.116	power to cause or carry out inspection	DI, AC, EPAM	
s.119(2)	function of consulting with VicRoads	DI, AC, EPAM	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	DI, EPAM	
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	DI, AC, EPAM	
s.121(1)	power to enter into an agreement in respect of works	DI, AC, EPAM	
s.122(1)	power to charge and recover fees	DI, AC, EPAM	
s.123(1)	power to charge for any service	DI, AC, EPAM	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	Not delegated, considered by Council.	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	Not delegated, considered by Council.	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	Not delegated, considered by Council.	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	DI, AC, EPAM	
Schedule 2 Clause 5	duty to publish notice of declaration	DI, AC, EPAM	
Schedule 7, Clause 7(1)	duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	DI, AC, EPAM	where council is the infrastructure manager or works manager
Schedule 7, Clause 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	DI, AC, EPAM	where council is the infrastructure manager or works manager



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



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 13(2)	power to vary notice period	DI, AC, EPAM	where council is the coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	DI, AC, EPAM	where council is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	DI, AC, EPAM	where council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	DI, AC, EPAM	where council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	DI, AC, EPAM	where council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	DI, AC, EPAM	where council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	DI, AC, EPAM	where council is the coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	DI, AC, EPAM	where council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	DI, AC, EPAM	where council is the coordinating road authority



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	DI, AC, EPAM	where council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	DI, AC, EPAM	where council is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DI, AC, EPAM	where council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	DI, AC, EPAM	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	DI, AC, EPAM	where council is the responsible road authority
Schedule 7A Clause 3(1)(e)	duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	DI, AC, EPAM	where council is the responsible road authority
Schedule 7A Clause 3(1)(f), (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with clauses 3(2) and 4	DI, AC, EPAM	duty of council as responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs)



PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r. 6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	DDP, DM	where Council is not the planning authority and the amendment affects land within its municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	CEO, DDP, DM, SPC	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	DDP	where Council is the responsible authority
r.25(b))	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	DDP	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	DDP, DM	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.



PLANNING AND ENVIRONMENT (FEES) INTERIM REGULATIONS 2015
 Note: these Regulations expire on 144 October 2016

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.16	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, DDP, DM, SPC	
r.17	power to waive or rebate a fee relating to an amendment of a planning scheme	CEO, DDP, DM, SPC	
r.18	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.16 or 17	DM, SPC	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.7	function of entering into a written agreement with a caravan park owner	DDP, PHRSC	
r.11	function of receiving application for registration	PHRSC, EHO	
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	DDP, PHRSC, EHO	
r.13(2)	duty to renew the registration if satisfied that the caravan park complies with these regulations	PHRSC, EHO	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	DDP, PHRSC, EHO	
r.13(4) & (5)	duty to issue certificate of registration	PHRSC, EHO	
r.15(1)	function of receiving notice of transfer of ownership	PHRSC, EHO	
r.15(3)	power to determine where notice of transfer is displayed	PHRSC, EHO	
r.16(1)	duty to transfer registration to new caravan park owner	PHRSC, EHO	
r.16(2)	duty to issue a certificate of transfer of registration	Set by Legislation Not Applicable	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	PHRSC, EHO	
r.18	duty to keep register of caravan parks	PHRSC, EHO	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.19(4)	power to determine where the emergency contact person's details are displayed	DDP, PHRSC, EHO	
r.19(6)	power to determine where certain information is displayed	DDP, PHRSC, EHO	
r.22A(1)	duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	DDP, PHRSC, EHO, CSO	
r.22A(2)	duty to consult with relevant emergency services agencies	DDP, MERO, MFPO	
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	DDP, PHRSC, EHO	
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	DDP, EPAM, PHRSC, EHO	
r.25(3)	duty to consult with relevant floodplain management authority	DDP, SPC, PHRSC, EHO	
r.26	duty to have regard to any report of the relevant fire authority	DDP, EPAM, MBS, PHRSC, EHO	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	DDP, PHRSC, EHO	
r.39	function of receiving notice of proposed installation of	DDP, MBS,	



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RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	DDP, MBS, PHRSC, EHO	
r.40(4)	function of receiving installation certificate	DDP, PHRSC, EHO	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	DDP, MBS, PHRSC, EHO	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	DDP, PHRSC, EHO, MBS	



ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.8(1)	duty to conduct reviews of road management plan	DI, AC, EPAM	
r.9(2)	duty to produce written report of review of road management plan and make report available	DI, AC, EPAM	
r.9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	DI, AC, EPAM	where council is the coordinating road authority
r.10	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	DI, AC, EPAM	
r.13(1)	Duty to publish notice of amendments to road management plan	DI, AC, EPAM	where council is the coordinating road authority
r.13(3)	duty to record on road management plan the substance and date of effect of amendment	DI, AC, EPAM	
r.16(3)	power to issue permit	DI, AC, EPAM	where council is the coordinating road authority
r.18(1)	power to give written consent re damage to road	DI, AC, EPAM	where council is the coordinating road authority
r.23(2)	power to make submission to Tribunal	DI, AC, EPAM	where council is the coordinating road authority
r.23(4)	power to charge a fee for application under section 66(1) Road Management Act	DI, AC, EPAM	where council is the coordinating road authority



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ROAD MANAGEMENT (GENERAL) REGULATIONS 2016

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.25(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	DI, AC, EPAM	where council is the responsible road authority
r.25(2)	power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	DI, AC, EPAM	where council is the responsible road authority
r.25(5)	power to recover in the Magistrates' Court, expenses from person responsible	DI, DDP	

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ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.15	power to exempt a person from requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	DI	where council is the coordinating road authority and where consent given under section 63(1) of the Act
r.22(2)	power to waive whole or part of fee in certain circumstances	DI	where council is the coordinating road authority

B.16.88 MONTHLY PLANNING AND BUILDING FIGURES - JULY 2016

Responsible Officer: Director Development and Planning
File Number: 13-05-01
Attachments: Nil

Declarations of Interest:

Adam McSwain - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

The purpose of this report is for Council to note the monthly planning and building figures for July 2016.

Discussion

Planning

Type	2016		2015	
	No. of July	No. Of YTD	No. Of July	No. Of YTD
Planning Permit Applications Received	15	101	16	110
Approvals under delegation	12	75	18	91
Notice of Decision to Grant a Planning Permit	1	3	1	1
Notice of Decision to refuse a Planning Permit	0	0	1	3
Application Lapsed or Withdrawn	0	4	0	1
VCAT upheld Council decision	0	0	0	1
VCAT set aside Council decision	0	0	0	0
Total number of decisions	13	78	20	96

Monthly decision breakdown by town

	Approved July 2016	Approved YTD	Refused July 2016	Refused YTD
Swan Hill	4	30	0	0
Robinvale	5	24	0	0
Lake Boga	1	4	0	0
Nyah	0	3	0	0
Nyah West	0	1	0	0

**Building
 July – Comparisons**

TYPE	2016		2015	
	NO.OF	VALUE	NO.OF	VALUE
Dwelling	3	797,223	10	2,269,223
Dwelling additions	5	861,260	13	383,206
Unit Developments	1 *(2)	572,000	0 *(0)	0
Shops	0	0	0	0
Offices	1	2,069,000	1	93,000
Warehouses	3	660,000	2	885,540
Factories	2	789,700	0	0
Public Buildings	0	0	4	512,458
OutBuildings	8	254,330	12	174,100
Other	0	0	6	220,954
Total	23	\$6,003,513	48	\$4,538,481

*() denotes total number of Dwelling Units

Dwelling breakdown by town

Town	July 2016	YTD 2016	July 2015	YTD 2015
Swan Hill	2	17	6	24
Robinvale		6	1	2
Lake Boga		2	1	3
Nyah	1	1		
Nyah West			1	1
Beverford				1
Pental Island				1
Tresco		1		2
Tresco West				1
Wood Wood				1
Murrawee		1		
Tol Tol		2		
Woorinen South		1		

Year to Date – Comparisons

TYPE	1/01/2016 to 31/07/2016		1/01/2015 to 31/07/2015	
	NO.OF	VALUE	NO.OF	VALUE
Dwelling	31	10,461,064	36	10,350,196
Dwelling additions	49	2,949,384	51	1,902,842
Unit Developments	3*(11)	1,002,000	2*(2)	173,700
Shops (1)	3	121,000	9	5,057,824
Offices	2	2,213,711	6	812,500
Warehouses (2)	6	965,000	6	2,553,084
Factories (3)	11	3,034,819	3	525,000
Public Buildings (4)	6	1,024,654	13	14,273,402
OutBuildings	56	1,190,243	84	1,853,199
Other	23	505,964	34	996,549
Total	190	\$23,467,839	244	\$38,498,297

*() denotes total number of Dwelling Units

- (1) The majority of the 2015 'Shops' amount relates to the Bunnings Store development valued at \$4.5M (Stage 3);
- (2) The majority of the 2015 'Warehouses' amount relates to Workshop at 18 Aerodrome Road, Swan Hill at \$1.5M;
- (3) The majority of the 2016 'Factories' amount relates to Kyndalyn Park Factory (Stage 1) at Bannerton valued at \$1.68M and Kyndalyn Park Factory (Stage 2) valued at \$600,000;
- (5) The majority of the 2015 'Public Buildings' amount relates to the Swan Hill Hospital Aged Care Facility valued at \$9.8M and the SuniTAFE Extensions valued at \$2.16M;

Consultation

Not applicable

Financial Implications

Not applicable

Social Implications

Not applicable

Economic Implications

Not applicable

Environmental Implications

Not applicable

Risk Management Implications

Not applicable

Council Plan Strategy Addressed

Economic Growth - A prosperous, growing and diverse local and regional economy.

Options

Not applicable

Recommendation

That Council note the Planning and Building figures for July and the Year to Date comparisons as reported.

B.16.89 ROBINVALE COMMUNITY PLAN

Responsible Officer: Director Development and Planning
File Number: S01-27-08
Attachments: 1 Robinvale Community Plan

Declarations of Interest:

Adam McSwain - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

This report seeks a Council resolution for Council to note the Robinvale 2016-2031 Community Plan.

Discussion

The Robinvale Community Plan has been developed over a period of 12 months. Across this time over 200 people have fed their thoughts, hopes, aspirations, stories, ideas and time into this plan. In October 2015, an empty shop was utilised in Perrin Street as a 'drop-in' centre where residents were able to visit when it suited them and speak with La Trobe researchers and staff as well as Council officers from community planning, community development, economic development and aboriginal community planning.

Other community engagement activities were also conducted including:

- Formal interviews with service organisations;
- Formal focus group discussions with health service representatives, mothers group, youth group;
- Presentations, group discussion and cognitive mapping with Robinvale P-12 College;
- Presentations about Bromley Road design possibilities by St Mary's Catholic school students;
- Urban design workshops with general community; and
- E-mail, comments/discussion on Facebook and Twitter

Having completed this community engagement, the draft Robinvale Community Plan was then developed. All of the comments and feedback received, resulted in the following priority areas making it in to the plan:

1. Access to services
 - Priority Area 1 – Health and Medical Services
 - Priority Area 2 – Agriculture, Retail and Commercial Enterprise
 - Priority Area 3 – Telecommunications
2. Promoting Participation

- Priority Area 4 – Leadership and Governance
- Priority Area 5 – Diversity and Inclusion
- Priority Area 6 – Education and Training

3. Building Infrastructure

- Priority Area 7 – Housing
- Priority Area 8 – Recreation, Cultural Arts and Tourism
- Priority Area 9 – Built Environment

In July 2016 a further community meeting was held in Robinvale to confirm the priority order for projects to be completed. From this meeting the following top three priorities, in order, were established:

- a) Priority Area 9 – Built Environment
- b) Priority Area 8 – Recreation, Cultural Arts and Tourism
- c) Priority Area 7 – Housing

Specific projects to come from these priority areas will be discussed by the group at their next meeting in the coming weeks. From there, an implementation plan will be developed to provide focus and timelines for the projects.

Consultation

Extensive community consultation was undertaken throughout this process. This consultation resulted in over 200 people in Robinvale having input into the plan.

Financial Implications

Council allocates an annual budget of \$25,000 towards the implementation of the Robinvale Community Plan. The projects identified in the plan will be completed with this funding or where additional resources are required will be completed through a combination of public, private and community funding. Any requests for additional Council funding will be required to go through Council's budget and/or major project planning processes.

Social Implications

The development of the Robinvale Community Plan has generated a significant level of discussion within the Robinvale community and has got people involved in community decisions that they may otherwise not have engaged in.

Economic Implications

The priorities identified in the plan are aimed at supporting the private/commercial and tourism sectors within Robinvale. The implementation of these priorities will help to grow the Robinvale economy.

Environmental Implications

As projects are completed from the plan, the necessary environmental assessments will be undertaken.

Risk Management Implications

As projects are completed from the plan, the necessary risk management processes will be implemented.

Council Plan Strategy Addressed

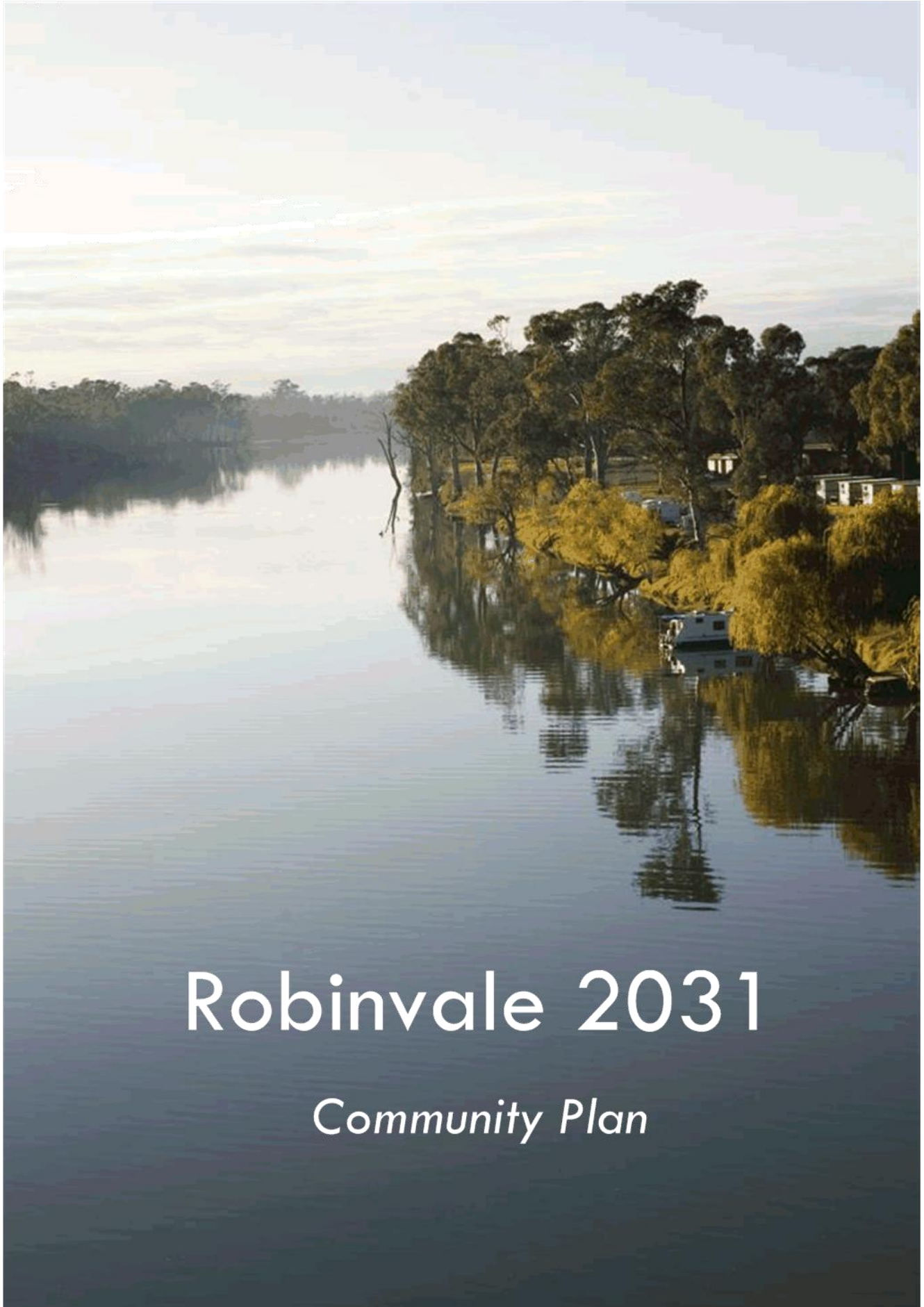
Community Wellbeing - A sense of belonging, ensuring that all people have a place in our community.

Options

1. That Council note the Robinvale Community Plan
2. That Council request officers to undertake further work on the Robinvale Community Plan

Recommendation

That Council note the Robinvale 2016-2031 Community Plan



Robinvale 2031

Community Plan

Robinvale 2031 – Community Plan

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Robinvale 2031 – Community Plan

Community Profile

Robinvale is a picturesque town located on the banks of the Murray River in north-west Victoria, approximately 470km north-west of Melbourne. Aptly named the 'Jewel of the Murray' it has no shortage of natural beauty and wonders. At the 2011 Census Robinvale's Urban Centre population was officially 2,134 with many more living outside of the urban centre on agricultural and horticultural properties. As Robinvale is surrounded by labour intensive agriculture, this population can grow to double what it is truly recorded at during some seasons. Robinvale has a diverse community made up of some 40 cultures and over 20 languages being spoken, highlighting the diversity and cultural richness of the town.

Background

'Robinvale 2031' is the finished product of months of hard work by La Trobe University, Swan Hill Rural City Council and the Robinvale Community. This plan came about during the review of the Robinvale Community Plan in 2015. The level of engagement by the community was far beyond what was expected and needed to develop a two-to-three year community plan as had been done previously. With so many valuable insights, ideas, stories and aspirations from the community, creating another short-term plan would have meant losing too many of these valuable insights into the Robinvale community.

It is envisaged that this plan will not only inform and set about the planning and implementation of community projects for Council's Community Development team but be a useful insight for the entire organisation and beyond. From this plan it is envisaged that action plans can be developed and implemented as the community works with council to meet its priorities and make Robinvale an even better part of the region. This plan is in no way final, in fact it is hoped that as new community issues and priorities emerge they will indeed find their place in this plan to keep it as relevant as possible.

Over 200 people have fed their thoughts, hopes, aspirations, stories, ideas and time into this plan. In October 2015, an empty shop was utilised in Perrin Street as a 'drop-in' centre where residents were able to visit when it suited them and speak with La Trobe researchers and staff as well as Council officers from community planning, community development, economic development and aboriginal community planning.

Other community engagement activities were also conducted including:

- Formal interviews with service organisations;
- Formal focus group discussions with health service representatives, mothers group, youth group;
- Presentations, group discussion and cognitive mapping with Robinvale P-12 College;
- Presentations about Bromley Road design possibilities by St Mary's Catholic school students;
- Urban design workshops with general community; and
- E-mail, comments/discussion on Facebook & Twitter (which extended to mid-November).

Robinvale 2031 – Community Plan

Previous Projects

Community Planning first began in Robinvale with the 2009 Community Plan. There were 10 community projects identified and included in the latest version of the Robinvale Community Plan from 2011-2013. Below is a table of these projects and their outcomes. The projects that are yet to be completed have been carried forward for inclusion in this plan. As the table shows, many are either underway in some form or are an ongoing community effort that the community felt was important to continue to support.

Table 1 Actions and progress toward completion of the Robinvale Community Plan

Action	Progress Toward Completion
1. Town beautification <ul style="list-style-type: none"> • Bromley Road (Current) • Centenary Park (Future) • Town Entrances (Future) • <i>Focus Group—Town Beautification Group</i> 	New design options identified for Bromley Road Town entrances have had updated signage
2. Robinvale country market <ul style="list-style-type: none"> • <i>Focus Group - Robinvale Euston Rotary Club</i> 	Ongoing successful market run by rotary club
3. Memorial park <ul style="list-style-type: none"> • <i>Focus Group - Memorial Park Steering Committee</i> 	Plans completed and works happening
4. Strategic marketing and development <ul style="list-style-type: none"> • Shop Locally Campaign • Robinvale Information Centre • Graffiti Trailer • <i>Focus Group - Robinvale & Euston Business Association</i> 	Ongoing efforts by REBA (Robinvale Euston Business Association)
5. Physical activity <ul style="list-style-type: none"> • Walking Paths and Tracks with interpretive signs • <i>Focus Group—Walking Track Group</i> 	Riverfront walking and gym equipment installed and well used
6. Robinvale Advancing Country Towns	Managed through RDHS and Glenn Stewart
7. Almond blossom festival <ul style="list-style-type: none"> • <i>Focus Group - Almond Blossom Festival Committee</i> 	Ongoing community led event
8. Tongan led community garden <ul style="list-style-type: none"> • <i>Focus Group - Tongan Community</i> 	Community Garden established at Robinvale College
9. Acknowledgement of our local Indigenous war veterans <ul style="list-style-type: none"> • <i>Focus Group - Local Indigenous Network Youth</i> 	Not completed – potential for this to be addressed in Memorial Park
10. Environment and climate change	Ongoing – addressed partly through sustainability strategy.

Robinvale 2031 – Community Plan

Swan Hill Rural City Council's Community Planning Program

Community Planning in the Swan Hill Rural City Council began in 2009 and has since involved 11 of the shire's towns. Robinvale is the first to be presented with a longer term plan due to high level of engagement.

For community planning to be a success, the community absolutely must be involved and drive the projects included in this plan. Without the community involved in this plan, projects can never happen on the ground. This provides a fantastic and rare opportunity for the people of Robinvale to influence the future of their home for years to come.

Robinvale 2031 already has a budget allocated for its implementation meaning real action will come from this plan. It is simply a matter of the community getting involved.

Linked and Supporting Plans and Strategies (To be completed)

The plans and strategies listed below are a sample of the documents that council currently works with and from that directly impact Robinvale.

- Robinvale Economic Development Strategy
- Council Plan
- Active Transport Strategy
- Municipal Community Plan
- Bromley Road Masterplan
- Robinvale Riverfront Plan
- To be completed by group with Community Planning Officer's assistance

Management of the Plan

The plan will be managed by a group of Robinvale community members. Each project should have a focus group that is then represented on the main group to report back on their progress each meeting. The main group will have a Senior Manager or Director in attendance at each meeting to provide feedback and information to relevant council departments about the projects occurring. This person will also be able to report back to the group on important council news and plans impacting on Robinvale.

The group is still free to act upon initiatives outside of the Community Plan of their own accord. It is suggested that any issues with large community support be included in the Community Plan however to enable greater resourcing and assistance to come from Council.

The plan will be reviewed every four years with a progress report produced identifying each priority area and the actions taken within the respective area.

Robinvale 2031 – Community Plan

Making a Variation to the Plan

Over time, community priorities change as the community and external factors change. For this reason changes to this plan are possible through the Robinvale community planning group. However, these changes must go through a process that is transparent and fair as set out below following on from the original Robinvale Community Plan.

This Community Plan document shall not be altered in any way unless written notice specifying proposed alteration in full shall have been delivered to the Secretary of the Robinvale community planning group at least 60 days before a scheduled meeting of the group and further that not less than two thirds of the number of Robinvale Community Planning Group members attending at that meeting shall vote in favour of the amendment/s.

Dispute Resolution

In the event of a dispute, all parties must meet to discuss and resolve the matter as soon as possible.

If the parties are unable to resolve the dispute, they may agree to hold a mediation meeting with an independent mediator appointed by Council. The role of the mediator is only to guide the parties toward settling the dispute, not to make a decision to resolve the dispute.

All parties must be given a reasonable opportunity to be heard to ensure natural justice is applied during the mediation process.

Community Vision for Robinvale

To be developed by the community planning management group.

Structure of Robinvale 2031

The information that was received during consultation with the Robinvale community was seen to fit into three overarching themes. These themes then had several priority areas that were raised by many people in the community. Within each priority area are the recommendations that were provided to us most often during the consultation. These recommendations are the goals that the community plan will seek to achieve over the coming years.

Robinvale 2031 – Community Plan

1- Access to Services

Access to services is a crucial part of making any community liveable. Services like healthcare, telecommunications, specialist medical services, community safety and a range of shops and employment opportunities were all brought up as important for Robinvale's future.

Priority Area 1 - Health & Medical Services

Robinvale has over a quarter of its population aged over 55 years old based on the 2011 census data. There are also over 20% of the population under the age of 14 based on the same data. This alone makes good healthcare important in order to look after the young and older community members now and as people continue to grow older.

Projects to address Priority Area 1:

- Work with RDHS to identify how residents can access specialist services through mobile visits, transport options to Mildura or local internships

Priority Area 2 – Agriculture, Retail & Commercial Enterprise

Robinvale is a hub for food production. The district around Robinvale produces approximately 60% of Australia's table grapes, 70% of Australia's almonds and 80% of Australia's olive oil. Agriculture and Horticulture also makes up 38% of the jobs in the Robinvale community.

Retail and Commercial business is an important service for Robinvale to maintain access to continue to thrive as a town. Over past years retail and commercial businesses have been declining as people shop elsewhere and markets change. Maintaining the look and feel of Perrin Street and supporting retailers, traders and commercial enterprise were all seen to be important by the community.

Projects to address Priority Area 2:

- Develop and implement a shop local campaign;
- Work with government and contractors to address issues with contracting processes;
- Identify and attract businesses that are needed and will be sustainable in Robinvale;
- Continue to improve the Perrin Street streetscape;
- Identify and develop a suitable space for artists to work and sell work from; and
- Advocate and investigate the development of a renewable energy industry in the district.

Robinvale 2031 – Community Plan

Priority Area 3 - Telecommunications

Access to good telecommunication services is becoming more important every year as businesses are able to thrive online no matter where they are based. Connections to other countries for immigrants and reliable phone service are also critical parts of making Robinvale liveable.

Projects to address Priority Area 3:

- Advocate for improved services from telecommunications bodies including services suitable for low and middle income families in particular as below:
 - Access to affordable and reliable internet service; and
 - Advocate for improved mobile phone and broadband coverage.

Robinvale 2031 – Community Plan

2- Promoting Participation

Promoting participation in community life and in employment is seen by the Robinvale community as an important focus area for the future of the town. This theme covers areas like leadership, governance, inclusion and education and training. To live in a vibrant and liveable community often means establishing a tight-knit community willing to get involved in many aspects of community life from volunteering to mentoring and training youth.

Priority Area 4 – Leadership & Governance

A community with good governance and leadership is able to present and advocate for its needs, create community solutions to problems and engage with the right authorities to continue to develop their community. The Robinvale community identified a number of challenges to promoting good governance and leadership in their community surrounding volunteerism, local government service provision and difficulties bringing multiple cultures together to work and make decisions on community issues.

Projects to address Priority Area 4:

- Work with Robinvale – Euston Community Alliance to advocate to government and non-government agencies for funding to complete projects identified in the community plan;
- Work with Council to identify and advocate for community needs; and
- Advocate for improved relationship and contributions from large industry to the Robinvale community.

Priority Area 5 – Diversity & Inclusion

Robinvale is an incredibly diverse community. It is estimated that there are 40 different cultures in Robinvale and over 40% of households have more than two languages spoken. Robinvale is also home to a large population of Aboriginal and Torres Strait Islander people with an estimated 10.7% identifying as either Aboriginal or Torres Strait Islander in the community. Robinvale has large communities of Vietnamese and Islander people further adding to the diversity. Such a diverse population offers many opportunities for amazing festivals and food as well as a wealth of knowledge about the world. The diversity of Robinvale does have challenges with the community identifying some racism that occurs and difficulties for new arrivals to learn English among concerns identified.

Projects to address Priority Area 5:

- Continue to support and grow local events and festivals including:
 - Almond Blossom Festival;
 - Carols by Candlelight;
 - Lunar New Year; and
 - Robinvale Ski Race.

Robinvale 2031 – Community Plan

- Support new events and festivals where possible;
- Develop an English Language resource for new arrivals from non-english speaking backgrounds;
- Develop an invitational 'Inspirational speakers' and workshop program aimed at Secondary level students;
- Encourage entrepreneurship by linking local successful business people to share their stories;
- Compile and work through a list of small research based projects in conjunction with local and regional education providers (eg. Photo-essay on local migration stories, aboriginal history and stories, soldier settlement);
- Extend NACHOS program to include collaborative cooking where people learn to cook from peers from different cultures; and
- Attract funding for the development and operation of a Multicultural Resource Centre.

Priority Area 6 – Education & Training

Education and Training for Robinvale is seen as critical for the success of the community and particularly the youth in the district. Ensuring high quality education is available enables families to stay in and move to Robinvale while also offering the best chance for careers to be formed in the district. This priority area focuses on enabling people to participate in education and effective training to go on to add to the local workforce and economy for Robinvale and beyond. The community identified multiple challenges in this area but also provided multiple recommendations.

Projects to address Priority Area 6:

- Support the Robinvale L2P program;
- Support the development of the Community Hub at Robinvale College, particularly the construction of project work spaces;
- Investigate opportunities for community work experience to be undertaken by students (i.e. in the information centre);
- Investigate funding opportunities to develop social enterprise that facilitates skills development and gaining of certificates (i.e. youth cafe, farm tours, pop-up restaurants);
- Work with education providers to enable access to education and skills training via online, blended learning and on-site assessments; and
- Develop extended learning or advanced learning programs during school holidays
- Work to improve access to childcare.

Robinvale 2031 – Community Plan

3- Building Infrastructure

Infrastructure is a critical part of every liveable town or city. During consultation, participants were asked what made Robinvale great and where Robinvale could benefit from some improvements. Many of these suggestions were relating to physical infrastructure improvements as highlighted in Priority Area 10. However, many suggestions also related to the community building social infrastructure and focusing on tourism and recreation opportunities in the future. This section highlights the three crucial Priority Areas of Housing, Recreation, Cultural Arts and Tourism and Built Environment.

Priority Area 7 – Housing

Housing in Robinvale was identified as one of the largest challenges facing the community. As Robinvale relies heavily on thousands of itinerant workers during harvest times for the surrounding agricultural enterprises ensuring there is access to safe, hygienic and legal accommodation is essential. The community identified that there is currently a lack of affordable housing and labourers are being housed in poor quality housing causing health and safety risks in the community. The types of housing within Robinvale are sometimes unsuitable for the large family structures of some new arrivals to Australia. It was also felt land-use planning in Robinvale is not working.

Projects to address Priority Area 7:

- Work with Federal, State and Local governments to develop options for improved housing options for low and middle income earners.

Priority Area 8 – Recreation, Cultural Arts & Tourism

Robinvale has a strong foundation of recreational, arts and cultural facilities, programs and events. There is widespread leadership and participation among a number of groups throughout Robinvale. The community centre, community garden, Rotary Park, museum, river, riverside caravan park, walking paths, tennis courts, pool, pub and golf club were identified as valuable local and tourist facilities. NAIDOC Week, Almond Blossom Festival, Lunar New Year, NACHOS community cooking, and the annual ski race were identified as positive and enjoyable community activities. There is strong Aboriginal history and culture, as well as an art centre in the area. The Tongan community is actively involved with the brass band, a choir and Carols by Candlelight. Most of the facilities and activities are family oriented, but do not necessarily cater to different age groups e.g.: youth specific or older people specific places and/or activities.

Robinvale 2031 – Community Plan

Projects to address Priority Area 8:

- Develop strategies for utilising empty shops as they become available;
 - Pop-up local history displays
 - Artist displays and workshops
- Find group to run day-trips to other entertainment facilities. Eg. Paintball, Bounce etc;
- Promote and grow the Men's Shed;
- Continue to support and develop the Robinvale Community Garden;
- Work to establish an events group;
- Establish a youth 'hang-out' space with the help of young people;
- Work with SHRCC to attract shows and performances to be shown Robinvale;
- Investigate the establishment of a community radio station;
- Conduct a signage audit to improve directional signage in Robinvale;
- Design and implement an interpretive signage program to celebrate Robinvale's heritage;
- Develop the Caravan Park, surrounding parkland and Robinvale riverfront area;
- Investigate options for local public transport options;
- Investigate viability of farm tours; and
- Investigate and establish a river tourism industry (i.e. cruises, houseboats and fishing etc.).

Priority Area 9 – Built Environment

Robinvale is characterised by a centralised town centre focused on Perrin Street, with single storey shop-fronts. Dispersed social services are located in the streets around this area. Low-density housing is primarily located to the south-east of the town centre which transitions to farm zoning to the east along the river and to the south. Rural residential living occurs in pockets to the south-east, north-west and south-west. Industrial zoning is mostly located to the west of the town, separated by Bromley Road and the railway corridor, although there is land dedicated to industrial uses to the south-east of the residential area. Land directly adjacent to the Murray River is public, zoned for conservation and resource purposes. Public parks are located throughout the township. Wide roads are the main transport service networks; pedestrian and recreational infrastructures are inconsistent with regard to connectivity, quality of pathways and shade. Participants identified a number of challenges ranging from a lack of footpaths to poor public transport.

Projects to address Priority Area 9:

- Improve lighting within Robinvale;
- Continue redeveloping residential parks;
- Implement beautification and road improvement projects for Bromley Road;
- Investigate how to make the courthouse more private to offer shelter and dignity to those using it;
- Robinvale Community Plan managing group to act as a liaising body for the community's suggestions regarding improvements to the built environment; and
- Investigate and Implement shading options over car parking areas.

Robinvale 2031 – Community Plan

Implementation Plan Example (2016 – 2020)

Priority Projects (To be decided on by management group)

This implementation plan will be reviewed every year to ensure it reflects the community's priorities and aligns with Council's budgets.

Priority Area	Project	Actions	Responsibility/ Partners	Timeframe	Estimated Cost <i>(To be confirmed during project scoping)</i>
8 - Recreation, Cultural Arts and Tourism	Continue to develop and support the Robinvale Community Garden	Provide support and promotion to the garden as requested by the managing group	Community Garden Management Robinvale College RIG	Ongoing	In-kind and subject to external funding
9 - Built Environment	Rowe Street Park	Develop the park in accordance with design	SHRCC Rowe Street Community	1-2 yrs	\$2,000 (leverage funding) Subject to external funding
3 - Telecommunications	Advocate for improved services	Request update and presentation on the progress of NBN rollout to community	RIG SHRCC NBN Co.	1 yr	Nil

Robinvale 2031 – Community Plan

This community plan was developed by the Robinvale Community with the assistance of the Swan Hill Rural City Council and La Trobe University.

The views and opinions are those of the community and not necessarily those of the Swan Hill Rural City Council staff or Councillors or La Trobe University and its staff.

B.16.90 CHISHOLM RESERVE MASTERPLAN

Responsible Officer: Director Development and Planning
File Number: C-787-16-02
Attachments: 1 Chisholm Reserve Masterplan

Declarations of Interest:

Adam McSwain - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

This report seeks a Council resolution for Council to adopt the Chisholm Reserve Masterplan.

Discussion

The Chisholm Reserve Motorsport Complex (CRMC) commenced development in 1991 to meet the needs of local residents and visiting motor sport enthusiasts. Today, motor sport continues to be popular with five local motor sport clubs with specialty interests located at the CRMC. The motor sports clubs include:

- Swan Hill Motor Racing Club
- Swan Hill Kart Club
- Swan Hill Motorcycle Club
- Swan Hill Sporting Car Club
- Swan Hill Drag Club

The Swan Hill 4 x 4 Club is also seeking to have a presence at the Reserve.

Over a number of years, the CRMC has developed substantially with a number of tracks and facilities now located at the Reserve. This development has happened organically without any agreed vision between all of the user groups and Council for what the CRMC is to become.

With the recent development of the \$2 million drag strip and the expected increase in visitation and usage, a Masterplan for the site was required.

To develop this Masterplan Council engaged Tredwell Management. Development of the Masterplan has occurred over a 10-month period and has included extensive consultation with the CRMC user groups.

The Masterplan identifies a number of priority projects for the CRMC. The highest priority projects to be completed across 2016-2020 are:

- Implementing new Reserve wide governance arrangements that establish an overarching 'Chisholm Reserve Committee' (officers are already progressing this item)
- Upgrade water supply infrastructure at the site
- Upgrade power supply infrastructure
- Address surface water/drainage issues (across the site), (officers are already progressing this project and Council has allocated \$193,000 in 2016/17)
- New sealed main access road with adjacent fencing to control access/circulation

All of the above projects are fundamental to providing a solid 'base' on which the CRMC can continue to grow. Officers are working with all of the user groups to ensure they understand the importance of these projects being completed prior to any new infrastructure or facilities being constructed at the Reserve.

The funding for the majority of these projects is yet to be sourced.

Consultation

As outlined in the above report consultation has taken place with all of the CRMC user groups. This has largely taken place through the Chisholm Reserve Advisory Committee that has been meeting on a monthly or bi-monthly basis. Through this process all of the user groups have had a number of opportunities to provide input into the Masterplan.

Financial Implications

The Masterplan identifies a large number of projects for Chisholm Reserve. These projects are spread out over a 10 year plus timeframe and many of the projects are the sole responsibility of the individual user groups.

Any projects that have been identified as a Council responsibility will need to proceed through Councils standard budget and major project planning processes prior to receiving any funding to be completed.

Social Implications

Chisholm Reserve provides many social and community benefits to the members of each user group.

Economic Implications

Chisholm Reserve provides a significant opportunity for Swan Hill to have a 'State' quality motorsports facility that hosts events and attracts tourists. Central to

harnessing this opportunity is the progressive implementation of the projects identified in this Masterplan.

Environmental Implications

A number of the projects identified in the Masterplan e.g. upgrading drainage, sewerage etc. will provide environmental benefits.

Risk Management Implications

From a user group perspective, the implementation of the new Chisholm Reserve Management Committee will place a greater focus on risk management across the Reserve.

As projects from the Masterplan are implemented the required risk management policies/procedures will be implemented.

Council Plan Strategy Addressed

Governance and Leadership - Positive community engagement and inclusiveness.

Options

1. Council adopt the Chisholm Reserve Masterplan
2. Council request officers to undertake further work on the Chisholm Reserve Masterplan

Recommendation

That Council adopt the Chisholm Reserve Masterplan

Attachment

- Chisholm Reserve Masterplan

B.16.93 MAJOR EVENT SUPPORT SCHEME – MALLEE ALMOND BLOSSOM FESTIVAL

Responsible Officer: Director Development and Planning
File Number: S17-01-04-03
Attachments: 1 Mallee Almond Blossom Festival Funding Application

Declarations of Interest:

Adam McSwain - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

The purpose of this report is for Council to note the \$5,000 Major Event Support Scheme funding provided to the 2016 Mallee Almond Blossom Festival.

Discussion

The Mallee Almond Blossom Festival is an annual event, now in its ninth year, held in Robinvale. The 2016 event is to be held on Sunday 21 August.

The event is being held on the grounds of the Robinvale Community Centre and as per the event website provides “a wonderfully relaxing day sampling and purchasing local produce such as almonds, olives, flavoured olive oils and salad dressings, avocados, sultanas, fresh garden produce, local honey and more”.

The event was assessed by the Major Event Support Scheme (MESS) assessment panel. Against Council’s event assessment matrix, it scored 106 points resulting in the event being categorised as a Tier Two Regionally Significant Event.

For this year’s event the event committee have introduced a BMX activity and clown entertainment with the aim of developing the event further.

The panel approved \$5,000 in MESS funding to support the event.

Attached to this Council report are a copy of the grant application, event budget and REMPLAN economic assessment.

Consultation

Not applicable

Financial Implications

The 2016/17 budget has \$50,500 to support the MESS program. To date 35% of the MESS budget has been committed.

Social Implications

The event will support the Robinvale community.

Economic Implications

The event has been assessed using REMPLAN with the economic impact to the community estimated to be \$350,000.

Environmental Implications

Not applicable

Risk Management Implications

The Mallee Almond Blossom Festival are responsible for developing and implementing a risk management plan for this event.

Council Plan Strategy Addressed

Community Wellbeing - A sense of belonging, ensuring that all people have a place in our community.

Options

Nil

Recommendation

That Council note the \$5,000 funding being provided to the 2016 Mallee Almond Blossom Festival through Council's Major Event Support Scheme program.



Major Events Support Scheme Funding Application





PO Box 488, Swan Hill VIC 3585 | DX 30166
45 Splatt Street, Swan Hill VIC 3585
68-72 Herbert Street, Robinvale VIC 3549
Tel: 03 5036 2333 | Fax: 03 5036 2340
Email: council@swanhill.vic.gov.au

Major Event Support Scheme (MESS) Program guidelines

Background

In recognition of the benefits to the community, especially the local tourism and commerce industries which accrue as a result of major events held locally, Swan Hill Rural City Council is supporting a program for the provision of assistance to new and emerging events which have the potential to turn into an annual major event – the Major Events Support Scheme (MESS).

Contact

In the first instance contact should be made with Meagan Monk, Community Recreation and Grants Officer to discuss your event requirements prior to filling out the application form.

Assistance provided through the Major Events Support Scheme

The Swan Hill Rural City Council will consider grants for events and conferences organised to be held locally and which will produce significant economic benefits for the municipality. In considering the economic value of an event the following factors will be taken into account:

- The number of participants and associated visitors.
- The spending power of these participants and visitors.
- The length of the event/stay.

Recognition of Council's sponsorship

In exchange for Swan Hill Rural City Council's support, the event organising committee/conference organiser will acknowledge Council as a major sponsor of the event by:

- Displaying the Swan Hill Rural City Council signs at the major venue for the duration of the event.
- Acknowledge Council on all printed materials, programs and in any advertising undertaken in print, radio and television.
- Further benefits as outlined in a grant application over and above those listed.

Note: The Swan Hill Rural City Council logo will be supplied on request. Council's logo should not be altered or distorted under any circumstances. The logo must always be reproduced clearly and no element of the logo should be cropped or deleted.

Eligible organisations

Any group or organisation wishing to hold a major event or conference within the Swan Hill Rural City Council municipality is eligible to apply. The committee would also give consideration to groups or organisations who wish to hold an event or conference in the vicinity of the Swan Hill Rural City Council region which would provide significant economic benefit to our municipality.

Application procedure

Organisations that believe they may be eligible for assistance under this scheme can apply by using the attached application form.



PO Box 488, Swan Hill VIC 3585 | DX 30166
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Grant applications should be received at least (3) three months prior to the start of the event to allow Council sufficient time to consider the proposal. Late applications will be considered on their merits.

Implementation

Upon notification of a successful application, the applicant organisation will be advised in writing of the grant amount.

Addition assistance with information on:

Grant Applications: Information on potential State and Federal Grants and assistance in placing an application can also be obtained from Council's Community, Recreation and Grants Officer.

Overseeing set up and preparation of required facilities: Preparation of the required facilities to an acceptable standard may be undertaken provided that the preparation does not entail any alteration to the facilities.

Provision of signs: Council has a limited number of signs for no parking, road closures etc which can be erected by Council staff (Monday-Friday), work schedules permitting. For weekend use signs can be picked up from the Council depot on Friday and returned on Monday.

Rubbish collection: This should be organised with the local service provider.

Road Closures: Application and advertising for road closures must be organised through Council. All road closures must be approved six (6) weeks prior to the event.

Application for road closures must be accompanied by a traffic management plan. Council's Engineering Department can assist in development of a traffic management plan.

Provision of local visitor information: Local visitor information, visitor packs, and other information relating to the tourism industry can be organised through the Swan Hill Region Information Centre, phone 5032 3033.

Civic Duties: The Mayor and or a Council representative may be made available for civic duties including opening and closing ceremonies, meet and greet function, flag offs etc, subject to their availability. Council's policy is the Civic duties do not necessarily include a Civic Reception, which is reserved for visiting dignitaries only.

Provision of Community Facilities: (Public halls, grounds, reserves, public toilets etc). These can be provided subject to availability. Bookings can be arranged through the reception staff at Council's Splatt Street office.

Further information

Further information can be obtained by contacting Meagan Monk at the Swan Hill Region Information Centre, Cnr McCrae and Curlewis Streets, Swan Hill, phone (03) 5036 2449 or email mmonk@swanhill.vic.gov.au

Note: Financial assistance will not be provided prior to an event. A complete acquittal of the event together with an invoice for the sponsorship amount must be provided within two (2) months after the event has been held.



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Major Events Support Scheme

Application Form 2015/16

Contact details	
Name of Event	Mallee Almond Blossom Festival
Date of Event	21st August 2016
Name of Organisation	Mallee Almond Blossom Festival Com
Primary contact person	Sharron Jury
Position	Secretary
Address	████████████████████
Contact details	Phone: ██████████ Mobile: ██████████
	Email: ██████████
Grant Amount requested	\$ 5000
Is your organisation incorporated?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Incorporation Number	A0051873R
Status of event (please tick)	<input checked="" type="checkbox"/> Regional <input type="checkbox"/> State <input type="checkbox"/> National <input type="checkbox"/> International
Will this be an annual event?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
About your Event - Anticipated	
Event Attendance	
Anticipated overall number of people attending the event (locals, visitors, participants, spectators).	5000
Anticipated number of visitors attending the event from outside the Swan Hill region?	1000



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Where are visitors from outside our region coming from?	Victoria, regional and Melbourne.
Visitor Yield	
How many nights do you anticipate visitors will stay overnight to attend your event?	<input checked="" type="checkbox"/> Daytrip only <input checked="" type="checkbox"/> 1 night <input type="checkbox"/> 2 nights <input type="checkbox"/> 3 nights <input type="checkbox"/> 4 nights <input type="checkbox"/> 5 nights <input type="checkbox"/> 6 nights <input type="checkbox"/> 7+nights
What do you believe will be the expenditure per person per day in the region while they attend your event?	<input checked="" type="checkbox"/> Less than \$99 <input type="checkbox"/> \$100-\$249 <input type="checkbox"/> \$250-\$399 <input type="checkbox"/> Over \$400
Event Type	
How would you categorise your event type?	<input checked="" type="checkbox"/> Music, Art & Culture <input type="checkbox"/> Draw people from neighbouring municipalities <input checked="" type="checkbox"/> Traditional sport, food & wine, motorsports <input type="checkbox"/> Other – Please list _____
Target Market	
Please identify your event target market.	<input checked="" type="checkbox"/> Young families <input type="checkbox"/> 18-30 years <input type="checkbox"/> Midlife couples <input checked="" type="checkbox"/> Older couples
Where will your attendees be travelling from?	<input checked="" type="checkbox"/> Regional <input checked="" type="checkbox"/> Local <input checked="" type="checkbox"/> Melbourne <input type="checkbox"/> International
Seasons	
Please indicate what time of year your event will be held.	<input checked="" type="checkbox"/> Winter (off peak) <input type="checkbox"/> Shoulder (May, Sept) <input type="checkbox"/> Remainder of the year
Recognition If funding is successful, outline the ways in which the Swan Hill Rural City Council will be recognised at your event?	
Logo on festival website highlighting major sponsors, display of Council signage at event,	
logo displayed in television advertising, and acknowledgment in all printed material including	
flyers and newspaper.	



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Other Funding Are you currently exploring further sponsorship opportunities? If yes, please advise details. If no, please advise why not.
Olam (\$2000), Macquarie (\$2000), Almond Board (\$2500), Select Haravest (\$2000), Opp Shop, Community Aid Shop, Euston Club, CMV and Rotary.
If this application is approved, you will be required to complete an evaluation form to claim funds. The evaluation form should contain actual data (not anticipated). How do you plan to obtain actual data on your event? Eg. How many people actually attended, how many nights did they stay, how much per day did they spend? (A sample survey of at least 10% of the total number of people that attended your event is recommended as a minimum). A sample survey is attached.
Examples of sourcing data on your event include: Hardcopy survey, survey monkey, direct communication/surveying, counting entry tickets, reviewing entry forms.
The MABF committee have collected postcodes from attendees at the festival upon entry and also noted the number of children and adults. This year the group will be using a counter at the entry to ensure accurate monitoring of visitors. A survey has also been designed to send out to stallholders via email through survey monkey and email addresses will be collected along with postcodes at this years bus tour registration tent - to send out marketing material for the following festival and survey to greater develop the festival in the future.
Please attach an overview/description of your event.
Please attach your budget for this event, or fill out the budget template attached.



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Name: SHARON JURY Position: SECRETARY
Signature: Sharon Jury Date: 29.6.16

If insufficient room on this form, please attached other supporting information.

Please return application form to:
Meagan Monk
Community Recreation and Grants Officer
Swan Hill Rural City Council
PO Box 488
SWAN HILL VIC 3585
Email: mmonk@swanhill.vic.gov.au

Checklist

- Read guidelines thoroughly
- Complete form and lodge with the Community Grants & Recreation Officer
- Include overview of the event
- Provide budget for the event
- Provide evidence to show an effort to obtain further financial support/sponsorship



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Sample budget

Please ensure that figures tally correctly and balance. If you anticipate a profit please show this amount

Income		Expenses	
Sponsorship		Venue Hire	
		Equipment hire	
Grant funding			
Request from Council			
		Marketing and promotion	
Entrance Fees		TV advertising	
		Radio advertising	
Gate takings		Print advertising	
		Flyers/Posters	
		Programs	
Other income			
		Other expenses	
Total income	\$	Total expenditure	\$



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Sample Event Survey

Event Title:

1. What town/city are you from: _____
2. Please tick which applies:

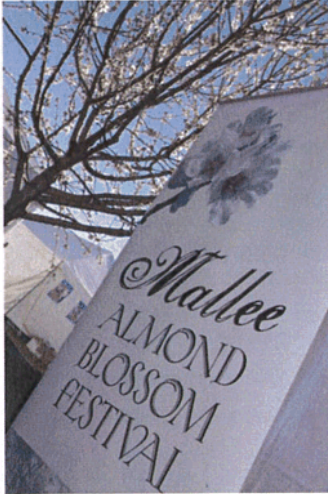
<input type="checkbox"/> Regional	<input type="checkbox"/> Local
<input type="checkbox"/> Melbourne	<input type="checkbox"/> International
<input type="checkbox"/> Other	
3. How many nights are you staying in the Swan Hill Region to attend this event? _____
4. What is your expenditure **per day** while attending this event?

<input type="checkbox"/> Less than \$99	<input type="checkbox"/> \$100-\$249
<input type="checkbox"/> \$250-\$399	<input type="checkbox"/> Over \$400
5. Please identify which target market you fall into.

<input type="checkbox"/> Young families	<input type="checkbox"/> 18-30 years
<input type="checkbox"/> Midlife couples	<input type="checkbox"/> Older couples

*Additional questions could be added if the event organiser would like to find out club or event specific information.

MALLEE ALMOND BLOSSOM FESTIVAL



The Mallee Almond Blossom Festival (MABF) is an annual event that showcases the products, people and art of the Mallee, with a focus on the irrigation district around Robinvale.

The festival coincides with the blooming of the almond trees at the beginning of Spring, the 3rd Sunday in August. In 2016, the event is making a move from the Robinvale Golf Club to a new location at the Robinvale Community Centre, on the banks of the beautiful Murray River.

Over the past eight years, the MABF has become one of the municipality's signature events. The key to this success is the continued support from the community, businesses of the Robinvale/Euston area and the dedication of the volunteer festival committee.

While the event was originally created to support a special golf tournament in Robinvale, by way of showcasing and celebrating what the region has to offer, it has now evolved into a major draw card attracting people from all over the state and New South Wales.

With an array of activities for children and adults alike, there is something for everyone at the Mallee Almond Blossom Festival. This year there will be the ever successful bus tours to the nearby almond orchards, stalls bursting with local arts, crafts, produce, food and more. There will be stands by local organisations and displays of community assets and a classic car display.

There will be art/craft activity tents, jumping castle and a BMX bike showcase for the children. Live entertainment will be provided by Arnie and various other local artists, as well as a demonstration by two-hat celebrity chef Jim McDougall.

The Cook Off challenge has proven very popular in previous years, with three locals battling it out to create something special from the variety of local produce on offer in the region. This part of the festival will be hosted by Jim McDougall and supported by Master of Ceremonies Glenn Stewart.

It is anticipated there will be approximately 70 stallholders again this year, with the number growing each year and stallholders always keen to return once they have experienced the festival for the first time.

The event has been gaining momentum each year as the committee continues to learn, develop and fine-tune all aspects of the festival. Funding and support pending, this event will continue to provide social and economic benefit to the region for many years to come.

MALLEE ALMOND BLOSSOM FESTIVAL 2015

INCOME

Entry Fee			
Total Float	\$ 400.00		
		amount	total
	\$ 0.05	8	\$ 0.40
	\$ 0.10	12	\$ 1.20
	\$ 0.20	22	\$ 4.40
	\$ 0.50	40	\$ 20.00
	\$ 1.00	75	\$ 75.00
	\$ 2.00	93	\$ 186.00
	\$ 5.00	26	\$ 130.00
	\$ 10.00	12	\$ 120.00
	\$ 20.00	17	\$ 340.00
	\$ 50.00	104	\$ 5,200.00
	\$ 100.00	3	\$ 300.00
		sub total	\$ 6,377.00
		minus float	\$ 5,977.00

SPONSORSHIP

SPONSOR 2015		
	OPP SHOP	\$ 1,500.00
	COMMUNITY AID SHOP	\$ 1,000.00
	ALMOND BOARD	\$ 2,500.00
	MAQUARIE	\$ 2,000.00
	OLAM	\$ 2,000.00
	EUSTON CLUB	\$ 1,000.00
	SELECT HARVEST	\$ 2,000.00
	CMV	\$ 1,000.00
	ROTARY	\$ 1,000.00
	SHRCC	\$ 5,000.00
	TOTAL SPONSORSHIP	\$ 19,000.00

STORE HOLDERS PAID ON DAY OF MABF 2015

STORE HOLDERS		
	\$ 20.00	2 \$ 40.00
	\$ 50.00	18 \$ 900.00
	\$ 100.00	2 \$ 200.00
	sub total	\$ 1,140.00
	PLUS DEPOSITS	\$4,340.00
	TOTAL STORE HOLDERS	\$5,480.00

EXPENSES

Entertainment		
	ARNIE ENTERTAINMENT	\$ 1,300.00
	BIRDSONG	\$ 1,200.00
	RHONDAS AMMUSEMENT	\$ 670.00
	BONGO BROS	\$ 2,000.00
	ARNIES LAZER	\$ 750.00
OTHER EXPENSES	SIGNS PLUS	\$ 305.00
	ROBINVALE PRINTERS	\$ 353.10
	BARGIN BASEMENTS	\$ 77.40
	MILDURA PARTY HIRE	\$ 8,230.00
	KJ STORAGE	\$ 1,573.00
	BRUCE GINN	\$ 39.00
	ELDERS INSURANCE	\$ 1,029.71
	INTERNET WEBSITE	\$ 118.43
	ADVERTISING PAPERS	\$ 80.26
	POST OFFICE	\$ 37.00
	WEBISTE	\$ 500.00
	TABLES AND CHAIRS	\$ 1,040.00
	BUS HIRE FOR TOURS	\$ 760.00
	PAYMENT FOR ADVERT (TV)	\$ 1,249.50
	TOTAL EXPENSES	\$ 21,312.40

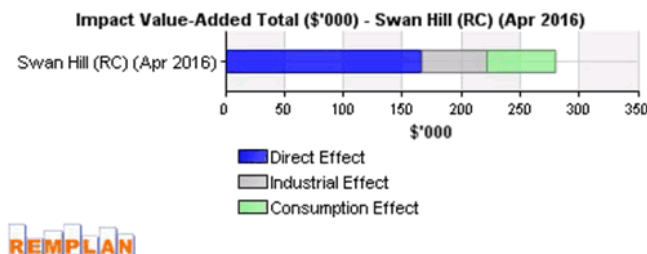
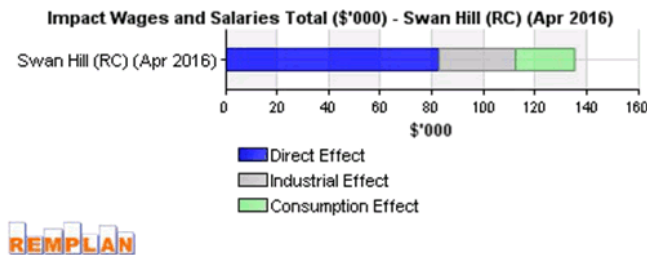
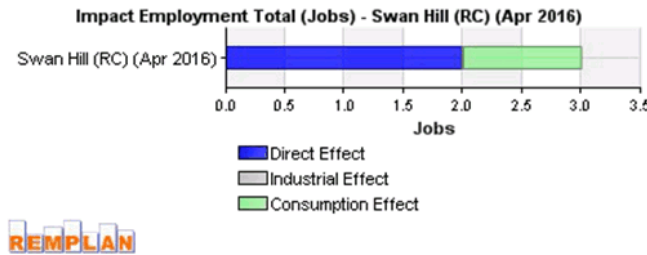
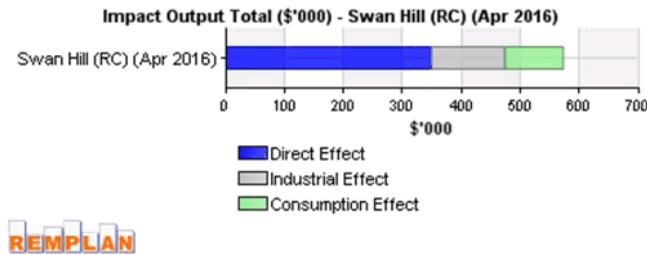
Tourism Impact Summary Report for Swan Hill (RC) (Tourism Activity: 1 days)

Tourism Impact Scenario

Name Mallee Almond Blossom
 Duration 1 days
 Type of Data Tourist Numbers

	Domestic Day	Domestic Overnight	International
Number of Visitors	2,000	750	0
Average Nights		1.0	0.0

Tourism Impacts



Under this scenario Gross Region Product is estimated to increase by \$279.425 thousand (0.02 %) to \$1,124,398.363 thousand. Contributing to this is a direct increase in output of \$348.250 thousand, 2 additional jobs, \$82.440 thousand more in wages and salaries and a boost in value-added of \$165.703 thousand.

From this direct expansion in the economy, flow-on industrial effects in terms of local purchases of goods and services are anticipated, and it is

estimated that these indirect impacts would result in a further increase to output valued at \$124.725 thousand, 0 more jobs, \$29.738 thousand more paid in wages and salaries, and a gain of \$55.506 thousand in terms of value-added.

These industrial effects represent the following Type 1 economic multipliers:

Impact	Type 1 Multipliers
Output	1.358
Employment	1.000
Wages and Salaries	1.361
Value-added	1.335

The increase in direct and indirect output and the corresponding creation of jobs in the economy are expected to result in an increase in the wages and salaries paid to employees. A proportion of these wages and salaries are typically spent on consumption and a proportion of this expenditure is captured in the local economy. The consumption effects under the scenario are expected to further boost output by \$98.854 thousand, employment by 1 job, wages and salaries by \$22.985 thousand, and value-added by \$58.216 thousand.

Under this scenario, total output is expected to rise by \$571.828 thousand. Corresponding to this are anticipated increases in employment of 3 jobs, \$135.163 thousand wages and salaries, and \$279.425 thousand in terms of value-added.

The total changes to economic activity represent the following Type 2 economic multipliers:

Impact	Type 2 Multipliers
Output	1.642
Employment	1.500
Wages and Salaries	1.640
Value-added	1.686

Tourism Impact Summary (Tourism Activity: 1 days)

Impact	Direct Effect	Industrial Effect	Consumption Effect	Total Effect	Type 1 Multiplier	Type 2 Multiplier
Output (\$'000)	\$348.250	\$124.725	\$98.854	\$571.828	1.358	1.642
Long Term Employment (Jobs)	2	0	1	3	1.000	1.500
Wages and Salaries (\$'000)	\$82.440	\$29.738	\$22.985	\$135.163	1.361	1.640
Value-added (\$'000)	\$165.703	\$55.506	\$58.216	\$279.425	1.335	1.686

B.16.94 SUBMISSION TO PROPOSED AMENDMENT TO WAKOOL LOCAL ENVIRONMENTAL PLAN 2013

Responsible Officer: Director Development and Planning
File Number: 00-00-00
Attachments: 1 Draft Letter to Murray River Council

Declarations of Interest:

Adam McSwain - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

The purpose of this report is for Council to consider making a submission to the proposed amendment to the Wakool Local Environmental Plan 2013.

Discussion

Murray River Council (formerly Wakool Shire Council) is currently working through the planning scheme amendment process to establish a planning framework for the proposed new Swan Hill Bridge. This proposed amendment would put in place the land acquisition overlay for the 9A bridge option.

Under Section 56 (2)(d) of the New South Wales Environmental Planning and Assessment Act (EP&A Act), Council have been provided with the opportunity to comment on this amendment.

In line with the following motion passed at the April 2014 Council meeting:

That Council endorse Option 4B or a 4B variation as its preferred option

It is proposed that Council provide a submission to Wakool Shire Council indicating Council's objection to this proposed amendment as it will implement the 9A bridge option.

As per the motion passed at the May 2016 Council meeting, Council's preferred process to progress the development of a new Swan Hill bridge is:

1. Work with the Murray River Council to develop a Memorandum of Understanding to identify areas of cooperation and advocacy and resource sharing;
2. Agree to work with Murray River Council on the replacement of the Swan Hill Bridge; and

3. Form a joint working party with Murray River Council to progress consideration of an appropriate alignment.

A copy of the draft submission is attached to this Council report.

Consultation

Council has been provided the opportunity to comment on this proposal under Section 56 (2)(d) of the New South Wales Environmental Planning and Assessment Act (EP&A Act). The opportunity to provide comment on this proposal will also be provided by Murray River Council to the Murray Downs and Swan Hill communities.

Financial Implications

Not applicable

Social Implications

Advocating for critical community infrastructure is a core social obligation of Council and the ability to better connect communities is a positive social aspect.

Economic Implications

The provision of a reliable unrestricted crossing of the Murray River at Swan Hill is essential for the ongoing prosperity of the region and in particular transport companies, dryland farmers and summer fruit growers and the Swan Hill Abattoirs.

Environmental Implications

Increased road miles for local freight places more heavy vehicles on the roads for longer periods.

Risk Management Implications

The Swan Hill Bridge is now well over 100 years old and has had, and continues to have, extensive repairs made to it. These maintenance works are necessary to keep it operating and to avoid failure of the bridge. The cost of ongoing maintenance versus the cost of replacement with a new bridge needs to be considered carefully and in a timely manner by the relevant road authorities to ensure that an adequate service is maintained for Swan Hill residents and other stakeholders.

Council Plan Strategy Addressed

Community Wellbeing - A sense of belonging, ensuring that all people have a place in our community.

Options

1. That Council make a submission to the proposed amendment to Wakool Local Environmental Plan 2013
2. That Council do not make a submission to the proposed amendment to Wakool Local Environmental Plan 2013

Recommendation

That Council make a submission to the proposed amendment to Wakool Local Environmental Plan 2013.

REF: 2050/16/
AM/LM

16 August 2016



Jeremy Swan
Relieving Town Planner
Murray River Council
PO Box 21
MATHOURA NSW 2710

Dear Jeremy

AMENDMENT TO WAKOOL LOCAL ENVIRONMENTAL PLAN 2013 -CONSULTATION

Swan Hill Rural City Council (Council) appreciate the opportunity to provide comment on the proposed amendment to Wakool Local Environmental Plan 2013.

Council would like to register its objection to this proposed amendment. This is based off the following motion passed by Council at its April 2014 Council meeting:

- *That Council endorse Option 4B or a 4B variation as its preferred bridge option.*

As the proposed amendment is to progress the implementation of Option 9A, Council objects to it proceeding.

As per the motion passed at the May 2016 Council meeting, Council's preferred process to progress the development of a new Swan Hill bridge is:

1. *Work with the Murray River Council to develop a Memorandum of Understanding to identify areas of cooperation and advocacy and resource sharing;*
2. *Agree to work with Murray River Council on the replacement of the Swan Hill Bridge; and*
3. *Form a joint working party with Murray River Council to progress consideration of an appropriate alignment.*

If you require any further information in relation to this matter please contact Adam McSwain, Director Development and Planning on 5036 2385.

Yours sincerely

John McLinden
Chief Executive Officer

45 Splatt Street SWAN HILL VIC 3585
PO Box 488 SWAN HILL VIC 3585
DX30166 Swan Hill
Telephone: (03) 5036 2333 Fax: (03) 5036 2340
Email: council@swanhill.vic.gov.au
ABN 97435620016

B.16.91 COUNCILLOR EXPENSE REIMBURSEMENT AND SUPPORT POLICY

Responsible Officer: Chief Executive Officer
File Number: S16.04.02
Attachments: 1 Councillor Expense Reimbursement and Support Policy

Declarations of Interest:

John McLinden - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

The Councillor Expense Reimbursement and Support Policy has been reviewed and is presented for the approval of Council. The policy details the guidelines for Councillor Expense Reimbursement.

Discussion

The purpose of this policy is to outline the conditions under which expenses incurred by Councillors while performing their civic, statutory and policy-making duties are reimbursed or paid by Council.

The review process resulted in the following changes:

- Alterations to the structure and format of the policy document ensuring that the policy provides sufficient detail to reveal Councils intentions.
- Includes the circumstances under which Council will reimburse the legal expenses of Councillors.

Consultation

No community consultation has been undertaken in relation to these policies. All members of the Executive Leadership Team have reviewed the policy.

Financial Implications

Not applicable

Social Implications

Not applicable

Economic Implications

Not applicable

Environmental Implications

Not applicable

Risk Management Implications

Not applicable

Council Plan Strategy Addressed

Governance and Leadership - Effective and efficient utilisation of resources.

Options

1. Adopt Councillor Expense Reimbursement and Support Policy as presented
2. Suggest further changes.

Recommendation

That Council adopt the Councillor Expense Reimbursement and Support Policy as presented.

Date Adopted	March 2001
Date Reviewed-current as at	August 2016
To be Reviewed	August 2019

Fully compliant with Victorian
Charter of Human Rights and
Responsibilities Act 2006



POLICY TITLE COUNCILLOR EXPENSE REIMBURSEMENT AND SUPPORT

POLICY NUMBER POL/GOV004

PURPOSE

The purpose of this policy is to outline the conditions under which expenses incurred by Councillors while performing their civic, statutory and policy-making duties, are reimbursed or paid by council.

The reimbursement of expenses should provide a reduction of barriers to effective participation in Local Government by members of the community by providing support to reduce personal financial costs associated with civic leadership.

SCOPE

This policy applies to all Councillors of Swan Hill Rural City Council.

POLICY

Council will reimburse the reasonable out-of-pocket expenses incurred by Councillors when these expenses are incurred in connection with the Councillor fulfilling their role as an elected Councillor for the Swan Hill Rural City Council.

The following types of expenses will be reimbursed subject to the conditions stated below:

Travel

The cost of travel where the Councillor attends a council function, council meeting or other function as an authorised representative of the Council including community meetings with the Councillor attending in their capacity as a Councillor of the Swan Hill Rural City Council.

Councillors must also comply with the Interstate and Overseas Travel policy where that policy applies.

Policy POL/GOV 013 travel by Councillors policy also applies.

The cost of parking and toll fees will also be reimbursed.

Accommodation

The reasonable costs of accommodation will be reimbursed or paid where an overnight stay is required.

Child and family care

Council will reimburse the reasonable costs of child or family care where this care has been incurred as a result of the Councillor exercising their responsibilities as an elected Councillor. Such duties include the attendance of Council meetings and functions and meetings arising as a result the Councillor being appointed by the Council to an external body.

Reimbursement of child and family care expenses will only be paid where the carer is a recognised child or other care provider or a person who does not have a familial or like

Date Adopted	March 2001
Date Reviewed-current as at	August 2016
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relationship with the Councillor or reside either permanently or temporarily with the Councillor or have a relationship with the Councillor or his or her partner.

Legal Expenses

Council will reimburse the reasonable cost of obtaining legal advice and the cost of defending an action where the criteria as set out in the Councillor Expense Reimbursement and Support Procedure (PRO/GOV004) are met.

Expenses not covered by Council

The following expenses will not be paid or reimbursed by Council:

- Traffic and parking infringements
- Mini bar expenses
- The costs of operating a home office other than stationery and other support otherwise provided by Council
- Costs associated with personal grooming and apparel except for personal protective equipment which will be provided by Council
- Civil or criminal penalties imposed by a court tribunal or other competent jurisdiction
- Any costs associated with campaigning activities

RELATED POLICIES/DOCUMENTS

Councillor Code of Conduct

Travel by Councillors Policy POL/GO 013

Interstate and Overseas Travel by Councillors Policy

Information Technology acceptable use Directive DIR/CLR 218

RELATED LEGISLATION

Local Government Act 1989

Signed: _____ **Mayor** **Date:** _____

Date Adopted	March 2001
Date Reviewed-current as at	August 2016
To be Reviewed	August 2019

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PROCEDURE TITLE COUNCILLOR EXPENSE REIMBURSEMENT AND SUPPORT

PROCEDURE NUMBER PRO/GOV004

ENABLING POLICY/DIRECTIVE

COUNCILLOR EXPENSE REIMBURSEMENT AND SUPPORT POLICY – POL/GOV004

ENABLING LEGISLATION

Local Government Act 1989

PURPOSE

The purpose of the procedure is to outline the process under which expenses incurred by Councillors while performing their civic, statutory and policy making duties are reimbursed or paid by Council and specify the types and level of additional support that will be made available.

SCOPE

The procedure applies to all Councillors of Swan Hill Rural City Council.

PROCEDURE

All claims for allowance or reimbursements for expenditure shall be made on a monthly basis. To claim for reimbursement of expenses or travel allowance Councillors must:-

- Obtain a receipt for any expenditure.
- Complete a Councillor's Expense Claim and Allowance Form.
- Attach any relevant receipts to the form and forward it to the Chief Executive Officer.

The claim, if allowable, will be authorised by the Chief Executive Officer. It is the responsibility of Councillors to ensure that claims for reimbursement occur within the monthly time frame. Claims in excess of three months after the incurring of the expenditure will not be entertained.

Types of Expenditure

Travel

Council will reimburse the cost of Councillor travel where the Councillor attends a Council function, a Council meeting, or other function as an authorised representative of the Council (such as meetings of bodies to which a Councillor is formally appointed by the Council, including a Community Progress Association, or as directed by the Mayor).

Date Adopted	March 2001
Date Reviewed-current as at	August 2016
To be Reviewed	August 2019

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Interstate or overseas travel will only be approved subject to compliance with the Interstate and Overseas Travel by Councillors Policy.

It is expected that wherever possible Councillors arrange to use a Council vehicle for all Council related travel. The Mayoral car is usually available for this purpose.

Where use of a Council vehicle is impractical, an allowance will be paid to Councillors for use of their own vehicle in accordance with the Australian Tax Office rates as varied for time to time.

Where travel costs are borne by Council, it is expected that all travel be by the most direct route, and vehicles are shared where more than one Councillor attends the same function.

Accommodation

Where an overnight stay is required Councillors must arrange this in advance via the Executive Support staff. Accommodation will be booked and paid for using Council's normal procurement systems.

Stationery

The Council shall, upon request, provide Councillors with standard stationery held or obtained generally for the organisation's requirements.

The stationery may include, but not necessarily be limited to, paper, business cards, writing implements, diaries, writing pad/books, USB stick and paper, envelopes and the like.

Mayoral Vehicle

The Mayor will be supplied with a vehicle in line with Council policy to facilitate the duties of office. The Mayoral vehicle if available may be accessed by all Councillors to undertake Council approved duties.

Mobile Telephone/PDA

Council will provide a mobile telephone or IPAD to all Councillors to facilitate communication for official purposes. Councillors will be required to reimburse the Council for any private usage of the mobile telephone/IPAD.

Legal Expenses

The following criteria will be considered when processing any claim for the reimbursement of legal expenses:

- The legal advice was obtained in relation to a matter directly connected with the Councillors exercise of their duties as a Councillor of Swan Hill Rural City Council including matters arising from any committee or other body that the Councillor has been appointed to by the Council
- Council considers the decision to seek independent legal advice to be reasonable in the circumstances
- The advice was obtained from an appropriate legal firm
- The costs incurred in obtaining the advice are considered by council to be reasonable given the circumstances.

Date Adopted	March 2001
Date Reviewed-current as at	August 2016
To be Reviewed	August 2019

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Council will only consider reimbursing the legal costs incurred by Councillors following the conclusion of any investigation enquiry court case, arbitration hearing or other legal process and only if the Councillor is found to be innocent or otherwise without fault and exonerated in the matter.

Exclusions

Any expenses incurred from breach of road, traffic, parking or other regulation or laws, will not be reimbursed or paid by Council.

Other Support Provided to Councillors

Support for Rural/Remote Councillors

In recognition of additional impost placed on rural/remote Councillors, the Minister for Local Government has specified that a remote area allowance is available to Councillors in respect of attendance at ordinary, special or committee meetings of the Council or at municipal or community functions authorised by the Council. It applies where a Councillor travels more than 50 kilometres from their residence to a place of approved Council business activity. The allowance is in addition to the normal claim for travel expenses.

The allowance is currently **\$40** in respect to each meeting or function, up to a maximum of **\$5,000** per annum, and may be varied by the Minister from time to time.

This allowance will be paid via the Councillor's Expense and Allowance Form.

Other Support

Council will provide Council owned equipment to assist the Councillors in the conduct of their duties of office. The following support facilities are provided for use by the Councillor in conduct of his/her duties of office. All Equipment provided shall remain the property of Council, and shall be returned within two weeks of retirement or termination of office.

Facsimile/Telephone Equipment and Computer Access

If requested, Council will provide at either the residence of the Councillor or other designated location, an appropriate facsimile machine to facilitate the transmission of information relating to the Councillor's duty of office. The equipment will also incorporate a telephone facility. Council will provide the necessary maintenance and consumables required for the operation of the equipment.

Councillors will be provided with a suitable computer with internet access subject to Council's existing Information Technology Acceptable Use Directive (DIR/CORP218).

Councillors will be required to reimburse the Council for any private usage of the facsimile/telephone machine or internet access

Council will reimburse Councillors for private telephone line usage for internet access work directly relating to the duties of the office.

Date Adopted	March 2001
Date Reviewed-current as at	August 2016
To be Reviewed	August 2019

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Typing/Secretarial Support

Assistance will be made available to Councillors for work directly relating to the duties of the office. All such work will be co-ordinated through the office of the Chief Executive Officer via the Personal Assistant-Chief Executive Officer.

Apparel

The Council shall, upon request, lend Councillors protective clothing required to assist the carrying out of the duties of office. This clothing is to be returned promptly upon the completion of the activity/duty for which the articles were required.

This clothing shall be limited to Occupational Health and Safety equipment, as may be held in store to meet the organisation's requirements, unless otherwise resolved by Council for the specific items(s).

Councillors Office

Council will provide office space for use by Councillors fulfilling their roles. Office space will be available at the Council main office; 45 Splatt Street, Swan Hill. In addition meeting space will be provided at the Robinvale Resource Centre provided reasonable notice is provided.

Child and Family Care

Councillors incurring bona fide child or family care expenses paid to:

- A recognised child or other care provider, or
- To a person who does not:
 - Have a familial or like relationship with the Councillor, or
 - Reside either permanently or temporarily with the Councillor, or
 - Have a relationship with the Councillor or his or her partner such that it would be inappropriate for Council to reimburse monies paid to the care provider.

Will be reimbursed such expenses when the care is necessary to allow the Councillor to attend:

- Council meetings and functions involving Council business.
- Council functions.
- Meetings arising as a result of a Councillor being appointed by the Council to an external body.

A receipt from the care provider shall be required for the reimbursement of any expenses claimed.

Conferences/Training

Councillors are encouraged to attend appropriate conferences and undertake training to enhance their functioning as Councillors. Conferences and training must be approved by Council, the Mayor or Chief Executive Officer and be booked via Executive Support staff using Council's normal procurement systems.

Other expenses incurred by Councillors incidental to fulfilling their Council duties such as:

- Car parking fees

Date Adopted March 2001
 Date Reviewed-current as at August 2016
 To be Reviewed August 2019

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- Meals (where not booked as part of accommodation, conference or training)

Shall be paid by Council or reimbursed upon lodgement of receipts or proofs of expenditure to the satisfaction of the Chief Executive Officer.

Accommodation and meal costs are expected to not exceed those detailed in the Australian Taxation Offices' tax determination TD2014/19 table 3.

	Food and Drink
Metropolitan	Breakfast - \$32.55
	Lunch - \$46.10
	Dinner - \$64.60
	Food and Drink
Rural	Breakfast - \$32.55
	Lunch - \$46.10
	Dinner - \$64.60

Signed: _____ CEO Date: _____

B.16.92 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW POLICY

Responsible Officer: Chief Executive Officer
File Number: S16.25.01
Attachments: 1 Chief Executive Officer Performance Review Policy

Declarations of Interest:

John McLinden- as the responsible officer, as the current serving CEO of Swan Hill Rural City Council, I am directly affected by this matter.

Summary

The Chief Executive Performance Review Policy and Procedure has been reviewed.

Discussion

The Policy and Procedure has recently undergone a review. As a result of this review, the following amendments have been made:

- The policy provides more flexibility in the composition of the review panel.
- The policy provides clarity around the Mayor being able to seek external assistance and specific advice and assistance from Councils HR staff with respect to the performance review of the Chief Executive Officer.

Consultation

There has been no external consultation on this matter.

Financial Implications

Not applicable

Social Implications

Not applicable

Economic Implications

Not applicable

Environmental Implications

Not applicable

Risk Management Implications

Not applicable

Council Plan Strategy Addressed

Governance and Leadership - Effective and efficient utilisation of resources.

Options

1. Adopt the CEO Performance Review Policy as presented.
2. Suggest further changes to the Policy.

Recommendation

That Council adopt the CEO Performance Review Policy, as presented.

Date Adopted	February 2008
Date Reviewed	July 2016
To be Reviewed	July 2020

Fully compliant with Victorian
Charter of Human Rights and
Responsibilities Act 2006



POLICY TITLE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

POLICY NUMBER POL/GOV005

PURPOSE

This policy provides guidance to Councillors on completing the Chief Executive Officer's annual performance review.

SCOPE

This policy applies to all Councillors and the Chief Executive Officer of the Swan Hill Rural City Council.

POLICY

Council will review the performance of the Chief Executive Officer at least annually in accordance with section 97A (1) of the Local Government Act 1989.

In conducting the review, Council will have regard to the provisions of the contract of employment of the Chief Executive Officer and the Chief Executive Officer Performance Review Procedure.

As leader of the organisation, it is critical to the performance of Swan Hill Rural City Council that its Chief Executive Officer is performing in a highly effective manner. This policy is established to ensure that the CEO's performance is reviewed in a formal way thus recognising the importance of feedback and continued performance improvement.

RELATED POLICIES

Nil

RELATED LEGISLATION

Local Government Act 1989

Signed: _____ **Mayor** **Date:** _____

Date Adopted	February 2008
Date Reviewed	July 2016
To be Reviewed	July 2020

Fully compliant with Victorian
Charter of Human Rights and
Responsibilities Act 2006



PROCEDURE TITLE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

PROCEDURE NUMBER PRO/GOV005P

PURPOSE

This procedure outlines the process Councillors should follow when completing the Chief Executive Officer's Annual Performance Review. The procedure is in accordance with provisions contained within the Chief Executive Officer's Contract of Employment.

SCOPE

This procedure applies to Councillors and the Chief Executive Officer.

PROCEDURE

CEO Performance Review Panel

A Panel of Council appointed for that purpose, must review the Chief Executive Officer's performance annually. The CEO Performance Review Panel (Panel) must comprise the current Mayor, and at least two other Councillors.

The composition of the Panel will be determined annually following the outcome of the Mayoral Election and as part of the statutory process to determine Councillor representation on the various Council Committees.

Role of the Human Resources Program

Human Resources will:

- Facilitate the review process arranging required documentation and timetabling of the review.
- Identify an independent facilitator for consideration and approval from both the CEO and the Panel.
- Arrange for the facilitator to conduct pre review consultation meetings with the CEO and also with all Councillors prior to proceeding to the formal review process.
- Finalise the review outcome including the Council In Camera Report, production and signing of the Final Review document and formal written advice from the Mayor to the CEO.
- Ensure a copy of the final signed performance review is placed on the CEO's personnel file.

Requirements for the CEO's Performance Review

The review will:

- be conducted in accordance with the Council's Performance Evaluation System and facilitated by an independent facilitator mutually agreed by the parties;
- measure the Officer's achievement of the Performance Criteria; and
- evaluate the Officer's adherence to the Position Description.

Date Adopted	February 2008
Date Reviewed	July 2016
To be Reviewed	July 2020



Review Meetings

The Review process will include the following opportunities to provide feedback on the CEO’s performance:

- A pre review consultation meeting between the independent facilitator and all Councillors to seek feedback on the CEO’s performance;
- a pre review consultation meeting between the independent facilitator and the CEO to seek feedback on their performance; and
- the formal performance review between the CEO and the Panel conducted by the independent facilitator.

The independent facilitator will then compile the final ratings and comments from the formal performance review into a final review document for approval by both the CEO and the Mayor.

The independent facilitator will draft the Council In Camera report outlining the outcome of the CEOs performance review for approval by both the CEO and the Mayor.

Timetable for Performance Review

The Panel should conduct an initial review, establishing agreed performance criteria, within three months of commencement of a new Chief Executive Officer.

Upon anniversary of commencement of the Chief Executive Officer, the Panel shall formally complete the annual performance review in accordance with the above procedure.

The Chief Executive Officer’s Remuneration Package must be reviewed within one month following each annual performance review, having regard to provisions contained within the Contract of Employment.

The Chief Executive Officer’s Position Description and Performance Criteria must be reviewed and, if necessary, amended by agreement within three months after each annual performance review.

If a need is identified, an interim review can be called at any time with the consent of all parties i.e. Chief Executive Officer and the members of the Review Panel or by Council resolution.

RELATED PROCEDURES

Chief Executive Officer Contract of Employment

Signed: _____ **Mayor** **Date:** _____

SECTION C – DECISIONS WHICH NEED ACTION/RATIFICATION

C.16.12 SIGN & SEAL REPORT

Responsible Officer: Chief Executive Officer

Attachments: Nil.

Declarations of Interest:

John McLinden - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

The following documents and agreements have been signed and sealed by the Councillors and the Chief Executive Officer on the respective dates. Those actions require the ratification of the Council.

Discussion

During the course of any month Council is required to sign and seal a range of documents arising from decisions made on a previous occasion(s). Examples include sale of land, entering into funding arrangements for Council programs etc.

As the decision to enter into these agreements has already been made, these documents are signed and sealed when received, with Council ratifying the signing and sealing at the next Council meeting.

Consultation

Not Applicable

Financial Implications

Not applicable

Social Implications

Not applicable

Economic Implications

Not applicable

Environmental Implications

Not applicable

Risk Management Implications

Not applicable

DECISIONS WHICH NEED ACTION/RATIFICATION

16 August 2016

Background

During the course of any month Council is required to sign and seal a range of documents arising from decisions made on a previous occasion(s). Examples include sale of land, entering into funding arrangements for Council programs etc.

As the decision to enter into these agreements has already been made, these documents are signed and sealed when received, with Council ratifying the signing and sealing at the next Council meeting.

Issues

The following documents were signed and sealed since the last Council meeting:

No.	Document Type	Document Description	Date signed/sealed
749	Occupancy Lease	Between SHRCC & Lake Boga Bowling Club	25-7-16
750	Deed of Renewal of Lease	Between SHRCC & Lake Boga Yacht Club	25-7-16
751	Occupancy Lease	Between SHRCC & Nyah West & District Senior Citizens	25-7-16
752	Victrack Lease to SHRCC	Railway Lot 41-44 at Swan Hill	25-7-16
753	Transfer of Land Lot 3 on Title Plan	Between SHRCC & Boyd	25-7-16
754	Transfer of Land Lot 6 on Title Plan	Between SHRCC & Knight	25-7-16
755	Section 173 Agreement 85 Hayes Rd Lake Boga	Between SHRCC & Lower Murray Urban Rural Water Corporation & Pye & Pye	2-8-16
756	Transfer of Land Lot 313 Sandalwood Ave SH	Between SHRCC & Davies	2-8-16
757	Deed of Renewal of Lease MCH Curlewis Street SH	Between SHRCC and Amy	3-8-16
758	Contract Documents 16376802 Annual Tree Maintenance	Between SHRCC and Hickmans Pty Ltd	3-8-16

Conclusion

Council authorise the signing and sealing of the above documents.

Recommendation

That Council note the actions of signing and sealing the documents under delegation as scheduled.

C.16.13 COUNCILLOR ASSEMBLIES - RECORD OF ATTENDANCE AND AGENDA ITEMS

Responsible Officer: Chief Executive Officer
File Number: 22-13-12
Attachments: 1 Record of Attendance

Declarations of Interest:

John McLinden - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

The Local Government Act 1989 requires that the details of Councillor Assemblies be reported to Council meetings on a monthly basis.

Discussion

The State Government has amended the Local Government Act 1989 which requires Council to report on Councillor Assemblies.

Whilst Minutes do not have to be recorded, Agenda items and those in attendance must be, and a report presented to Council.

An assembly of Councillors is defined as a meeting that is planned or scheduled at which at least half of the Council and one Officer are in attendance, and where the matters being considered that are intended or likely to be the subject of a Council decision.

No formal decisions can be made at an assembly but rather direction can be given that is likely to lead to a formal decision of Council.

Details of the most recent assemblies of Council are attached.

Consultation

Not applicable.

Financial Implications

Not applicable.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

Not applicable.

Council Plan Strategy Addressed

Governance and Leadership - Community leadership through effective strategic planning.

Options

Council must comply with the requirements of the Local Government Act 1989.

Recommendation

That Council note the contents of the report.

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
26 July 2016 at 12.00pm
ROBINVALE COMMUNITY CENTRE

AGENDA ITEMS

- Rural Land Uses Submitters

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Gary Norton
- Cr John Katis

Apologies

- Cr Les McPhee
- Cr Greg Cruickshank
- Cr Jim Crowe
- Cr Jessie Kiley

OFFICERS

- Adam McSwain, Director Development and Planning
- Stefan Louw, Development Manager
- Rachael Blandthorn, Planning Officer

Other

- Nil

CONFLICT OF INTEREST

- Nil

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
2 August 2016 at 12.00pm
SWAN HILL TOWN HALL, COUNCIL CHAMBERS**

AGENDA ITEMS

- GMW Briefing Session
- Rural Land Uses Submitters
- RM Consulting Presentation

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

- Cr Les McPhee
- Cr Greg Cruickshank
- Cr Jim Crowe
- Cr Gary Norton
- Cr John Katis
- Cr Jessie Kiley

Apologies

- Nil

OFFICERS

- John McLinden, Chief Executive Officer
- Adam McSwain, Director Development and Planning
- Bruce Myers, Director Community and Cultural Services
- Oliver McNulty, Director Infrastructure
- David Lenton, Director Corporate Services
- Stefan Louw, Development Manager
- Rachael Blandthorn, Planning Officer

Other

- Nil

CONFLICT OF INTEREST

- Cr Les McPhee (Not present for Rural Land Use Submitters item or RM Consulting Presentation).

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
9 August 2016 at 1.00pm
DOWNSTAIRS CONFERENCE ROOM, INFORMATION CENTRE**

AGENDA ITEMS

- Active Play Precinct Plan
- Major Events Support Scheme Monthly Update
- Chisholm Reserve Masterplan
- Car Parking Update
- Swan Hill Pony Club Relocation
- Swan Hill Bridge – Murray River Council Proposed Planning Scheme Amendment
- CEO Performance Review Policy
- Councillor Expense Reimbursement and Support Policy
- S5 & S6 Delegations

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

- Cr Les McPhee
- Cr Greg Cruickshank
- Cr Jim Crowe
- Cr Gary Norton
- Cr John Katis
- Cr Jessie Kiley

Apologies

- Nil

OFFICERS

- John McLinden, Chief Executive Officer
- Adam McSwain, Director Development and Planning
- Bruce Myers, Director Community and Cultural Services
- Oliver McNulty, Director Infrastructure
- David Lenton, Director Corporate Services
- Fiona Gormann, Riverfront and Community Development Coordinator
- Dallas Free, Works Manager
- Trish Ficarra, Public Health and Regulatory Services Coordinator
- Muriel Scholz, Acting Economic and Community Development Manager
- Kerry Young, Engineering Assistant

Other

- Felicity Brown, Jeavons

CONFLICT OF INTEREST

- Nil

SECTION D – NOTICES OF MOTION

SECTION E – URGENT ITEMS NOT INCLUDED IN AGENDA

SECTION F – TO CONSIDER & ORDER ON COUNCILLOR REPORTS

SECTION G – IN CAMERA ITEMS