



MINUTES

ORDINARY MEETING OF COUNCIL

Tuesday, 19 September 2017

Held at
Swan Hill Regional Information Centre
Corner of Curlewis Street & McCrae Street, Swan Hill
Commenced at 4:00 PM

COUNCIL:

Cr LT McPhee – Mayor

Cr JN Katis
Cr GW Norton
Cr C Jeffery
Cr L Johnson
Cr B Moar
Cr A Young

Confirmed 17 October 2017

Chairperson.....

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SECTION A – PROCEDURAL MATTERS

- **Open**

Deputy Mayor, Cr Ann Young assumed the chair and declared the meeting open at 4.01pm.

- **Acknowledgement of Country**

Deputy Mayor, Cr Ann Young read the Acknowledgement of Country.

- **Prayer**

Cr John Katis read the prayer.

- **Apologies**

Mayor, Cr Les McPhee

31/17 Motion

MOVED Cr Jeffery

That the apologies be accepted.

SECONDED Cr Norton

The Motion was put and CARRIED

- **Confirmation of Minutes**

- 1) Ordinary Meeting held on 15 August 2017

32/17 Motion

MOVED Cr Katis

That the minutes be confirmed.

SECONDED Cr Jeffery

The Motion was put and CARRIED

- **Declarations of Conflict of Interest**

Nil

- **Receptions and Reading of Petitions, Memorials, Joint Letters and Deputations**

Nil

- **Public Question Time**

33/17 Motion

MOVED Cr Norton

That standing orders be suspended.

SECONDED Cr Katis

The Motion was put and CARRIED

Question 1 – John Forrest

Would Council please advise whether it will accept the future suggestion that the Swan Hill Murray River bridge be relocated to the Little Murray River to preserve its heritage listing as part of the Pioneer Settlement display of nineteenth century history?

CEO Mr John McLinden: This item will be dealt with as part of item B.17.92 SWAN HILL BRIDGE POSITION ACTION COMMITTEE CORRESPONDENCE.

Question 2 – John Forrest

Would Council please advise whether its response to the letter of 1 September 2017 from the Bridge Position Action Committee that it accepts the request contained that it considers the report from Engineering Heritage Victoria and that Council will embark on a dialogue with relevant authorities to support the proposal contained in the report for the replacement of the Swan Hill Murray River Bridge?

CEO Mr John McLinden: This item will also be dealt with as part of item B.17.92 SWAN HILL BRIDGE POSITION ACTION COMMITTEE CORRESPONDENCE.

34/17 Motion

MOVED Cr Jeffery

That a Council accept the Public Questions.

SECONDED Cr Norton

The Motion was put and CARRIED

35/17 Motion

MOVED Cr Norton

That Standing Orders be resumed.

SECONDED Cr Johnson

The Motion was put and CARRIED

SECTION B – REPORTS

B.17.82 S5 INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER

Responsible Officer: Director Corporate Services
File Number: 74-00-23
Attachments: 1 Maddocks Letter 15 August 2017
2 S5 Delegations to 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 the attached letter, has recommended that Council should refresh the Chief Executive Officer's delegations on a regular basis.

Discussion

In order to comply with the various legislative requirements, Council delegates a range of powers and responsibilities 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 15 August 2017 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.

No changes to the delegations to the Chief Executive Officer are proposed.

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.**

36/17 Motion

MOVED Cr Katis

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.**

SECONDED Cr Moar

The Motion was put and CARRIED



Maddocks

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Email Letter

From Bronte Wright	Date 15 August 2017
Direct 03 9258 3832	Email bronte.wright@maddocks.com.au
Partner Melanie Olynyk	

Our Ref MSB:BWW:628721

Dear subscriber

Mini-update of the Delegations and Authorisations Service

We are releasing now a mini-update of the Delegations and Authorisations Service.

This mini-update has been prompted by important legislative changes in the building space. Our S6, S7 and S12 Instruments have been amended to reflect these, and other recent, changes.

The update is 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

We have outlined some of the changes to each instrument below.

Changes to the S6 Instrument of Delegation from Council to Staff

There have been two changes to the S6 Instrument. Following the commencement of the *Victorian Planning Authority Act 2017* (Vic), we have replaced references to the Growth Areas Authority with the Victorian Planning Authority. We have also inserted a further power from s 19(3) of the *Food Act 1984* (Vic). This power is to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process. However, this power is subject to conditions and limitations.

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

In relation to the S7 Instrument of Sub-Delegation, we note that:

1. further to our Update on 30 June 2017 (**June Update**), the *Building Amendment (Enforcement and Other Measures) Act 2017* (Vic) has introduced additional powers, duties and functions for councils under the *Building Act 1993* (Vic). The most recent changes will commence on **Wednesday 16 August 2017**, with the majority still to come into effect on 1 July 2018 or 1 July 2019 (unless proclaimed earlier). See further detail under 'Changes to the S12 Instrument of Delegation and Authorisation by Municipal Building Surveyor';

[628721: 19728394_1]



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2. we have updated the *Infringements Act 2006 (Vic)* to reflect those provisions which have been repealed, and those which have commenced since 30 June 2017. These amendments were highlighted in the conditions and limitations column in our June Update; and
3. we have updated the conditions and limitations of the *Livestock Disease Control Act 1994 (Vic)*. An amendment was made to the *Livestock Disease Control Regulations 2017 (Vic)* which affected the *Livestock Disease Control Act 1994 (Vic)*, but which has not required the wording of the function to be updated;
4. three duties under the *Local Government (Planning and Reporting) Regulations 2014 (Vic)* commenced on 1 July 2017;
5. the *Road Safety Road Rules 2009 (Vic)* were revoked on 1 July 2017;
6. the *Road Safety Road Rules 2017 (Vic)* came into effect on 1 July 2017; and
7. the *Road Safety Road Rules (Electric Personal Transporters Trial) Amendment Rules 2016 (Vic)* have been revoked.

Changes to the S12 Instrument of Delegation and Authorisation by Municipal Building Surveyor

As detailed in our June Update, and at paragraph 1, the *Building Amendment (Enforcement and Other Measures) Act 2017 (Vic)* has introduced a number of substantial changes to the *Building Act 1993 (Vic)*. Our June Update included changes that were due to commence on 1 July 2017. A special gazette was published on 1 August 2017, announcing further powers, duties and functions which will commence on **Wednesday 16 August 2017**. These include:

8. for the purpose of s 37K(1), directions to fix building work are now to be written directions;
9. changes to the issuing of emergency orders, notices and orders;
10. inserting the power to exempt any part of the building work from a building order under s 112, if the relevant building surveyor considers that it is necessary for the building work to be carried out in accordance with s 112(6)(a)-(c);
11. broadening the power to make a building order for the carrying out of work without first serving a building notice, if it is believed that the work required to be carried out is of a minor nature;
12. a new duty to inform the owner in writing, without delay, of the relevant building surveyor's decision under s 116(2); and
13. a new function of providing consent to remove or deface an order or notice put up under ss 236(4) or 236(4A).

There have not been any changes to the *Building Interim Regulations 2017 (Vic)* which are relevant to delegations and authorisations.

We have also corrected an error in our June Update. The function of receiving details of alleged contraventions of building legislation under s 48R of the *Domestic Building Contracts Act 1995 (Vic)* is now in force. This function was previously incorrectly listed under the *Building Act 1993 (Vic)*.

UPDATING YOUR INSTRUMENTS

As a final comment, we strongly recommend that you re-make all of your council delegations on a regular basis so that they remain up to date. This includes the S5 Instrument of Delegation from Council to the CEO. Not only is this best practice, it is essential for ensuring that your Instruments of



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Delegation and Authorisation capture the most recent powers, duties and functions that are capable of being delegated.

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

S5 Instrument of Delegation to The Chief Executive Officer

Preamble

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 19 September 2017;
- 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)

S5 Instrument of Delegation to The Chief Executive Officer

Local Government Act 1989		
Provision	Item Delegated	Delegate
98(1)	<p>SCHEDULE</p> <p>The power to</p> <ol style="list-style-type: none"> 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. 	<p>CEO</p>
		<p>Conditions and Limitations</p> <p>The delegate must not determine the issue, take the action or do the act or thing</p> <ol style="list-style-type: none"> 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 <ol style="list-style-type: none"> 7.1 policy; or 7.2 strategy adopted by Council; or 8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 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.17.83 S6 INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF

Responsible Officer: Director Corporate Services
File Number: 74-00-23
Attachments:
1 Maddocks Letter 15 August 2017
2 S6 Delegation Members of Council 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 or Regulations have come into force. Delegations for these new Acts or Regulations 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.**

37/17 Motion

MOVED Cr Norton

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.**

SECONDED Cr Moar

The Motion was put and CARRIED



Maddocks

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Email Letter

From Bronte Wright	Date 15 August 2017
Direct 03 9258 3832	Email bronte.wright@maddocks.com.au
Partner Melanie Olynyk	

Our Ref MSB:BWW:628721

Dear subscriber

Mini-update of the Delegations and Authorisations Service

We are releasing now a mini-update of the Delegations and Authorisations Service.

This mini-update has been prompted by important legislative changes in the building space. Our S6, S7 and S12 Instruments have been amended to reflect these, and other recent, changes.

The update is 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

We have outlined some of the changes to each instrument below.

Changes to the S6 Instrument of Delegation from Council to Staff

There have been two changes to the S6 Instrument. Following the commencement of the *Victorian Planning Authority Act 2017* (Vic), we have replaced references to the Growth Areas Authority with the Victorian Planning Authority. We have also inserted a further power from s 19(3) of the *Food Act 1984* (Vic). This power is to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process. However, this power is subject to conditions and limitations.

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

In relation to the S7 Instrument of Sub-Delegation, we note that:

1. further to our Update on 30 June 2017 (**June Update**), the *Building Amendment (Enforcement and Other Measures) Act 2017* (Vic) has introduced additional powers, duties and functions for councils under the *Building Act 1993* (Vic). The most recent changes will commence on **Wednesday 16 August 2017**, with the majority still to come into effect on 1 July 2018 or 1 July 2019 (unless proclaimed earlier). See further detail under 'Changes to the S12 Instrument of Delegation and Authorisation by Municipal Building Surveyor';

[628721: 19728394_1]



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2. we have updated the *Infringements Act 2006* (Vic) to reflect those provisions which have been repealed, and those which have commenced since 30 June 2017. These amendments were highlighted in the conditions and limitations column in our June Update; and
3. we have updated the conditions and limitations of the *Livestock Disease Control Act 1994* (Vic). An amendment was made to the *Livestock Disease Control Regulations 2017* (Vic) which affected the *Livestock Disease Control Act 1994* (Vic), but which has not required the wording of the function to be updated;
4. three duties under the *Local Government (Planning and Reporting) Regulations 2014* (Vic) commenced on 1 July 2017;
5. the *Road Safety Road Rules 2009* (Vic) were revoked on 1 July 2017;
6. the *Road Safety Road Rules 2017* (Vic) came into effect on 1 July 2017; and
7. the *Road Safety Road Rules (Electric Personal Transporters Trial) Amendment Rules 2016* (Vic) have been revoked.

Changes to the S12 Instrument of Delegation and Authorisation by Municipal Building Surveyor

As detailed in our June Update, and at paragraph 1, the *Building Amendment (Enforcement and Other Measures) Act 2017* (Vic) has introduced a number of substantial changes to the *Building Act 1993* (Vic). Our June Update included changes that were due to commence on 1 July 2017. A special gazette was published on 1 August 2017, announcing further powers, duties and functions which will commence on **Wednesday 16 August 2017**. These include:

8. for the purpose of s 37K(1), directions to fix building work are now to be written directions;
9. changes to the issuing of emergency orders, notices and orders;
10. inserting the power to exempt any part of the building work from a building order under s 112, if the relevant building surveyor considers that it is necessary for the building work to be carried out in accordance with s 112(6)(a)-(c);
11. broadening the power to make a building order for the carrying out of work without first serving a building notice, if it is believed that the work required to be carried out is of a minor nature;
12. a new duty to inform the owner in writing, without delay, of the relevant building surveyor's decision under s 116(2); and
13. a new function of providing consent to remove or deface an order or notice put up under ss 236(4) or 236(4A).

There have not been any changes to the *Building Interim Regulations 2017* (Vic) which are relevant to delegations and authorisations.

We have also corrected an error in our June Update. The function of receiving details of alleged contraventions of building legislation under s 48R of the *Domestic Building Contracts Act 1995* (Vic) is now in force. This function was previously incorrectly listed under the *Building Act 1993* (Vic).

UPDATING YOUR INSTRUMENTS

As a final comment, we strongly recommend that you re-make all of your council delegations on a regular basis so that they remain up to date. This includes the S5 Instrument of Delegation from Council to the CEO. Not only is this best practice, it is essential for ensuring that your Instruments of



Maddocks

Delegation and Authorisation capture the most recent powers, duties and functions that are capable of being delegated.

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

S6 Instrument of Delegation - Members of Staff

Preamble

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 references in the Schedule are as follows:

Titles

- AC: Asset Co-ordinator
- AO: Authorised Officer
- CEO: Chief Executive Officer
- CSO: Customer Service Officer
- DCS: Director Corporate Services
- DDP: Director Development & Planning
- DI: Director Infrastructure
- DM: Development Manager
- EHO: Environmental Health Officer
- EPAM: Engineering Projects & Assets Manager
- FM: Finance Manager
- MBS: Municipal Building Surveyor
- MERO: Municipal Emergency Resource Officer
- MFPO: Municipal Fire Prevention Officer
- ND: Not Delegated
- PHRSC: Public Health & Regulatory Services Co-ordinator
- PM: Project Manager
- PO: Planning Officer
- PP: Principal Planner
- SDE: Senior Design Engineer
- SPC: Statutory Planning Co-ordinator
- SRO: Senior Revenue Officer
- WM: Works Manager

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 19 September 2017; 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

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

John McLinden _____
(Print Name)

Councillor _____

Councillor _____

(Print Name) _____

(Print Name) _____

Delegation Sources

- Domestic Animals Act 1994
- Environment Protection Act 1970
- Food Act 1984
- Heritage Act 1995
- Planning and Environment Act 1987
- Rail Safety (Local Operations) Act 2006
- Residential Tenancies Act 1997
- Road Management Act 2004
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

S6 Instrument of Delegation - Members of Staff

Domestic Animals Act 1994			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.41A(1)	power to declare a dog to be a menacing dog	DDP, AO, DM, PHRSC	Council may delegate this power to an authorised officer
Environment Protection Act 1970			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.53M(3)	power to require further information	EHO, PHRSC	
s.53M(4)	duty to advise applicant that application is not to be dealt with	EHO, PHRSC	
s.53M(5)	duty to approve plans, issue permit or refuse permit	EHO, PHRSC	refusal must be ratified by council or it is of no effect
s.53M(6)	power to refuse to issue septic tank permit	EHO, PHRSC	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)	EHO, PHRSC	refusal must be ratified by council or it is of no effect
Food Act 1984			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	DDP, EHO, PHRSC	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, EHO, PHRSC	If section 19(1) applies
s.19(3)	power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	DDP	If section 19(1) applies Only in relation to temporary food premises or mobile food premises
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, EHO, PHRSC	If section 19(1) applies

Food Act 1984			
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	EHO, PHRSC	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	EHO, PHRSC	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	EHO, PHRSC	where council is the registration authority
s.19E(1)(d)	power to request a copy of the food safety program	EHO, PHRSC	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	EHO, PHRSC	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	EHO, PHRSC	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	EHO, PHRSC	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	EHO, PHRSC	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	EHO, PHRSC	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, EHO, PHRSC	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	EHO, PHRSC	where council is the registration authority

Food Act 1984		
	power to register, renew or transfer registration	DDP, EHO, PHRSC
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	EHO, PHRSC
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)	ND
s.38A(4)	power to request a copy of a completed food safety program template	EHO, PHRSC
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	EHO, PHRSC
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	EHO, PHRSC
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	EHO, PHRSC
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	EHO, PHRSC
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	EHO, PHRSC
s.38D(3)	power to request copies of any audit reports	EHO, PHRSC
s.38E(2)	power to register the food premises on a conditional basis	DDP, EHO, PHRSC
s.38E(4)	duty to register the food premises when conditions are satisfied	EHO, PHRSC
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	EHO, PHRSC
s.39A	power to register, renew or transfer food premises despite minor defects	DDP, EHO, PHRSC
s.40(2)	power to incorporate the certificate of registration in	EHO, PHRSC

Food Act 1984			
	one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008		
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	EHO, PHRSC	where council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	ND	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	EHO, PHRSC	where council is the registration authority
s.43F(7)	power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	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	EHO, PHRSC	where council is the registration authority
Heritage Act 1995			
Note: this Act is to be repealed on the day the Heritage Act 2017 comes into force, which is 1 November 2017, unless proclaimed earlier			
Provision	Item Delegated	Delegate	Conditions and 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			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.4B	power to prepare an amendment to the Victorian Planning Provisions	ND	if authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	DDP, DM, PO, PP	
s.4H	duty to make amendment to Victoria Planning Provisions available	DDP, DM, PO, PP	

Planning and Environment Act 1987		
s.41	duty to keep Victorian Planning Provisions and other documents available	DDP, DM, PO, PP
s.8A(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	DDP, DM, PP
s.8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	ND
s.8A(5)	function of receiving notice of the Minister's decision	DDP, DM, PP
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, PP
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, PO, PP
s.12A(1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under section 19 of the Planning and Environment (Planning Schemes) Act 1996)	ND
s.12B(1)	duty to review planning scheme	ND
s.12B(2)	duty to review planning scheme at direction of Minister	ND
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	ND
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	ND
s.17(1)	duty of giving copy amendment to the planning scheme	DDP, DM, PO, PP
s.17(2)	duty of giving copy s.173 agreement	DDP, DM, PO, PP
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CEO, DDP, DM, PO, PP

Planning and Environment Act 1987		
s.18	duty to make amendment etc. available	DDP, DM, PO, PP
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, PP
s.19	function of receiving notice of preparation of an amendment to a planning scheme	DDP, DM, PP
		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, PP
s.21(2)	duty to make submissions available	DDP, DM, PO, PP
s.21A(4)	duty to publish notice in accordance with section	DDP, DM, PO, PP
s.22	duty to consider all submissions	ND
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, PP
s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in section 96D)	DDP, DM, PO, PP
s.26(1)	power to make report available for inspection	DDP, DM, PP
s.26(2)	duty to keep report of panel available for inspection	DDP, DM, PO, PP
s.27(2)	power to apply for exemption if panel's report not received	DDP, DM, PP
s.28	duty to notify the Minister if abandoning an amendment	DDP, DM, PP
		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, PO, PP
s.30(4)(b)	duty to provide information in writing upon request	DDP, DM, PO, PP
s.32(2)	duty to give more notice if required	DDP, DM, PO, PP
s.33(1)	duty to give more notice of changes to an amendment	DDP, DM, PO, PP
s.36(2)	duty to give notice of approval of amendment	DDP, DM, PO, PP
s.38(5)	duty to give notice of revocation of an amendment	DDP, DM, PP

Planning and Environment Act 1987			
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	ND	
s.40(1)	function of lodging copy of approved amendment	DDP, DM, PO, PP	
s.41	duty to make approved amendment available	DDP, DM, PO, PP	
s.42	duty to make copy of planning scheme available	DDP, DM, PM, PO	
s.46AS(ac)	power to request the Victorian Planning Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	DDP, DM	
s.46GF	duty to comply with directions issued by the Minister	DDP, DM, PO, PP	
s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	DDP, DM, PO, PP	
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.46G(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 Planning and Environment Act 1987	DI, DDP, FM	must be done in accordance with Local Government Act 1989.
s.46G(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	
s.46G(3)	duty to apply levy amount only in accordance with s.46G(3) (a) and (b)	DDP	
s.46G(4)	power to refund any amount of infrastructure levy	DDP	

Planning and Environment Act 1987			
	paid to it as a development agency under Part 2 of the Planning and Environment Act 1987 if satisfied that the development is not to proceed		
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, PO, PP	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	DDP, DM, PO, PP	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DDP, DM, PP	
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, PP	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	DDP, DM, PP	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	DDP, DM, PP	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	DDP, DM, PP	
s.46Q(1)	duty to keep proper accounts of levies paid	DCS, DM, PO, SRO, PP	
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 or plan preparation costs incurred by a development agency	DDP, DM, PP	
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, PP	
s.46Q(3)	power to refund any amount of levy paid if it is	DDP, DM, PP	only applies when levy is paid to Council as a 'development agency'

Planning and Environment Act 1987			
	satisfied the development is not to proceed		
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, PP	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, PP	must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that amount on other works etc.	DDP, DM, PP	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, PP	
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	ND	
s.46Y	duty to carry out works in conformity with the approved strategy plan	ND	
s.47	power to decide that an application for a planning permit does not comply with that Act	CEO, DDP, DM, PP	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	DDP, DM, PO, PP	
s.49(2)	duty to make register available for inspection	DDP, DM, PO, PP	
s.50(4)	duty to amend application	DDP, DM, PO, PP	
s.50(5)	power to refuse to amend application	DDP, DM, PP	
s.50(6)	duty to make note of amendment to application in register	DDP, DM, PO, PP	
s.50A(1)	power to make amendment to application	DDP, DM, PO, PP	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	DDP, DM, PO, PP	
s.50A(4)	duty to note amendment to application in register	DDP, DM, PO, PP	
s.51	duty to make copy of application available for	DDP, DM, PO, PP	

Planning and Environment Act 1987		
	inspection	
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, PO, PP
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	DDP, DM, PO, PP
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	DDP, DM, PO, PP
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, PO, PP
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, PO, PP
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	DDP, DM, PO, PP
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	DDP, DM, PO, PP
s.52(3)	power to give any further notice of an application where appropriate	DDP, DM, PO, PP
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	DDP, DM, PO, PP
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	DDP, DM, PO, PP
s.54(1)	power to require the applicant to provide more information	DDP, DM, PO, PP
s.54(1A)	duty to give notice in writing of information required under section 54(1)	DDP, DM, PO, PP
s.54(1B)	duty to specify the lapse date for an application	DDP, DM, PO, PP
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	DDP, DM, PO, PP
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	DDP, DM, PO, PP

Planning and Environment Act 1987		
s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	DDP, DM, PM, PO
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	CEO, DDP, DM, PP
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	DDP, DM, PO, PP
s.57(5)	duty to make available for inspection copy of all objections	DDP, DM, PO, PP
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	DDP, DM, PO, PP
s.57A(5)	power to refuse to amend application	DDP, DM, PP
s.57A(6)	duty to note amendments to application in register	DDP, DM, PO, PP
s.57B(1)	duty to determine whether and to whom notice should be given	DDP, DM, PO, PP
s.57B(2)	duty to consider certain matters in determining whether notice should be given	DDP, DM, PO, PP
s.57C(1)	duty to give copy of amended application to referral authority	DDP, DM, PO, PP
s.58	duty to consider every application for a permit	DDP, DM, PO, PP
s.58A	power to request advice from the Planning Application Committee	DDP, DM, PO, PP
s.60	duty to consider certain matters	DDP, DM, PO, PP
s.60(1A)	power to consider certain matters before deciding on application	DDP, DM, PO, PP
s.60(1B)	duty to consider number of objectors in considering whether use or development may have significant social effect	DDP, DM, PO, PP
s.61(1)	power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	DDP, DM, PP the permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006
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, PP

Planning and Environment Act 1987		
		ND
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	CEO, DDP, DM, PO, PP
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	CEO, DDP, DM, PO, PP
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DDP, DM, PP
s.62(1)	duty to include certain conditions in deciding to grant a permit	DDP, DM, PO, PP
s.62(2)	power to include other conditions	DDP, DM, PO, PP
s.62(4)	duty to ensure conditions are consistent with paragraphs (a), (b) and (c)	DDP, DM, PM, PO
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	DDP, DM, PO, PP
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, PO, PP
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	DDP, DM, PO, PP
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, PO, PP
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, PO, PP
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	DDP, DM, PO, PP
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	DDP, DM, PO, PP
s.64(3)	duty not to issue a permit until after the specified period	DDP, DM, PM, PO
s.64(5)	duty to give each objector a copy of an exempt	DDP, DM, PM, PO
		this provision applies also to a decision to grant an amendment to a permit - see section 75
		this provision applies also to a decision to grant an amendment to a permit - see section 75
		this provision applies also to a decision to grant an amendment to a permit - see section 75

Planning and Environment Act 1987			
	decision		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, PO, PP	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, PM, PO	
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	DDP, DM, PP	
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	DDP, DM, PO, PP	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s.66(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	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, PO, PP	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, PM, PO	
s.69(1A)	function of receiving application for extension of time to complete development	DDP, DM, PP	
s.69(2)	power to extend time	DDP, DM, PO, PP	
s.70	duty to make copy permit available for inspection	DDP, DM, PP	
s.71(1)	power to correct certain mistakes	DDP, DM, PP	
s.71(2)	duty to note corrections in register	DDP, DM, PO, PP	
s.73	power to decide to grant amendment subject to conditions	DDP, DM, PO, PP	
s.74	duty to issue amended permit to applicant if no objectors	DDP, DM, PO, PP	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DDP, DM, PP	

Planning and Environment Act 1987		
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	DDP, DM, PP
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DDP, DM, PO, PP
s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	DDP, DM, PM, PO
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, PO, PP
s.76D	duty to comply with direction of Minister to issue amended permit	DDP, DM, PO, PP
s.83	function of being respondent to an appeal	DDP, DM, PP
s.83B	duty to give or publish notice of application for review	CEO, DDP, DM, PP
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CEO, DDP, DM, PP
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, PO, PP
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, PP
s.84(6)	duty to issue permit on receipt of advice within 3 working days	DDP, DM, PP
s.86	duty to issue a permit at order of Tribunal within 3 working days	DDP, DM, PP
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	DDP, DM, PP
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	DDP, DM, PP
s.91(2)	duty to comply with the directions of VCAT	CEO, DDP, DM, PP
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	DDP, DM, PP

Planning and Environment Act 1987		
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	DDP, DM, PO, PP
s.93(2)	duty to give notice of VCAT order to stop development	DDP, DM, PO, PP
s.95(3)	function of referring certain applications to the Minister	DDP, DM, PO, PP
s.95(4)	duty to comply with an order or direction	DDP, DM, PO, PP
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	CEO, DDP, DM, PO, PP
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DDP, DM, PO, PP
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, DDP, DM, PO, PP
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	CEO, DDP, DM, PO, PP
s.96F	duty to consider the panel's report under section 96E	DDP, DM, PP
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 Planning and Environment (Planning Schemes) Act 1996)	DDP, DM, PP
s.96H(3)	power to give notice in compliance with Minister's direction	CEO, ND, DDP
s.96J	power to issue permit as directed by the Minister	DDP, DM, PP
s.96K	duty to comply with direction of the Minister to give notice of refusal	DDP, DM, PO, PP
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, PO, PP

Planning and Environment Act 1987		
s.97C	power to request Minister to decide the application	CEO, ND
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	CEO, DDP, DM, PP
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, PP
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	CEO, DDP, DM, PP
s.97L	duty to include Ministerial decisions in a register kept under section 49	CEO, DDP, DM, PP
s.97MH	duty to provide information or assistance to the Planning Application Committee	DDP, DM, PP
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	DDP, DM, PP
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	DDP, DM, PP
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, PP
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, DDP, DM, PP
s.97Q(4)	duty to comply with directions of VCAT	CEO, DDP, DM, PP
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	CEO, DDP, DM, PP
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	CEO, DDP, DM, PP
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	CEO, DDP, DM, PP
s.101	function of receiving claim for expenses in conjunction with claim	CEO, DDP, DM, PP
s.103	power to reject a claim for compensation in certain circumstances	CEO, DDP, DM, PP
s.107(1)	function of receiving claim for compensation	CEO, DDP, DM, PP
s.107(3)	power to agree to extend time for making claim	CEO, DDP, DM, PP
s.114(1)	power to apply to the VCAT for an enforcement order	CEO, DDP, DM, PP

Planning and Environment Act 1987		
s.117(1)(a)	function of making a submission to the VCAT where objections are received	CEO, DDP, DM, PO, PP
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	CEO, DDP, DM, PO, PP
s.123(1)	power to carry out work required by enforcement order and recover costs	DDP, DM, PP
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	CEO, DDP, DM, PP except Crown Land
s.129	function of recovering penalties	DDP, DM, PP
s.130(5)	power to allow person served with an infringement notice further time	CEO, DDP, DM, PP
s.149A(1)	power to refer a matter to the VCAT for determination	CEO, DDP
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, PP
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, PP where council is the relevant planning authority
s.171(2)(f)	power to carry out studies and commission reports	CEO, ND, DDP
s.171(2)(g)	power to grant and reserve easements	CEO, ND, DDP, DM
s.173	power to enter into agreement covering matters set out in section 174	DI, DDP, DM, EPAM, PP
	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	DI, DDP, DM, EPAM, PP
	power to give consent on behalf of Council, where an agreement made under section 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	CEO, ND, DDP, DM

Planning and Environment Act 1987		
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	ND, DDP, DM
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	ND, DDP, DM
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, PP
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	DDP, DM, PP
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, PP
s.178C(4)	function of determining how to give notice under s.178C(2)	DDP, DM, PP
s.178E(1)	duty not to make decision until after 14 days after notice has been given	CEO, DDP
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	CEO, DDP
s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DDP
s.178E(2)(c)	power to refuse to amend or end the agreement	CEO, DDP
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	CEO, DDP
s.178E(3)(b)	power to amend or end the agreement in a manner	CEO, DDP

Planning and Environment Act 1987			
	that is not substantively different from the proposal		
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	
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, DM, PO, PP	
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DDP, DM, PP	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	DDP, DM, PP	
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	DDP, DM, PP	
s.182	power to enforce an agreement	CEO, DDP, DM, PP	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	DDP, DM, PO, PP	
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	CEO, DDP	

Planning and Environment Act 1987		
	notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	
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, PP
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, PP
s.184G(2)	duty to comply with a direction of the Tribunal	DDP, DM, PP
s.184G(3)	duty to give notice as directed by the Tribunal	DDP, DM, PP
s.198(1)	function to receive application for planning certificate	DDP, DM, PO, PP
s.199(1)	duty to give planning certificate to applicant	DDP, DM, PO, PP
s.201(1)	function of receiving application for declaration of underlying zoning	DDP, DM, PO, PP
s.201(3)	duty to make declaration	DDP, DM, PP
	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, PO, PP
	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, PO, PP
	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, PO, PP
	power to give written authorisation in accordance with a provision of a planning scheme	DDP, DM, PO, PP
s.201UAB(1)	function of providing the Victoria Planning Authority with information relating to any land within municipal district	DDP, DM, PO, SPC, PP
s.201UAB(2)	duty to provide the Victoria Planning Authority with information requested under subsection (1) as soon as possible	ND, DDP, DM

Planning and Environment Act 1987		DDP	
s.224(8)	duty to provide information requested by Victoria Planning Authority under s.201UAB(1) not yet provided to Growth Areas Authority to Victorian Planning Authority		
Rail Safety (Local Operations) Act 2006			
Provision	Item 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 Road Management Act 2004
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
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

Rail Safety (Local Operations) Act 2006			
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
Residential Tenancies Act 1997			
Provision	Item Delegated	Delegate	Conditions and 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, MBS, PHRSC	
s.142G(2)	power to enter certain information in the Rooming House Register	DDP, MBS, PHRSC	
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	DDP, MBS, PHRSC	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	DDP, MBS, PHRSC	where council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	DDP, MBS, PHRSC	where council is the landlord
s.262(3)	power to publish its criteria for eligibility for the provision of housing by council	DDP, MBS, PHRSC	
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, MBS, PHRSC	
s.522(1)	power to give a compliance notice to a person	EHO, MBS, PHRSC	
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			
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	CEO	
s.526A(3)	function of receiving report of inspection	EHO, MBS, PHRSC	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	EHO, MBS, PHRSC	
Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	ND	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	ND	
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	ND	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
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

Road Management Act 2004			
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, 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, EPAM	
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, 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, 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	ND	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	AC, EPAM	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	
s.19(4)	duty to specify details of discontinuance in public roads register	DI, AC, EPAM	

Road Management Act 2004			
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, EPAM, WM	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	DI, EPAM, WM	
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, 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, EPAM	power of coordinating road authority and Schedule 2 also applies
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, 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 relevant authority 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		
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	

Road Management Act 2004			
		ND	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan		
s.54(2)	duty to give notice of proposal to make a road management plan	DI, AC, EPAM	
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, 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, EPAM	where council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	DI, EPAM	where council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	DI, 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, EPAM	
s.72	duty to issue an identity card to each authorised officer	CEO	
s.85	function of receiving report from authorised officer	DI, EPAM	
s.86	duty to keep register re section 85 matters	DI, EPAM	
s.87(1)	function of receiving complaints	DI, 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	DI, EPAM	

Road Management Act 2004		
	arterial road (with the consent of VicRoads)	
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, EPAM
s.122(1)	power to charge and recover fees	DI, EPAM
s.123(1)	power to charge for any service	DI, EPAM
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	ND
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	ND
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	ND
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	DI, 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, EPAM, WM
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, EPAM, WM
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, WM
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
Schedule 7,	where Schedule 7 Clause 10(1) applies, duty to,	DI, EPAM

Road Management Act 2004			
Clause 10(2)	where possible, conduct appropriate consultation with persons likely to be significantly affected		
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	DI, EPAM, WM	where council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	DI, EPAM, WM	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, EPAM, WM	where council is the coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	DI, EPAM, WM	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, WM	where council is the works manager
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, EPAM, WM	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, SDE	where council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	DI, AC, EPAM, SDE	where council is the coordinating road authority
Schedule 7 Clause	power to include consents and conditions	DI, AC, EPAM, SDE	where council is the coordinating road authority

Road Management Act 2004			
16(8)			
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	DI, AC, EPAM, SDE	where council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	DI, EPAM	where council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	DI, AC, EPAM, SDE, WM	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, EPAM, WM	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, EPAM, WM	where council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	DI, 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, EPAM, SDE	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, SDE	where council is the responsible road authority
Schedule 7A Clause 3(1)(f)	duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with clauses 3(2) and 4	DI, 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			
Provision	Item 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 Council's 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	CEO, DDP, DM, PP	

Planning and Environment Regulations 2015			
	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		
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) Regulations 2016			
Provision	Item 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		
r.19	power to waive or rebate a fee relating to an amendment of a planning scheme	CEO, DDP	
r.20	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, DDP	
r.21	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.19 or 20	DM	
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Provision	Item Delegated	Delegate	Conditions and 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	EHO, PHRSC	
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	DDP, EHO, PHRSC	
r.13(2)	duty to renew the registration if satisfied that the	EHO, PHRSC	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010		
	caravan park complies with these regulations	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	DDP, EHO, PHRSC
r.13(4) & (5)	duty to issue certificate of registration	EHO, PHRSC
r.15(1)	function of receiving notice of transfer of ownership	EHO, PHRSC
r.15(3)	power to determine where notice of transfer is displayed	EHO, PHRSC
r.16(1)	duty to transfer registration to new caravan park owner	EHO, PHRSC
r.16(2)	duty to issue a certificate of transfer of registration	EHO, PHRSC
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	EHO, PHRSC
r.18	duty to keep register of caravan parks	EHO, PHRSC
r.19(4)	power to determine where the emergency contact person's details are displayed	DDP, EHO, PHRSC
r.19(6)	power to determine where certain information is displayed	DDP, EHO, PHRSC
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, EHO, PHRSC, 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, EHO, PHRSC
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	DDP, EHO, EPAM, PHRSC
r.25(3)	duty to consult with relevant floodplain management authority	DDP, EHO, PHRSC, PP
r.26	duty to have regard to any report of the relevant fire authority	DDP, EHO, EPAM, MBS, PHRSC
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a	DDP, EHO, PHRSC

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
	movable dwelling		
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	DDP, EHO, MBS, PHRSC	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	DDP, EHO, MBS, PHRSC	
r.40(4)	function of receiving installation certificate	DDP, EHO, PHRSC	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	DDP, EHO, MBS, PHRSC	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	DDP, EHO, MBS, PHRSC	
Road Management (General) Regulations 2016			
Provision	Item Delegated	Delegate	Conditions and 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, SDE, WM	where council is the coordinating road authority
r.18(1)	power to give written consent re damage to road	DI, AC, EPAM, SDE	where council is the coordinating road authority
r.23(2)	power to make submission to Tribunal	DI, EPAM, WM	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, SDE, WM	where council is the coordinating road authority
r.25(1)	power to remove objects, refuse, rubbish or other	DI, EPAM, WM	where council is the responsible road authority

Road Management (General) Regulations 2016			
	material deposited or left on road		
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, EPAM, WM	where council is the responsible road authority
r.25(5)	power to recover in the Magistrates' Court, expenses from person responsible	DI, DDP	
Road Management (Works and Infrastructure) Regulations 2015			
Note: these regulations commenced on 20 June 2015, replacing the Roads Management (works & infrastructure) Regulations 2005, which expired on 21 June 2015.			
Provision	Item Delegated	Delegate	Conditions and 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

additional S6

Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s61(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 Aboriginal Heritage Act 2006.
s61(1)B	power to determine permit application, to decide to grant a permit with conditions.	CEO, DDP, DM, SPC	Where no objections are received in relation to the permit application. the permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.
s61(1)C	power to determine permit application or to refuse a permit application.	CEO, ND, DDP	Where no objections are received in relation to the permit application. the permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.

B.17.84 ABORIGINAL COMMUNITY PARTNERSHIP STRATEGY

Responsible Officer: Director Development and Planning
File Number: S03-24-04
Attachments: 1 Aboriginal Community Partnership Strategy

Declarations of Interest:

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

Summary

This report is to provide Council with an update on the current status of the Aboriginal Community Partnership Strategy 2017-2021 and Implementation Plan. The ACPS is the framework that Council works within to strengthen its partnership with Aboriginal and Torres Strait Islander communities. In partnership it will assist to develop a community with a sense of pride and responsibility/ownership that strives to achieve its aspirations.

The partnership has commitment from 12 service providers, who each provide a staff member to attend the advisory group meetings which are held monthly. The Advisory Group has also appointed, through an expression of interest/nomination process, two community representatives.

This partnership is proud to present the Aboriginal Community Partnership Strategy to Council for formal endorsement and they look forward to collectively delivering the Strategy in unison.

Discussion

The Aboriginal Community Partnership Strategy 2017-2021 (Strategy) has been developed to ensure Council continues to strengthen the partnership with Aboriginal and Torres Strait Islander communities within our municipality. Council's Community Development Unit will oversee and assist with the implementation of this Strategy.

This Strategy highlights the Advisory Groups and Council's commitments, aims, actions and goals which will be achieved through working in partnership through the implementation stage.

In the past there has been extensive community consultation undertaken with local Aboriginal and Torres Strait Islander communities through established networks, brokerage and contracted consultants.

This has resulted in four key documents:

- Swan Hill Rural City Aboriginal Partnership Plan
- Swan Hill Local Aboriginal Network Community Plan
- Robinvale Local Aboriginal Network Community Plan
- Commonwealth Government's Local Indigenous Advancement Strategy

The Strategy integrates the findings of these four documents to articulate a four-year plan for the Advisory Group to deliver outcomes in partnership with Council and the local Aboriginal and Torres Strait Islander communities, enabling Council to have a powerful advocacy role and adopt a strategic view.

A four-year implementation plan is also included and will evolve over the course of its delivery. This plan will be reviewed annually. Throughout the life of the Strategy the local Aboriginal community will continue to provide input and feedback through established partnerships and networks. These local networks and partnerships assist to deliver services or advocate on behalf of wider Aboriginal and Torres Strait Islander communities and include the Advisory Group, service providers, organisations, the Community Elders Gathering and the Swan Hill and Robinvale Local Aboriginal Networks.

There are four key strategies and 18 goals within the Strategy. These key strategies are:

Strategy one: Jobs, Land and Economy

Strategy two: Children and Schools

Strategy three: Safety and Wellbeing

Strategy four: Culture and Capability

Developed to encompass both Commonwealth and State Government systems, this Strategy opens opportunities to collaboratively gain the best outcomes for our local Aboriginal and Torres Strait Islander communities.

Its strength lies in its ability to be delivered through resources available within Council, while providing an opportunity to source external resources to further develop the partnerships between Council and our local Aboriginal and Torres Strait Islander communities.

The Strategy will be overseen by an Advisory Group made up of Council representatives, Aboriginal service providers and Aboriginal community representatives.

The Advisory Group will be responsible for:

- Ensuring the Aboriginal Community Partnership Strategy is representative of the Aboriginal community and is implemented as set out in the Implementation Plan – Action Plan.
- Supporting Council's Community Development Unit to deliver the Strategy and will be required to meet at least twice per year.
- Reviewing the Strategy in alignment with the Council Plan, this will occur every four years.
- Reviewing and providing information on the progress of the Implementation Plan – Action Plan annually.

It will be the responsibility of the Community Development Unit to provide Council with an Implementation Plan – Action Plan progress report annually.

Council through the Community Development Unit are responsible for 7 key actions within the strategy, being-

1. Implement the Aboriginal Community Partnership Strategy Action Plan.

2. Participation in Local Aboriginal Networking Groups in Swan Hill and Robinvale.
3. Support and encourage Cultural events, festivals, carnivals and gatherings.
4. Support and encourage young people to obtain their drivers licence in Swan Hill and Robinvale.
5. Engage with local community; attend community meetings, workshops, forums, summits, ceremonies.
6. Implement the Aboriginal Employment Strategy
7. Provide our community with information around mental health and wellbeing.

Consultation

Information contained in this Strategy has been sourced from four Aboriginal community plans, all of which have been developed in consultation with members from the Aboriginal and Torres Strait Islander communities within the Swan Hill municipality.

Council with the support of the Advisory Group has integrated these plans to create a Strategy that represents all levels of government and reflects the desired outcomes of the local Aboriginal and Torres Strait Islander communities as depicted by the communities themselves.

The Strategy has been presented by the Advisory Group to the Swan Hill and Robinvale Local Aboriginal Networks, NAIDOC organising committee and the Elders sub-committee.

To celebrate National Reconciliation Week 2017 the Aboriginal Community Partnership Strategy Advisory Group presented a draft copy of the Aboriginal Community Partnership Strategy to Council. The Advisory Group received feedback on the draft document, and gained support to continue working in partnership with Council, so the document could be finalised.

The Advisory Group has also undertaken an Expression of Interest process to elect community members to represent the Swan Hill and Robinvale Aboriginal and Torres Strait Islander communities on the Advisory Group. These positions will be held for a period of two-years.

Financial Implications

The Strategy enables local Aboriginal service providers to work in partnership on issues and share resources. This reduces the overall Strategy implementation costs to Council.

Social Implications

Strengthens partnerships through strategic planning which focuses on building community capacity in the areas of;

1. Jobs, Land and Economy
2. Children and Schools
3. Safety and Wellbeing
4. Culture and Capability

Economic Implications

The strategy identifies a number of actions related to jobs and the economy that are expected to provide a positive economic impact.

Environmental Implications

The Strategy identifies Councils responsibilities in relation to Cultural Heritage issues.

Risk Management Implications

Dealing with conflicts between parties and working towards keeping harmony between the interested parties.

Council Plan Strategy Addressed

Community enrichment - Develop a community with a sense of pride and responsibility/ownership that strives to achieve its aspirations.

Options

Nil

Recommendations

That Council:

- 1. Acknowledge the Advisory Group members for their guidance in formulating the strategy and congratulate the members on their commitment and involvement.**
- 2. Endorse the Aboriginal Community Partnership Strategy.**

38/17 Motion

MOVED Cr Katis

That Council:

- 1. Acknowledge the Advisory Group members for their guidance in formulating the strategy and congratulate the members on their commitment and involvement.**
- 2. Endorse the Aboriginal Community Partnership Strategy.**

SECONDED Cr Jeffery

The Motion was put and CARRIED

39/17 Motion

MOVED Cr Johnson

That standing orders be suspended at 4.14pm for a photo opportunity with the Councillors and some members of the Advisory Group.

SECONDED Cr Moar

The Motion was put and CARRIED

40/17 Motion

MOVED Cr Moar

That Standing Orders be resumed at 4.16pm.

SECONDED Cr Jeffery

The Motion was put and CARRIED



Aboriginal Community Partnership Strategy

2017 - 2021



Acknowledgement of Country

The Aboriginal Advisory Group and Council acknowledge the traditional custodians of the land and pays its respects to their elders, past and present within the Swan Hill Municipality.

For questions relating to this document, please contact

Community Development Unit
Swan Hill Region Information centre
Cnr McCrae and Curlewis Streets
(PO Box 488)
Swan Hill VIC 3585
Phone: 5036 2450



Front page - Red-tail cockatoo photo courtesy Zoos Victoria.

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Executive summary

The Aboriginal Community Partnership Strategy 2017-2021 (Strategy) has been developed to ensure Council, together with the Aboriginal Advisory Group, continues to strengthen the partnership with Aboriginal and Torres Strait Islander communities within our municipality. Council's Community Development Unit will oversee and assist with the implementation of this Strategy.

The Strategy's aim is to encourage people who reside in or visit the Swan Hill region to embrace our Aboriginal culture and people throughout the municipality.

This Strategy highlights Council's and the Aboriginal Advisory Group's commitments, aims, actions and goals which will be achieved through working in partnership with Aboriginal and Torres Strait Islander communities through the implementation stage.

There has been extensive community consultation undertaken with local Aboriginal communities through established networks, brokerage and contracted consultants. This has resulted in four key documents:

- Swan Hill Rural City Aboriginal Partnership Plan
- Swan Hill Local Aboriginal Community Plan
- Robinvale Local Aboriginal Community Plan
- Commonwealth Government's Local Indigenous Advancement Strategy

The Strategy integrates the findings of these four documents to articulate a four-year plan to deliver outcomes in partnership with local Aboriginal communities.

A four-year implementation plan is also included and will evolve over the course of its delivery. This plan will be reviewed annually and redeveloped accordingly.

Throughout the life of the Strategy, the local Aboriginal community will continue to provide input and feedback through established partnerships and networks. These local networks and partnerships assist to deliver services or advocate on behalf of wider Aboriginal communities and include the Aboriginal Advisory Group, service providers, organisations, the Community Elders Gathering and the Swan Hill and Robinvale Local Aboriginal Networks.

There are four key strategies and 19 goals within the Strategy. These key strategies are:

Strategy one: Jobs, Land and Economy

Strategy two: Children and Schools

Strategy three: Safety and Wellbeing

Strategy four: Culture and Capability

Developed to encompass both Commonwealth and State Government systems, this Strategy opens opportunities to collaboratively gain the best outcomes for our local Aboriginal communities.

Its strength lies in its ability to be delivered through resources available within Council, service providers and local Aboriginal networks, while providing an opportunity to source external resources to further develop the partnerships between Council and our local Aboriginal communities.

Aboriginal Advisory Group

The Strategy will be overseen by an Aboriginal Advisory Group made up of Council representatives and Aboriginal service providers.

The Aboriginal Advisory Group will be responsible for:

- Ensuring the Aboriginal Community Partnership Strategy is representative of the Aboriginal community and is implemented as set out in the Implementation Plan – Action Plan.
- Supporting Council's Community Development Unit to deliver the Strategy and will be required to meet quarterly per year.
- Reviewing the Strategy in alignment with the Council Plan and Local Aboriginal community and local Aboriginal service providers
- Reviewing and providing information on the progress of the Implementation Plan – Action Plan annually.

It will be the responsibility of the Community Development Unit to provide Council with an Implementation Plan – Action Plan progress report annually.

Council direction and objectives

Council Plan

The Swan Hill Rural City Council Plan 2017-21 articulates the municipality's strategic direction and details its commitments towards achieving its vision for the future. It includes a range of strategic objectives and initiatives that Council intends to undertake during the next four years to achieve this vision.

The five key strategic areas Council is committed to are:

- Economic growth and innovation
- Community enrichment
- Infrastructure
- Governance and leadership
- Environment

Council's vision and mission are:

Our Vision

A prosperous and healthy community enjoying quality facilities and services. To live a quality life (peace and harmony) with quality surroundings.

Our Mission

We will lead, advocate, partner and provide efficient services and opportunities for growth and the wellbeing of our community and environment.

Introduction

The Aboriginal Community Partnership Strategy's vision is that people who reside in or visit the Swan Hill region embrace Aboriginal culture and people throughout the municipality. Additionally, this Strategy aims to continue to strengthen the partnership with Aboriginal and Torres Strait Islander communities within our municipality.

The Strategy has been developed collaboratively through the Aboriginal Advisory Group and community, which includes representatives of service providers, networks and organisations throughout the municipality.

Encompassing four strategies and a number of goals, the Strategy also highlights commitments, aims and actions to be achieved through working in partnership with Aboriginal and Torres Strait Islander communities.

Information contained in this Strategy has been sourced from four Aboriginal community plans, all of which have been developed in consultation with members from Aboriginal communities within the Swan Hill municipality.

The Aboriginal Advisory Group has integrated these plans to create a Strategy that represents all levels of government and reflects the desired outcomes of the local Aboriginal communities as depicted by the communities themselves.

Performance against the Aboriginal Community Partnership Strategy 2017-2021 will be monitored six-monthly and reported to Council and the Community Elders Gathering annually.

It will be the responsibility of the Community Development Unit to provide Council with an Implementation Plan – Action Plan progress report annually. This report will also be able to be used to inform the Community Elders Gathering.

Background

The Wamba Wamba, Latji Latji, Tatti Tatti, Waddi Waddi and Barapa Barapa peoples are the original custodians of the land known as the Swan Hill Rural City and our region remains strong in Aboriginal cultural heritage values.

The Murray River (Milloo) was a constant source of both food and water and an integral aspect in the day-to-day lives of Aboriginal people. A map detailing the traditional owner's lands within the municipality can be found on www.maggolee.org.au.

European settlement of the region severely disrupted the significant spiritual, cultural and physical relationship with the land that the Latji Latji, Tatti Tatti, Wamba Wamba, Barapa Barapa and the Waddi Waddi peoples, and their neighbouring groups, had maintained for many thousands of years.

Activities in relation to Aboriginal affairs have been largely limited to the themes of Reconciliation, Cultural Heritage Management and Native Title.

Where Reconciliation is concerned, local Aboriginal community members and Aboriginal organisations in Swan Hill and Robinvale celebrate and support NAIDOC Week, which is supported by Swan Hill Rural City Council. These celebrations are carried out during the entire week, with each day consisting of different activities and celebrations. In addition to NAIDOC Week there are various festivals and community-run events.

The Lake Boga Story Wall is one of the six symbols of Reconciliation around Australia. The Swan Hill Regional Art Gallery also hosts exhibitions annually by local artists, including displays of painting, sculpture and basket weaving.

An existing park is being upgraded into an Aboriginal-themed residential park. The park, currently known as Jaycee Park in Harrison Crescent Swan Hill, underwent a redevelopment to reflect Aboriginal culture and heritage. Following discussions with Aboriginal and non-Aboriginal community members, the Jaycee Park Meeting Place officially opened in August 2016. The intent of the Meeting Place aims to bring the community together, acknowledging local Aboriginal communities and neighbouring clans, as well as providing a usable space for neighbours around Jaycee Park.

One of Swan Hill's main tourist attractions, the Heartbeat of the Murray was created in conjunction with local traditional owner groups and Aboriginal community members. The dreamtime stories of the beginning of time, the creation of the Murray River and spiritual evolution are brought to life with a sound, light and laser show set on the waters of the Little Murray River.

In relation to cultural heritage management, this has traditionally been undertaken through Aboriginal Victoria and involves the local traditional owners and custodians who undertake culturally-appropriate care of sites throughout the municipality.

The implementation of the Aboriginal Heritage Act (2006) and Aboriginal Heritage Amendment Act (2016), which includes a requirement to provide Cultural Heritage Management Plans, is a step forward in the identification and preservation of local Aboriginal cultural history.

Working in partnership

The Strategy has been developed collaboratively through the Aboriginal Advisory Group which includes representatives of service providers, networks and organisations throughout the municipality.

Through this collaboration, a range of resources is available to help deliver the actions outlined within the Strategy. As the Strategy has also been developed to encompass Commonwealth and State Government systems, it provides further opportunities to gain the best outcomes for our local Aboriginal communities.

Additionally, the local Aboriginal community will provide input and feedback into the Strategy through established partnerships and networks, including the Aboriginal Advisory Group, service providers, organisations, the Community Elders Gathering and the Swan Hill and Robinvale Local Aboriginal Networks.

Aboriginal Advisory Group's commitment

This Strategy incorporates goals and actions on behalf of a number of service providers and support networks. These are:

Department of Justice

Victorians may come into contact with the justice system as a volunteer, a witness, to attend court, to support family and friends, or to participate in shaping legislation.

The Victorian justice system includes policymaking and law reform, policing, courts and tribunals, dispute resolution, penalties and fines, prisons, corrections and parole, legal assistance and victim support.

The department and its business units and agencies deliver services across all areas of the justice system in Victoria, including to the aboriginal communities. The department focuses on access to justice and fair outcomes, the protection of rights and the rule of law.

Koori Courts Aboriginal Courts

The Koori Court Aims to:

- Increase Koori ownership of the administration of the law;
- Increase positive participation by Koori offenders;
- Increase the accountability of the Koori offenders, families, and community;
- Encourage defendants to appear in Court;
- Reduce the amount of breached court orders;
- Deter offenders from re-offending;
- Increase community awareness about community codes of conduct and standards of behaviour; and
- Explore sentencing alternatives prior to imprisonment.

Murray Mallee LLEN

- The MMLLEN vision is that all young people in our communities are successfully engaged in education, training and employment.
- MMLLEN has a particular focus on young people at risk of disengaging, or have already disengaged, from education and training and are not in meaningful employment.
- MMLLEN has a goal to have a strong and cohesive community working together for the benefit of all young people.

Mallee District Aboriginal Service

Our Vision: Generations of vibrant, healthy and strong Aboriginal communities.

LAN Robinvale and Swan Hill

The LAN groups have identifies six priority areas:

- Strengthening Culture
- Economic Participation
- Support for Young People
- Building a Stronger LAN
- Community Planning and Partnerships

Suni TAFE

- Promote the establishment and success of Aboriginal businesses in Swan Hill
- Improve rates of retention among Aboriginal employees/mentor programs

Swan Hill Police

- In partnership with Aboriginal community groups, develop and maintain knowledge of Aboriginal issues within the local area and maintain a contemporary knowledge of relevant legislation, policies and procedures.
- Contribute to establishing effective communication and networking between Police members, local Aboriginal community members and other government and non-government agencies.
- Establish and maintain a positive partnership environment in which Aboriginal communities are encouraged to communicate and interact with Police members to proactively resolve issues and actively promote awareness of the role of Victoria Police within Aboriginal communities.
- Assist in developing, implementing and delivering appropriate training programs.
- Represent Victoria Police as required at relevant Aboriginal meetings, forums or events.
- Participate in the development and implementation of appropriate strategies to improve service delivery to customers based on customer needs.
- Attend to welfare needs and provide support to Aboriginal persons in custody; working alongside Aboriginal Community Justice Program (ACJP) members.

Swan Hill District Health

- Assistance and improve access, availability of health services for the Aboriginal community.
- Information, programs and resources so informed decisions can be made concerning treatment, prevention and rehabilitation services.

Victorian Aboriginal Legal Service

- Promote social justice for Aboriginal and Torres Strait Islander peoples;
- Promote the right of Aboriginal and Torres Strait Islander peoples to empowerment, identity and culture;
- Ensure that Aboriginal and Torres Strait Islander peoples enjoy their rights, are aware of their responsibilities under the law and have access to appropriate advice, assistance and representation;
- Reduce the disproportionate involvement of Aboriginal and Torres Strait Islander peoples in the criminal justice system; and
- Promote the review of legislation and other practices which discriminate against Aboriginal and Torres Strait Islanders.

Council's commitment

To assist with closing the gap, the involvement of all levels of government, a range of organisations, businesses and communities as well as individuals themselves is required.

As part of its commitment to our Aboriginal communities, Council supports seven key action areas:

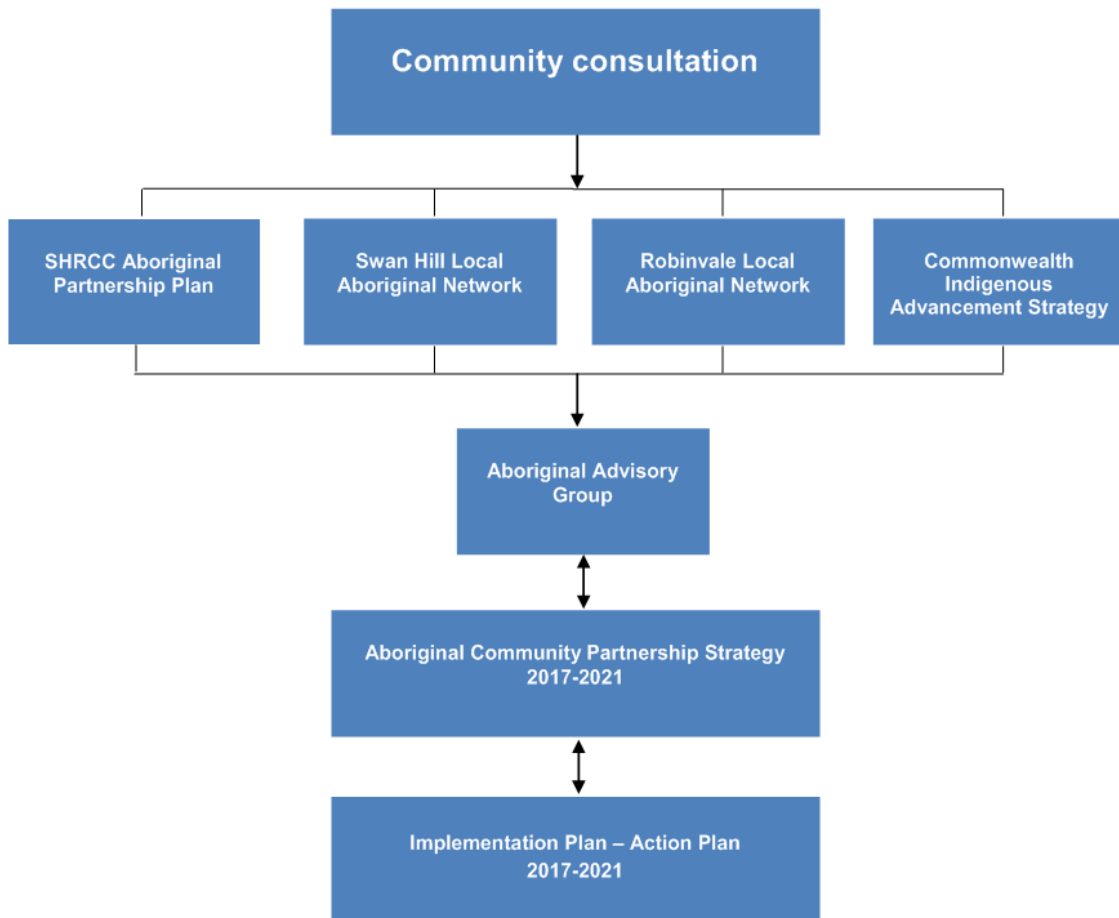
1. Develop and Implement the Aboriginal Community Partnership Strategy Action Plan.
2. Participation in Local Aboriginal Networking Groups in Swan Hill and Robinvale.
3. Support and encourage Cultural events, festivals, carnivals and gatherings.
4. Support and encourage young people to obtain their drivers licence in Swan Hill and Robinvale.
5. Engage with local community; attend community meetings, workshops, forums, summits, ceremonies.
6. Implement the Aboriginal Employment Strategy
7. Provide our community with information around mental health and wellbeing.

The development of the Aboriginal Community Partnership Strategy

Information contained in this Strategy has been sourced from four Aboriginal community plans, all of which have been developed in consultation with members from Aboriginal communities within the Swan Hill municipality.

The Aboriginal Advisory Group has integrated these plans to create a Strategy that represents all levels of government and reflects the desired outcomes of the local Aboriginal communities as depicted by the communities themselves.

Consultation process



Implementation Plan

In alignment with good governance, policies, strategies and plans will be developed to ensure best practices and outcomes are achieved for the Aboriginal communities within our municipality.

Strategy one: Jobs, Land and Economy

- 1.1 Engagement with local Aboriginal communities
- 1.2 Promote the establishment and success of Aboriginal business in Swan Hill
- 1.3 Increase Aboriginal employment
- 1.4 Improve rate of retention of the Aboriginal employees/mentor programs
- 1.5 Diversify employment opportunities for Aboriginal people of Swan Hill
- 1.6 Support and encourage young people to obtain their drivers licence

Strategy two: Children and Schools

- 2.1 Develop strategies to retain Aboriginal children in school to complete year 12
- 2.2 Build Aboriginal communities' human capital

Strategy three: Safety and Wellbeing

- 3.1 Build social capital between Aboriginal individuals, families and mainstream
- 3.2 Foster a greater connection to non-Aboriginal people and mainstream institutions
- 3.3 Redevelopment of a family resources guide
- 3.4 Provide our remote communities with information around mental health and wellbeing
- 3.5 Planning for emergency situations on an as-needs basis.

Strategy four: Culture and Capability

- 4.1 Councillors and officers act confidently regarding Aboriginal culturally-sensitive issues
- 4.2 Cultural events, festivals and gatherings are conducted
- 4.3 Build leadership within our Aboriginal community
- 4.4 Support investigations for a Murray River/Milloo Interpretive Centre
- 4.5 Continue Acknowledgement of Country in Council's publications
- 4.6 Land use activities follow Aboriginal cultural heritage protocols

Implementation and management

Performance against the Aboriginal Community Partnership Strategy 2017-2021 will be monitored six-monthly and reported to Council and the Community Elders Gathering annually.

Reporting, review and evaluation will take place in accordance with the timeframes listed below.

Requirement	Due date
Endorse by both Council and Elders	September 2017
Six-monthly review	March 2018
Annual review and report to Council and Elders	September 2018
Evaluation and redevelopment of Implementation Plan – Action Plan	March 2019

Evaluation

Evaluation questions:

1. Has the Strategy done what it set out to do?
2. Has the partnership between Aboriginal communities and Council been strengthened?
3. What worked and what needs to be improved or changed?
4. Do local Aboriginal communities feel reconciliation is progressing?

References

- Indigenous Affairs Network/Department of Prime Minister and Cabinet - Indigenous Advancement Strategy August 2014.
- Self Determined Sustainable Aboriginal Development in the Swan Hill District, Victoria; A Strategic Plan by the Swan Hill Local Aboriginal Network (SHLAN), November 2013.
- The Marawarpina Aboriginal Network, Robinvale Local Aboriginal Network Community Plan 2012-2017.
- Victorian Aboriginal Local Government Action Plan 2016.
- www.maggolee.org.au

Relevant strategic documents

The following documents further contribute to the health and wellbeing of local Aboriginal communities:

- Indigenous Affairs Network/Department of Prime Minister and Cabinet - Indigenous Advancement Strategy August 2014.
- Self Determined Sustainable Aboriginal Development in the Swan Hill District, Victoria; A Strategic Plan by the Swan Hill Local Aboriginal Network (SHLAN), November 2013.
- The Marawarpina Aboriginal Network, Robinvale Local Aboriginal Network Community Plan 2012-2017.
- Victorian Aboriginal Local Government Action Plan 2016.

Appendix One

Implementation Plan – Action Plan 2017-2021

In alignment with good governance, policies, strategies and plans will be developed to ensure best practices and outcomes are achieved for the Aboriginal communities within our municipality.

Strategy one: Jobs, Land and Economy

Goal	Action	Responsibility	Timeframe	Estimated Cost/Budget allocation	Desired Outcomes
1.1. Engagement with local Aboriginal communities	Continue protocols and meetings to ensure support for progress of implementing the Aboriginal Community Partnership Strategy.	Community Development Unit Aboriginal Community Partnership Strategy - Aboriginal Advisory Group (Advisory Group) Appointed Councillors	2017- 2021 Ongoing	Existing resources	Welcome/Acknowledgement of Country Council is well represented within the Aboriginal communities in the municipality
1.2. Promote the establishment and success of Aboriginal businesses in Swan Hill and Robinvale	Assist to identify and ensure the delivery of an adequate training for the sustainability of emerging Aboriginal small business operators.	TAFE Business Consultant Indigenous Business Australia (IBA)	2017- 2021 Ongoing	External resources	Local Aboriginal businesses established Increased numbers of private Aboriginal enterprises
1.3. Increase Aboriginal employment	Review Aboriginal Employment Strategy. Employment and skilling up of Aboriginal employees within Council.	Human Resources	December 2017	Existing resources	Review undertaken of employment and skilling of Aboriginal employees within Council
	Review Aboriginal Community Partnership Plan.	Community Development and Riverfront Coordinator Advisory Group	June 2017	Existing resources	Aboriginal Community Partnership Plan reviewed

Aboriginal Community Partnership Strategy 2017-2021

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Goal	Action	Responsibility	Timeframe	Estimated Cost/Budget allocation	Desired Outcomes
1.4. Improve rates of retention among Aboriginal employees/mentor programs	Investigate ways of increasing Aboriginal employment in agriculture, manufacturing, wholesale trade, retail trade, accommodation and food services, transport industries.	Community Development and Riverfront Coordinator	2017- 2021 Ongoing	Existing resources	Investigate Murray River/Milloo Interpretive Centre
		TAFE			Aboriginal Economic Business Plan
	Work with employers to develop and implement Aboriginal employment policies	Robinvale Employment Network Coordinator	2017- 2021 Ongoing	Existing resources	Underlying issues and conflict resolution are identified and resolved
		Community Development and Riverfront Coordinator Job network providers			Government support for job programs.
1.5. Diversify employment opportunities for Aboriginal people of Swan Hill	Investigate the number of Aboriginal identified positions in government and non-government organisations and develop strategies to increase positions	Job network providers	2017 - 2021 Ongoing	Existing resources	Job opportunities are increased
		Human Resources employment/training agency			Job opportunities are increased
	Identify employers to employ Aboriginal people	Job network providers	2017- 2021 Ongoing	Existing resources	Job opportunities are increased

Goal	Action	Responsibility	Timeframe	Estimated Cost/Budget allocation	Desired Outcomes
1.6 Support and encourage young people to obtain their drivers licence	Promote L2P program	Community Development Unit Robinvale Employment Network Coordinator	2017- 2021 Ongoing	Existing resources	Increased opportunities for employment

Strategy two: Children and Schools

Goal	Action	Responsibility	Timeframe	Estimated cost/budget allocation	Desired Outcomes
2.1. Develop strategies to retain Aboriginal children in school to complete Yr 12	Partner to develop strategies to retain Aboriginal children in school. Build relationships and communication with schools, Principals, KESOs and parents	LAECG MCYAP Council Youth Support Officer (Advocacy role)	2017- 2021 Ongoing	External Resources	Increase number of Aboriginal Youth remaining in school and completing Yr12
	Approach VAEAI for support and advice	Council Youth Support Officer (Advocacy role)	2017- 2021 Ongoing	External Resources	
	Develop culturally-appropriate curriculum and more culturally appropriate teaching techniques	KESO (LAECG)	2017- 2021 Ongoing	External Resources	New culturally-appropriate programs developed and implemented
2.2. Build Aboriginal communities' human capital	As required, provide direction to foster parents and Aboriginal children in care, about how to link into cultural participation and education activities	KESO RLAN SHLAN Clontarf Foundation	2017- 2021 Ongoing	External Resources	Increased retention of Aboriginal students in education

Koori Education Support Officer (KESO)
Local Aboriginal Education Community Group (LAECG)
Mallee Children and Youth Area Partnership (MYCAP)
Swan Hill Local Aboriginal Network (SHLAN)
Robinvale Local Aboriginal Network (RLAN)

Aboriginal Community Partnership Strategy 2017-2021

Strategy Three: Safety and Wellbeing

Goal	Action	Responsibility	Timeframe	Estimated Cost/Budget allocation	Desired Outcomes
3.1. Build social capital between Aboriginal individuals, families and the mainstream community	Assist to create an Aboriginal themed recreational park	Community Planning Officer Community Development Unit Swan Hill Local Aboriginal Network (SHLAN) Robinvale Local Aboriginal Network (RLAN) Community Elders Gathering	2017 - 2019	Council allocation – 16/17 FY. External Resources	Increase safety and wellbeing within the community
	Increase understanding in the Swan Hill Aboriginal community of the value of and ways to build improved social norms about gender relations, parenting, and the fulfilment of family responsibilities	SHLAN RLAN	2017- 2021 Ongoing	External Resources	Increase safety and wellbeing within the community
	Provide support to Aboriginal family groups to evaluate their own progress in development, governance, economic and social and cultural	SHLAN RLAN	2017- 2021 Ongoing	External Resources	Increase safety and wellbeing within the community

Goal	Action	Responsibility	Timeframe	Estimated Cost/Budget allocation	Desired Outcomes
	Liaise with alternative dispute resolution network (Bendigo) Dept. of Justice (DOJ) Central Office – regards to holding future Lateral Violence workshop, the training of community members in dispute resolution and development in communities of dispute resolution institutions – supporting the Koorie children courts and adult courts	SHLAN RLAN	2017- 2021 Ongoing	External Resources	Koorie children and adults are supported in the Justice system
	Build relations between the agencies involved with Aboriginal people in Swan Hill	Community Development Unit (Advocacy Role) SHLAN RLAN	2017- 2021 Ongoing	External Resources	Projects are delivered in partnership with Council and the Aboriginal community.
3.2. Foster a greater connection to non-Aboriginal people and mainstream institutions	Attend meetings and work with activities of partner agencies involved with Aboriginal people in Swan Hill	Advisory Group	2017- 2021 Ongoing	Existing Resources	
3.3. Development of a family resources guide	Collect information for the resource	Swan Hill Aboriginal Network Group	2017-2021	External Resources	Strengthening Aboriginal communities

Goal	Action	Responsibility	Timeframe	Estimated Cost/Budget allocation	Desired Outcomes
3.4. Providing our communities with information around mental health and wellbeing	Actively involved in the Southern Mallee PCP ICE prevention workshops /meetings	Community Development Unit Youth Services SHLAN RLAN	2017- 2021 Ongoing		Reduced number of suicides in our communities.

Strategy Four: Culture and Capability

Goal	Action	Responsibility	Timeframe	Estimated cost/budget allocation	Desired Outcomes
4.1. Councillors and officers act confidently regarding Aboriginal culturally-sensitive issues	Developments required to use Aboriginal Victoria (AV) planning tool and seek advice from Heritage Advisors and AV.	Planning Department Community Development Unit	2017- 2021 Ongoing June 2017	External Resources	Cultural Heritage Management Plans (CHMP) undertaken in culturally-sensitive areas. Cultural Heritage Management Directive developed.

Goal	Action	Responsibility	Timeframe	Estimated cost/budget allocation	Desired Outcomes
	Source Aboriginal cultural training for delivery to Councillors and officers Obtain and distribute information to Councillors and Council on local Aboriginal history and cultural heritage, including raising of the Aboriginal Flag.	Human Resources	2017- 2021 Ongoing	To be identified within Council Budget Existing Resources	Councillors and Officers undertake Aboriginal cultural training
4.2. Cultural events, festivals and gatherings are conducted	Advocate for inspiring cultural events to be run in our municipality	Community Development Unit SHLAN RLAN	2017- 2021 Ongoing	External	Cultural events are ran such as NAIDOC Week. Cultural pride is evident in our community
4.3. Build leadership within our Aboriginal community	Encourage local participation in leadership and personal development programs/opportunities	SHLAN RLAN	2017- 2021 Ongoing	External	Our community is proud to be Aboriginal
4.4. Support the development of the Murray River/Milloo Interpretive Centre	Work in partnership with all levels of government and relevant agencies to carry out a feasibility study, designs, source funding, construct and open for business.	Community Development and Riverfront Coordinator	2017- 2021 Ongoing	External Resources \$200,000 Feasibility Study \$3m to \$5m Culture Centre	A Keeping Place in Swan Hill for culture experiences, education and employment of Aboriginal community members. Opportunities are being investigated to build an Aboriginal Cultural Centre on the Murray River
	Seek training for community members to	Swan Hill Aboriginal Network Group	2017- 2021 Ongoing	External Resources	Community members trained in collecting oral

Goal	Action	Responsibility	Timeframe	Estimated cost/budget allocation	Desired Outcomes
	collect oral histories.	Robinvale Aboriginal Net work Group.			history.
	Develop a Community Elders Gathering that will include a range of activities including the collection of oral histories.	TAFE Advisory Group LANs Network	2017- 2021 Ongoing	External Resources	Aboriginal History is recorded Story telling is an activity within the Murray River/Milloo Interpretive Centre
4.5. Acknowledgement of Country in Council's publications	Continual inclusion of the Acknowledgement of Country as part of Council's documents.	Media	2017- 2021 Ongoing	Existing Resources	Acknowledgement of Country is included in Council documents.
	Nominate Aboriginal names (after consultation) for consideration of Asset Naming Committee.	Advisory Group	2017- 2021 Ongoing	Existing Resources	
4.6. Land use activities follow Aboriginal cultural heritage protocols	Ensure Council has procedures and policies in place for CHMPs (where relevant and appropriate) to be undertaken prior to any land use development. Ensure that AV Planning Tool is completed for projects before any ground works commence.	Town Planners All departments	2017- 2021 Ongoing	Existing Resources Existing Resources	Protection of Aboriginal culturally-sensitive areas. Cultural Awareness Policy and Procedures

Appendix Two

Aboriginal Advisory Group

Swan Hill Rural City Councillor (Robinvale Ward)

Swan Hill Rural City Councillor (Central Ward)

Swan Hill Rural City Councillor (Central Ward)

Council's Community Development and Riverfront Coordinator

Local Aboriginal Network Robinvale and Swan Hill Broker

Robinvale Aboriginal Service Providers (shared responsibility)

Local Aboriginal Network Swan Hill Chairperson

Local Aboriginal Justice Action Committee Project Officer

Mallee District Aboriginal Service Manager Family Services

Swan Hill District Health Aboriginal Liaison

Suni TAFE Dulka Yuppata Koorie Cultural Centre Koori Liaison Officer Swan Hill

Victorian Aboriginal Legal Service Client Services Officer

Swan Hill Police Aboriginal Community Liaison Officer

Koori Court Officer

Murray Mallee LLEN

Koori Engagement Support Officers (KESO) Shared responsibility representing

- FLO CAMPUS
- North Primary School
- Swan Hill Primary School
- Swan Hill College Education

Community Members – (Elected through an Expression of Interest/Nomination process)

Membership was sought through local community recommendations to ensure a wide representation of the local Aboriginal service providers. Elders and the local Aboriginal community will be informed on actions and outcomes of the Aboriginal Community Partnership Strategy through the Local Aboriginal Networks based in Robinvale and Swan Hill and the Community Elders Gathering.

B.17.85 ROOMING HOUSES AND RELEVANT LEGISLATION

Responsible Officer: Director Development and Planning
File Number: S26-06-01
Attachments: 1 Regulating Rooming Houses in Swan Hill Rural City Council - Briefing Paper

Declarations of Interest:

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

Summary

The safety and wellbeing of people currently living in premises (rooming houses) that may not meet legislative requirements is of concern. Councils Municipal Building Surveyor and Environmental Health Officer are charged with ensuring both safety and wellbeing of the residents of these facilities. There is a myriad of legislative requirements managing rooming houses. The briefing paper attached to this report outlines the relevant legislation and outlines a risk based program to ensure compliance with the legislation.

Discussion

Twenty four complaints have been received in the past 12 months regarding the operation of accommodation premises that may not meet the required legislation. Officers have dealt with these premises but have identified many others and a coordinated approach is now needed to investigate the premises using a methodical and risk - based approach. There is significant work involved in each case to carry out the processes under the various pieces of legislation.

A number of steps will be carried out

1. Media coverage to advise property owners, real estate agents etc of the legislative requirements
2. Advice to property owners about their responsibilities with a view to having compliance achieved without prosecution.
3. Prosecution of property owners or managers if necessary
4. Liaise with housing bodies to ensure people are not left homeless.

Consultation

Officers have sought legal advice to ensure that if prosecution is the only action that all processes are appropriately undertaken. The process to seek compliance will involve consultation with affected property owners and managers to seek compliance.

Financial Implications

The cost of legal action is unknown and may be significant if voluntary compliance is not able to be achieved.

Social Implications

There is a possibility that a number of accommodation premises will need to be closed either permanently or until additional work is carried out. Every endeavour will be made to ensure that alternative accommodation is made available.

Economic Implications

Council taking a proactive approach to non-complying accommodation may result in new development of accommodation that creates employment and a better quality accommodation for our community.

Environmental Implications

Nil

Risk Management Implications

Failure to take any action is a risk that cannot be taken. The condition of buildings and the wellbeing of resident is of concern. A risk based approach will be taken in terms of priorities to ensure existing resources can be used to carry out the work.

Council Plan Strategy Addressed

Community enrichment - Provide services and support initiatives that create a Healthy and Safe Community.

Options

Nil

Recommendation

That Council notes the actions that will be undertaken to address safety, health and wellbeing in relation to rooming houses within the Municipality.

41/17 Motion

MOVED Cr Jeffery

That Council notes the actions that will be undertaken to address safety, health and wellbeing in relation to rooming houses within the Municipality.

SECONDED Cr Katis

The Motion was put and CARRIED



Regulating Rooming Houses in Swan Hill Rural City
Council
Briefing Paper

1.1 What is a rooming house?

The definition for a rooming house comes from the Public Health and Wellbeing Act 2008 for 'prescribed accommodation':

Any of the following which is prescribed, or is of a class which is prescribed accommodation;

- (a) any area of land which a person or persons are frequently, intermittently or seasonally permitted to use for camping on payment of consideration and any facilities provided on the land for the use of that person or persons;
- (b) any premises used as a place of abode, whether temporary or permanent, fixed or mobile, where a person or persons can be accommodated on payment of consideration, and;
- (c) any accommodation provided to an employee in accordance with a term of an award governing the employment of the employee, or a term of the employee's contract of service, for use by the employee during that employment or service.
(S3, PHWA).

Rooming houses are further defined by the *Public Health and Wellbeing Regulations 2009* as:

A building in which there is one or more rooms available for occupancy on payment of rent in which the total number of people who may occupy that room or those rooms is not less than 4. (Reg 4, PHWR). Residents have exclusive possession of their own room and the right to share common facilities such as kitchens, bathrooms and lounge rooms with other residents.

1.2 What is Council's role with respect to rooming houses?

A rooming house must be registered with Council under Division 4 of Part 6 of the Public Health and Wellbeing Act 2008. It is an offence to operate a rooming house without registration. Any registered premises are required to be listed on the Consumer affairs website as a registered rooming house.

Council officers must ensure the establishment and ongoing management of rooming houses are covered by the following legislation:

- *Public Health and Wellbeing Act 2008*
- *Public Health and Wellbeing Regulations 2009*
- *Health (Prescribed Accommodation) Regulations 2001*
- *Building Regulations 2006*
- *Building Act 1993*
- *Building Code of Australia (BCA)*
- *Planning and Environment Act, and*
- *Residential Tenancies Act 1997*

Council currently has officers authorised under the above acts to manage rooming houses. Appendix A provides a detailed explanation of the specific requirements under the above acts that a rooming house operator must comply with prior to registration.

There are exemptions to under the Residential Tenancies Act, Part 4. This may come into effect in relation to farm stays or the like, where lodging is provided as part of the tenants terms of employment. The name must reflect the true nature of the accommodation. Also, the public perception of the premises must be that it is a boarding house or similar.

Even though those premises may not need to be registered with Council, the owners will still be obligated under the Building Act to ensure they comply with Fire Safety and ESM standards.

1.3 Why is there a surge in rooming houses across the State?

In Victoria, there has been an increase in privately run rooming houses, particularly those directed at students. While traditional rooming houses (catering for the most vulnerable) have been closing, others are emerging in re-purposed conventional houses and apartments as well as some purpose-built accommodation both in suburban locations and regional/rural areas;

- Residents are becoming more diverse including domestic and international students, workers, travellers and vulnerable and disadvantaged people;
- Rooming houses offer a cheap for of housing for low income earners;
- The ability for operators to earn more money by sub-letting rooms instead of a whole house, and;
- Some operators rent dwellings and use a head tenant who sub-lets to others.

Victoria currently has 839 registered rooming houses, but many more are operating unregistered. The presence of unregistered operators is particularly troubling given that many vulnerable people in the community turn to rooming houses for shelter - from homeless people and families that have been pushed out of the rental market, to backpackers, foreign students and workers.

1.4 What do we know about Rooming Houses in the municipality

At present there are currently two rooming houses registered in the Municipality. One is located in Swan Hill, the other in Robinvale. These premises are both on the rooming house register.

In the past 12 months, Council's Public Health Services Unit has received 24 complaints regarding the operation of potential rooming houses. Most of these premises have been investigated and upon a thorough assessment, were deemed not to be a rooming house. - Why

At present, Environmental Health Offices are working in collaboration with the Municipal Building Surveyor to investigate potential rooming houses in Robinvale. It is suspected that there could be a number of rooming houses operating within the Robinvale area to cater to the transient agricultural workers. Without a more targeted investigative approach, the quantity at this point in time is unknown.

When officers become aware of shared accommodation facilities that breach building, public health and planning laws, officers coordinate investigation and enforcement activities to achieve compliance.

Officers initially seek to work with owners/proprietors to achieve compliance. However, where necessary, officers may need to use a number of enforcement options. This includes issuing of orders/notices to upgrade safety measures of the building, prohibit occupation and remedy any

breaches of standards under the Public Health and Wellbeing Regulations and the Planning Scheme.

Council may also serve an infringement notice for offences, including operating an unregistered business.

1.5 How does Council find out about rooming houses?

Council currently becomes aware of rooming houses through complaints or observations.

Concerned residents

Concerned residents may call Council and complain about a property or may know of someone operating an illegal rooming house. Council officers, must investigate when they receive a complaint.

Owners/real estate agent's responsibilities

Section 142D of the *Residential Tenancies Act 1997* imposes an obligation on an owner of a building, or that owner's agent, to notify the relevant local council if they have reason to believe that:

- a) the building is being used as a rooming house, and
- b) the building is not registered with the local council as prescribed accommodation under the Public Health and Wellbeing Act 2008.

An agent includes an estate agent and an agent's representative as defined under section 4 of the Estate Agents Act 1980.

Any complaints are logged into Council's SysAid Management System. Any complaint received is investigated, to determine if the premises is indeed a rooming house. If it is deemed to be a rooming house, necessary steps are undertaken by Building, Health and Planning to ensure the rooming house meets all legislative requirements.

1.6 What are the risks associated with unregistered premises?

There are a number of risks associated with unregistered rooming houses which may lead to danger to residents due to inadequate fire protection or sub-standard conditions:

Public Safety:

- Fire Safety –Rooming houses must meet a number of fire safety requirements, as a result of two people that died in a rooming house fire that occurred in 2006 in Brunswick.
- Overcrowding – Owners/proprietors must comply with regulations in relation to the maximum number of people permitted to reside in each bedroom. Overcrowding can lead to both physical and mental health issues.
- Disease control – These types of environments can spread communicable disease, especially where people live in close proximity to one another.

- Maintenance - Often, rooming houses provide low cost rent. However, as a result that can often lead to substandard living conditions which can put a tenant's health at risk. All bedrooms, toilets, bathrooms, laundries, kitchens, living rooms and any common areas provided with the accommodation must be maintained in good working order; in a clean, sanitary and hygienic condition and in a good state of repair.
- Water supply - It is imperative that rooming house operators provide a continuous and adequate supply of water must be provided to all toilet, bathing, kitchen, laundry and drinking water facilities and hot water to all bathing, laundry and kitchen facilities.

Local economy and growth:

With an increase in the mass production of table fruits in certain parts of the municipality, it is likely the need for seasonal workers will increase. In order to meet these needs, this may lead to an increase in more rooming houses in certain areas of the municipality that may not meet legislative requirements, putting tenant's safety at risk.

Reputational Risk:

Council must take the lead in order to identify rooming houses and work with operators to ensure they comply with relevant legislation. There is a significant risk if Council takes no action to ensure all standards for which Council is responsible for are being met.

1.7 Council enforcement activities

Any investigation process will require a co-ordinated approach with Health, Building and Planning officers to ensure that all aspects of the legislation is complied with prior to registration. Currently Council is authorised to undertake the following enforcement activities under respective State legislative requirements;

- Council's Municipal Building Surveyor or a person appointed as a building surveyor under the Building Act 1993 can carry out powers of entry under the Act to inspect a building during reasonable daylight hours with the consent of the owner/occupier (not less than 24 hours before entering the building) or with a search warrant (BA);
- A Municipal Building Surveyor may enter a building at any time without consent or a search warrant if the safety of the public or occupants is at risk, or if there is an emergency order applying to the land (BA);
- Council's Environmental Health Officer/s can carry out powers of entry under the Public Health and Wellbeing Act 2008 to inspect a building/premises during reasonable daylight hours with the consent of the owner/occupier (PHWA);
- An Environmental Health Officer may enter the land around the premises for the purposes of contacting the occupier (PHWA);
- An Environmental Health Officer may enter (without consent from the owner/occupier) a building believed to be used for the provision of prescribed accommodation or if there is believed on reasonable grounds to be an immediate risk to public health (PHWA);
- Any officer authorised by Council under Section 133 of the Planning and Environment Act 1987 may enter any land at any reasonable time to carry out and enforce this Act, the regulations, a planning scheme, a permit condition, an enforcement order or an agreement under Section 173 of this Act; or to find out whether any of them have been or is being contravened;
- It is an offence to impersonate or hinder an officer under the relevant Act (All);
- All officers must carry an identity card that includes a photograph, their name and a statement that they are an authorised officer appointed under the relevant Act. All

officers must show their identity card upon entry to a building and whenever requested (All), and;

- All officers must announce that they are an authorised officer under the relevant legislation prior to entering a building (All)

Other external agency support:

- Officers from Consumer Affairs Victoria are authorised to enforce the requirements of the Residential Tenancies Act 1997 (RTA)
- Victoria Police may accompany all officers in carrying out powers of entry under the relevant Act (All)

Enforcement activities needs to be sensitive to the different levels of risk associated with different types of rooming houses and their diverse populations. Using a risk-based approach would assist Council officers to prioritise the type of enforcement action necessary.

A risk approach must be incorporated into Council’s current Rooming House Policy and procedure to ensure it is reflective of the organisation’s overall Risk Management Policy.

Risks assessments should be specifically developed to assist with undertaking investigations, so they can be assigned consequences based on officer’s discretion upon assessment of the suspect rooming house. Each risk assessment will need to be analysed by determining its likelihood and consequence. The methods used should be consistent with AS/NZS ISO 31000:2009.

Once qualitative likelihood and consequence ratings have been assigned to each risk statement, the final risk evaluation (prioritisation) can be completed. The priority levels in Table 1 can be interpreted as follows:

- **Extreme** priority risks demand urgent attention at the most senior level and cannot be simply accepted as a part of routine operations without executive sanction.
- **High** priority risks are the most severe that can be accepted as a part of routine operations without executive sanction but they will be the responsibility of the most senior operational management
- **Medium** priority risks can be expected to form part of routine operations but they will be explicitly assigned to relevant managers for action and maintained under review
- **Low** priority risk will be maintained under review but it is expected that existing controls will be sufficient.

Table 1: Matrix of likelihood and consequence for prioritisation of risks

	Consequence					
		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood	Almost Certain	Medium	Medium	High	Extreme	Extreme
	Likely	Low	Medium	High	High	Extreme
	Possible	Low	Medium	Medium	High	High
	Unlikely	Low	Low	Medium	Medium	Medium
	Rare	Low	Low	Low	Low	Medium

1.8 Where to from here?

Council should continue to be proactive in this space by undertaking the following:

1. The community, property owners, real estate agents, farm owners and operators will be encouraged to have an open dialogue with Council officers around any potential concerns that they may have with non approved rooming houses. Officers will undertake a community education campaign and advertise the importance registered rooming houses in order to identify any current unregistered premises;
2. Offices will follow the current Rooming House Policy & Procedure using a risk based approach to prioritise enforcement if necessary.
3. Officers will develop general information materials such as handout's and website information to advise the wider community and operators of their responsibilities, and;
4. Officers will work in collaboration with Consumer affairs Victoria and The Registered Accommodation Association of Victoria (RAVV) in undertaking a joint education campaign.

APPENDIX A

Before operating a Rooming House/Shared Accommodation an operator must meet a number of legal requirements associated with Council. This process generally consists of obtaining approval from a number of areas of Council as detailed in the table below.

WHO AN OPERATOR NEEDS TO CONTACT AT COUNCIL			
Number of Proposed Occupants	Planning	Building	Health
Building will accommodate less than 4 persons	N/A	✓	N/A
Building will accommodate 4 or more persons with 10 or less habitable rooms	N/A*	✓	✓
Building will accommodate 4 or more persons with 11 or more habitable rooms	✓	✓	✓

N/A No Approval Required

✓ Approval may be required, contact relevant service area

* Planning may need to be consulted depending on the planning zone

The following provides an overview of the specific requirements for each Council department that an operator must adhere to prior to obtaining registration for a rooming house.

Public Health requirements

Rooming houses must also comply with the Public Health and Wellbeing Regulations 2009, including having:

Health and Hygiene

Residents have the right to a clean-living environment. The following list includes responsibilities the proprietor must undertake but is not limited to:

- Maintain all bedrooms, toilets, bathrooms, laundries, kitchens, living rooms and any common areas in good working order, and in a clean, sanitary and hygienic condition
- Provide a continuous and adequate supply of hot water to all bathing, laundry and kitchen facilities
- Ensure water intended for drinking is fit for human consumption
- Provide regular rubbish collection
- Ensure that all sewage and water is discharged to a sewerage system or an approved domestic waste water disposal system
- Provide sufficient vermin-proof bins and ensure they are emptied regularly

Toilet and Bathing Facilities

A proprietor must provide:

- At least one toilet, one bath/shower and one wash basin for every 10 people
- A continuous and adequate supply of hot and cold water
- Communal rooms are kept in a clean and hygienic condition with adequate ventilation

Register of Residents

Under Section 26(1), Public Health and Wellbeing Regulations 2009, a proprietor is required to keep a register of all residents, including:

- The names and addresses of any persons occupying the premises
- The dates of their arrival and departure

This information must be kept for a minimum of 12 months after the date of the last entry in the register.

Room Sizes and Duration of Stay

For stays of 31 days or less	For stays of 32 days or more
1 person per room min 7.5m ²	1 person per room min 7.5m ²
2 people per room min 7.5m ²	2 people per room min 12m ²
3 people per room min 10m ²	For more than 2 people: 12m ² & an additional 4m ² of floor space for each additional person
More than 3 people: 10m ² & an additional 2m ² for each additional person	

To be registered, the building must comply with the health regulations, as well building and planning requirements, including obtaining the appropriate occupancy permit. Once registered, Council's will inspect the property annually to ensure standards are maintained.

Local Law Requirements

The owner and occupier of land in a residential area must not park or allow more than one caravan on the land without first obtaining a permit. A person may use a caravan on privately owned land without a permit for sleeping purposes for seven nights in a six month period. This is in place to reduce the impact on the amenity of the area for neighbouring households and properties. This is to ensure sufficient arrangements are in place for the sanitary safeguard to public health and the environment.

Planning requirements

Land use and development is controlled and regulated under the various provisions of the Swan Hill Planning Scheme.

A rooming house is a land use that is defined as 'accommodation' under the definitions contained in the Swan Hill Planning Scheme. A rooming house is a land use that does not meet the requirements specified for 'shared housing'.

Building requirements

The Building Regulations 2006 distinguish between 'small' rooming houses (Class 1b) and 'large' rooming houses (Class 3).

Class 1B – a boarding house

- Total floor area not exceeding 300sqm when measured over the enclosing walls of the building;
- No more than 12 persons would ordinarily be resident, and;
- Cannot be located above or below another dwelling or another class of building other than a private garage

Class 3 – a residential building

- Any other building other than a building of Class 1 or 2, which is a common place of long term or transient living for a number of unrelated persons, including a boarding house, guest house, hostel, lodging house or backpackers accommodation.

You need to obtain a building permit from a registered building surveyor to convert an existing building to either a Class 1B or Class 3 building.

To allow for the lawful use of the building as a rooming or boarding house, the owner of the building must have an occupancy permit suitable for the use of the building.

Unauthorised Conversion of Buildings

Unauthorised conversion of a building (converting a building from Class 1a to Class 1b) may constitute an offence which can be prosecuted by Council or the police.

The following building requirements only cover Class 1b shared accommodation buildings (not including short-term holiday accommodation).

Shared accommodation buildings that do not comply with the Class 1b requirements would most likely be classified as a Class 3 building.

Class 3 buildings have their own specific regulatory requirements; for example, fire separation, exits and fire fighting equipment.

Building Classifications

The National Construction Code (NCC) defines Class 1 buildings as:

- (a) *Class 1a - a single building being*
- (i) *a detached house; or*
 - (ii) *one of a group of two or more attached dwellings, each being a building, separated by a fire resisting wall, including a row house, terrace house, town house or villa unit; or*
- (b) *Class 1b*
- (i) *a boarding house, guest house, hostel or the like;*
 - (A) *with a total floor area of all floors not exceeding 300m² measured over the enclosing walls of the Class 1b building; and*
 - (B) *in which not more than 12 persons would ordinarily be resident; or*
 - (ii) *4 or more single dwellings located on one allotment and used for short-term holiday accommodation, which are not located above or below another dwelling or another Class of building other than a private garage.*

Council considers that a Class 1a building is occupied by one family, without regard to the number of occupiers.

In addition to the NCC definition above, Council considers a Class 1b building to be:

- A building that accommodates or is intended to accommodate, on payment of rent, between 2 and 12 people and any of the people being or intended to be accommodated are non-family related and they do not share other verifiable close relationship among them; or
- Where individual or joint residents occupy a room or rooms on payment of rent to the exclusion of any other occupier(s); or
- Council determines that between 2 and 12 unrelated people are being accommodated or are intended to be accommodated, on payment of rent, based on inspection of the building and any other reliable evidence.

Building Permits

A building permit is required for the construction of a new Class 1b building/s.

A building permit is also required to change the use from one building classification to any other building classification.

Building permits are issued by Registered Building Surveyors. An Occupancy Permit or Certificate of Final Inspection is issued by the Building Surveyor after the building work required by the building permit has been inspected and approved.

The Occupancy Permit must always be displayed in the building. The position in which it is displayed is nominated by the Building Surveyor.

Change of Use

Typically Class 1a dwellings are converted (change of use) into Class 1b buildings to provide shared accommodation. The building regulations require that any building changing its use must comply with current building regulations and the current National Construction Code (NCC).

The building regulations allow a Building Surveyor to vary the level of compliance with current building legislation. In determining to vary any level of compliance the Building Surveyor must have regard to the health, safety and amenity of the occupants of the building.

Essential Building Safety Measures**Smoke Alarm Installation Requirements**

Owners must install a stand-alone, hard-wired smoke alarm in or near the ceiling in every bedroom and every hallway associated with a bedroom. If there is no corridor or hallway, a smoke alarm must be installed in any area between the bedrooms and the remainder of the building. The smoke alarms must meet the Australian Standard AS 3786 or AS1670.1. The smoke alarm must be connected to the building's 240 volt power mains as well as having a battery back-up.

Smoke alarms should be installed on or near the ceiling with special care being taken to avoid dead air spaces. A dead air space is an area in which trapped hot air will prevent smoke from reaching the alarm. This space generally occurs at the apex of cathedral ceilings, the corner junction of walls and ceilings, between exposed floor joists etc. In normal ceilings, this means locating the smoke alarm at least 300mm from any corner.

Emergency Lighting Requirements

Owners must install smoke alarm activated lighting in accordance with BCA Clause 3.7.2.5 to assist evacuation of occupants in the event of fire. The lighting can be incorporated in the smoke alarm units or activated by operation of nearby smoke alarms.

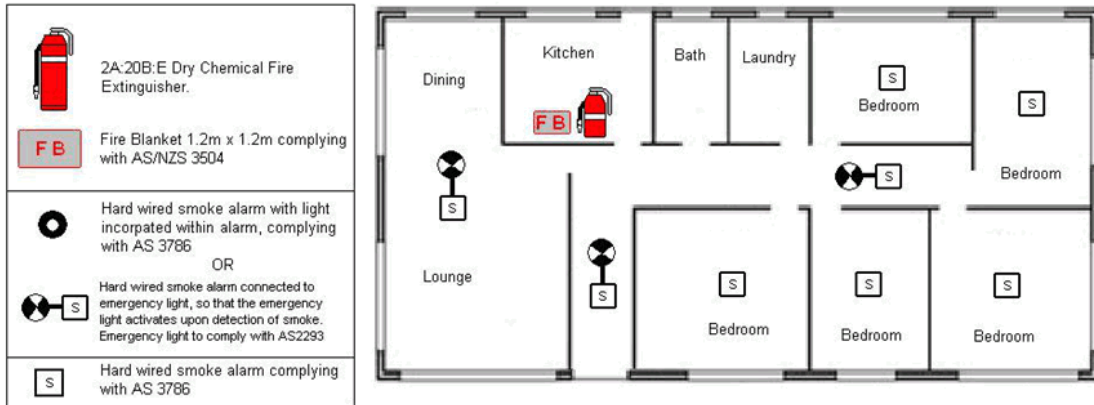
Fire Extinguisher Requirements

It is recommended that owners install an A 2A:20B: E Dry Chemical fire extinguisher in the kitchen in accordance with AS2444. The fire extinguisher must be placed in an obvious and easy-to-reach position with no obstructions or hazards in the way of occupants. It should be mounted at a height of not more than 1200mm from floor level.

Fire Blanket Requirements

Owners should ensure that a fire blanket is kept in an easy-to-reach location close to the cooking area. Fire blankets are manufactured to AS/NZS 3504 in a rectangular or square shape and are available in sizes between 0.9 m × 0.9 m and 1.8 m × 1.8 m.

Fire safety equipment must be located in appropriate locations with signage and in accordance with relevant standards and clearly detailed in building permit drawings.



Exit Doors

Exit doors must be maintained and clear of all obstructions at all times. The paths must be maintained in an efficient condition and kept readily accessible, functional and clear of obstruction to ensure safe and fast exiting from the building in the case of an emergency. Deadlocks are generally prohibited on required exit doors. Consideration may be given to permitting a deadlock if the deadlock installed has no provision for internal locking by a key (see Lockwood 002 Dead latch range or similar). A lever handle is preferable.

NOTE: A Building Surveyor does not have any discretion over the Premises Standards.

Appendix B: Accommodation-related land use analysis of 'prescribed accommodation' – decision matrix

Accommodation Type	Description of Use	Planning permit requirements	Public Health and Wellbeing Registration requirements	Building Requirements
Accommodation	Dependent on more specified use.	Use and development in all circumstances.	Dependent on more specified use.	May apply, depending on use
Backpacker's lodge	Backpacker's lodges provide accommodation away from a person's primary residence. If the facility provides primary residence, it could be operating as another use, such as a rooming house. The use must be changed to accurately reflect the operation of the facility.	All new structures. Existing residential buildings, where: <ul style="list-style-type: none"> the use will have more than 10 habitable rooms, and/or the associated buildings and works require a permit (section 2), and/or the existing use does not have a current permit. 	Registration as 'prescribed accommodation' if able to accommodate 4 or more persons.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.
Bed and breakfast	Bed and breakfasts provide accommodation away from a person's primary residence. If the facility provides primary residence, it could be operating as another use, such as a rooming house. The use must be changed to accurately reflect the operation of the facility.	Use that can accommodate more than 10 persons. Use seeking dispensation on car parking. Use and Development if over 2 metres at ground floor level in Commercial 1 Zone.	Registration as 'prescribed accommodation' if able to accommodate more than 5 persons other than the family of the proprietor.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.
Boarding house	Boarding house is not defined in the <i>Public Health and Wellbeing Act 2008</i> and it is considered that the definition of a rooming house is its best fit's.	All new structures (unless meeting 52.22, 52.23 or 52.24). Existing residential buildings, where: <ul style="list-style-type: none"> the use will have more than 10 habitable rooms, and/or the associated buildings and works require a permit (section 2), and/or the existing use does not have a current permit. 	Registration as 'prescribed accommodation' (rooming house) if able to accommodate 4 or more persons.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.

Accommodation Type	Description	Planning permit requirements	Public Health and Wellbeing Registration requirements	Building Requirements
Camping and caravan park	Whilst camping and caravan parks occasionally provide accommodation to the target market segment.	Use and development in all circumstances.	Exempt from registration if land contains moveable dwellings or structures other than a tent, caravan or a vehicle which is designed to be moved from place to place for occupation on payment of consideration.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.
Caretaker's house	Caretaker's houses are generally self-contained dwellings for the exclusive occupation of the caretaker.	Use and development in all circumstances if located in Low Density Residential Zone (LDRZ). Use and development if there is more than one dwelling on a lot if located in the General Residential 1 Zone (GRZ1) and the Residential Growth Zone (RGZ). Use and Development if over 2 metres at ground floor level in Commercial 1 Zone.	Registration as 'prescribed accommodation' exempt if the building is self-contained and is under the exclusive occupation of the owner/occupier.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.
Community care unit	Providing that the use is operating in accordance with the permit and registration exemptions.	Only operates within the bounds of Clause 52.24 (permit exemption), whereby: <ul style="list-style-type: none"> The building or buildings are used for services funded by the Department of Human Services in self-contained accommodation, and The building or buildings are in an area or zone mainly used for housing and no more than 20 clients plus supervisory staff are accommodated on the site. 	Exempt from registration if: <ul style="list-style-type: none"> Personal or nursing care is provided, where the care is funded with specified State and Commonwealth funding, or The use provides an approved mental health service under the <i>Mental Health Act 1986</i>, or The use provides an approved residential service under the <i>Disability Act 2006</i>, or The use provides an approved secure welfare service under the <i>Children, Youth and Families Act 2005</i>, or The use provides support services under the <i>Residential Tenancies Act 1997</i>. 	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.

Accommodation Type	Description	Planning permit requirements	Public Health and Wellbeing Registration requirements	Building requirements
Corrective institution	Corrective institutions are governed by other legislation.	Use and development in all circumstances. Use is prohibited in the Commercial 1 Zone (C1Z).	Use not relevant to the <i>Public Health and Wellbeing Act 2008</i> .	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.
Crisis accommodation	As the <i>Planning and Environment Act 1987</i> does not state who must provide crisis accommodation, accommodation that is provided by a person or agency not receiving homelessness support funding, or accommodation that is provided for profit will need to be registered as 'prescribed accommodation'	Only operates within the bounds of Clause 52.22 (permit exemption), whereby: <ul style="list-style-type: none"> The use provides temporary crisis accommodation, and The building or buildings are in an area or zone mainly used for housing, and The development provides self-contained accommodation with up to 10 habitable rooms. 	Exempt from registration if accommodation is provided on a non-profit basis by an agency which receives homelessness support funding from the Victorian Government.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.
Dependent person's unit	Dependent person's units are generally self-contained dwellings for the exclusive occupation of the owner/occupier.	Must be a moveable dwelling. Use and development if located in Mixed Use Zone (MUZ) Use and Development: if second unit on the lot in the Residential Growth Zone (RGZ), General Residential 1 Zone (GRZ1) and Low Density Residential Zone (LDRZ). Use and Development: if over 2 metres at ground floor level in Commercial 1 Zone.	Registration as 'prescribed accommodation' - exempt if the building is self-contained and is under the exclusive occupation of the owner/occupier.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.

Accommodation Type	Description	Planning permit requirements	Public Health and Wellbeing Registration requirements	Building Requirements
Dwelling	A dwelling must be self-contained and under the exclusive occupation of the owner/occupier.	Use and development if there is more than one dwelling on a lot if located in the General Residential 1 Zone (GRZ1) and the Residential Growth Zone (RGZ).	Registration as 'prescribed accommodation' exempt if the building is self-contained and is under the exclusive occupation of the owner/occupier.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.
Government funded social housing	Providing that the use is operating in accordance with the permit requirements and registration exemptions	Permit applications for developments funded under the Commonwealth Nation Building Economic Stimulus Plan are to be lodged with the Minister for Planning and must include all application requirements.	Registration exempt if provided by a service agency for the purposes of delivering support services under the Residential Tenancies Act 1997.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.
Group accommodation	Group accommodation includes land, in one ownership, containing a number of dwellings used to accommodate persons away from their normal place of residence.	Use and development in all circumstances.	Registration as 'prescribed accommodation' exempt if the building is self-contained and is under the exclusive occupation of the owner/occupier.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.
Hostel	If meeting the planning and health requirements in accordance with the defined use	Use and development in all circumstances.	Registration as 'prescribed accommodation' (hostel) if accommodating 4 or more persons.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.
Host farm	A host farm is used to provide accommodation for persons away from their usual resident to experience farm living.	Use and development in all circumstances.	Registration as 'prescribed accommodation' if able to accommodate more than 5 persons other than the family of the proprietor.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.
Hotel	If meeting the planning and health requirements in accordance with the defined use.	Use and development in all circumstances.	Registration as 'prescribed accommodation' (hotel) if providing accommodation for 4 or more persons, registration as 'prescribed accommodation' (hotel) is required.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.

Accommodation Type	Description	Planning permit requirements	Public Health and Wellbeing Registration requirements	Building requirements
Motel	If meeting the planning and health requirements in accordance with the defined use	Use and development in all circumstances.	Registration as 'prescribed accommodation' (motel) if accommodating 4 or more persons.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.
Nurses' home	Nurses' homes are generally self-contained dwellings for the exclusive occupation of the owner/occupier.	Use and development in all circumstances.	Registration as 'prescribed accommodation' exempt if the building is self-contained and is under the exclusive occupation of the owner/occupier.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.
Nursing home	If meeting the planning and health requirements in accordance with the defined use	Use and development only if located in Low Density Residential Zone (LDRZ).	Exempt from registration if provided within the meaning of nursing home under the National Health Act 1953.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.
Residential aged care facility	If meeting the planning and health requirements in accordance with the defined use	Use and development only if located in Low Density Residential Zone (LDRZ).	Registration as 'prescribed accommodation' exempt if meeting requirements of exemption for nursing home or retirement village.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.
Residential building	Dependent on more specified use.	Use and development in all circumstances.	Dependent on more specified use.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.
Residential college	If registration as 'prescribed accommodation' (rooming house) is required.	Use and development in all circumstances.	Registration as 'prescribed accommodation' (student dormitory) if the use is controlled by or operated under an arrangement with an education institution. If not, registration as 'prescribed accommodation' (rooming house) may apply.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.
Residential hotel	If meeting the planning and health requirements in accordance with the defined use.	Use and development in all circumstances.	If providing accommodation for 4 or more persons, registration as 'prescribed accommodation' (hotel) is required.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.

Accommodation Type	Description	Planning permit requirements	Public Health and Wellbeing Registration requirements	Building requirements
Residential village	Dependent on more specified use.	Use and development in all circumstances.	Registration is dependent on more specified use.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.
Retirement village	If meeting the planning and health requirements in accordance with the defined use.	Use and development in all circumstances.	Exempt from registration if retirement village is operating within the meaning of the Retirement Villages Act 1986.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.
Rooming house	<p>A building in which there is one or more rooms available for occupancy on payment of rent in which the total number of people who may occupy that room or those rooms is not less than four. Common characteristics of rooming houses include:</p> <ul style="list-style-type: none"> • Primarily single room accommodation; • Shared access to common facilities such as bathrooms, kitchens, laundries and living areas; • No formal supports are present on the premises; • The owner and their family generally do not live on the premises; • Increasingly used by long-term homeless people or those in housing crisis. 	<p>All new structures (unless meeting 52.22, 52.23 or 52.24).</p> <p>Existing residential buildings, where:</p> <ul style="list-style-type: none"> • the use will have more than 10 habitable rooms, and/or • the associated buildings and works require a permit (section 2), and/or • the existing use does not have a current permit. 	Registration as 'prescribed accommodation' (rooming house) if able to accommodate 4 or more persons.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.
Shared housing	Generally defined as housing where some amenities are shared between unrelated residents, such as rooming houses, emergency/crisis housing, student housing and hostels.	<p>Only operates within the bounds of Clause 52.23 (permit extension), whereby:</p> <ul style="list-style-type: none"> • The use provides a building, including to outbuildings normal to a dwelling, to house a person or people and any dependents or 2 or more people, and • The buildings or buildings are in an area mainly used for housing, and • The development provides self-contained accommodation and does not have more than 10 habitable rooms. 	Registration as 'prescribed accommodation' if able to accommodate 4 or more persons, unless meeting exemptions under Regulation 14 of the Public Health and Wellbeing Regulations 2009.	Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.

<p>Student housing</p>	<p>Housing that is owned and managed by housing associations or providers and is in part funded by Government means and directed towards eligible recipients.</p>	<p>Use and development in all circumstances.</p>	<p>Registration as 'prescribed accommodation' (student dormitory) if the use is controlled by or operated under an arrangement with an education institution. If not, registration as 'prescribed accommodation' (rooming house) may apply.</p>	<p>Must comply with standards set out in the Building Act 1993, Building Regulations 2006 and Building Code of Australia.</p>
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B.17.86 PLANNING PERMIT APPLICATION FOR THE USE OF THE LAND FOR A CONTRACTORS DEPOT

Responsible Officer: Director Development and Planning
File Number: 2017/49
Attachments: 1 Planning Permit Conditions

Declarations of Interest:

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

Summary

The application is for the use and development of the land for a contractors depot in the Rural Living Zone, located at 6 Prescott Lane, Nyah West. This report seeks a Council resolution to issue a notice of decision to grant a permit.

Discussion

Location and existing conditions

The subject site is located on the east side of Prescott Lane at the intersection of Prescott Lane and Monash Avenue, Nyah West. The site has a rectangular shape with an overall area of approximately 2.62 ha. The site currently contains a couple of sheds with the main shed being used to carry out maintenance on the trucks. The property is mostly cleared of any native vegetation with the eastern portion of the land being an open paddock that is separated from the depot area by a vegetation screen.

Surrounding area to the east, west and north comprises similar sized properties within the Rural Living Zone and mostly being used for agricultural purposes with associated dwellings and outbuildings.

Land further to the east is in the Farming Zone and comprises larger agricultural properties. Land to the south of the site across Monash Avenue is in the General Residential Zone and contains an established residential area. Monash Avenue is categorised as a Road Zone Category 2, road in the planning scheme.

Please see the aerial image below for more details on the subject site and surrounds.

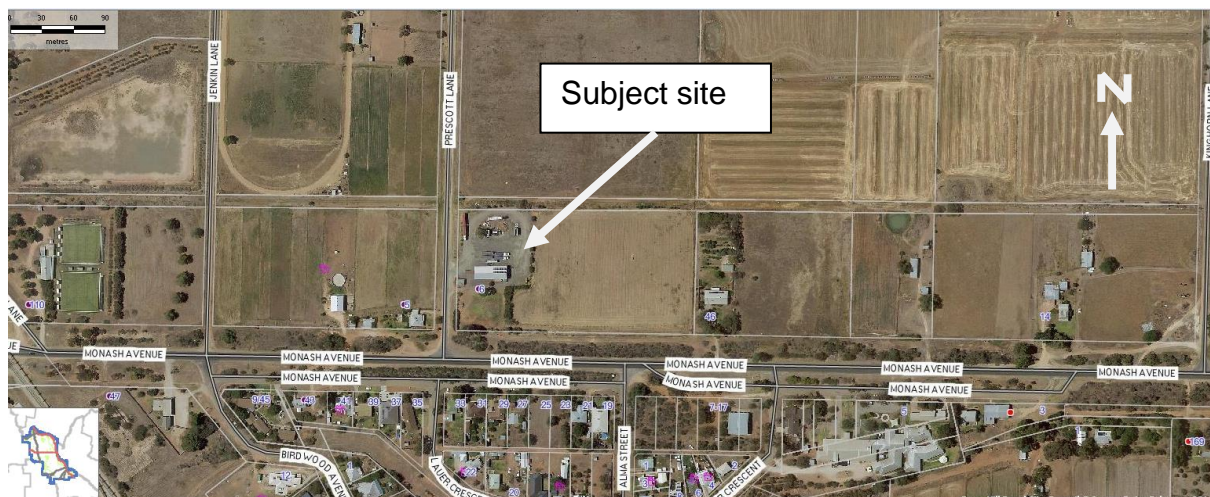


Fig. 1 Aerial image of subject site and surrounds

Proposal

The application seeks a retrospective approval for the use of the land for the purpose of a contractors depot.

The use currently undertaken on site includes parking of trucks, storage of spare parts and machinery, repair and maintenance of the trucks and a truck wash area.

Assessment

The proposed use of the land for a contractors depot accords with the relevant State and local planning policies and is consistent with the purpose and decision guidelines of the Rural Living Zone. Planning policy in the Rural Living Zone encourages use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Consideration of this application has required particular attention to both State and local policies as these sections of the Swan Hill Planning Scheme contain specific guidelines that promote economic development within the municipality.

The proposed use of the land in this case is in keeping with the purposes of the zone. It is consistent with the objectives of both State and local policy, which encourage such business opportunities.

The Objectives of Planning in Victoria

Planning Schemes in Victoria must seek to achieve the objectives of planning in Victoria as set out in Section 4(1) of the Planning and Environment Act 1987. The relevant objective to the proposal is:

- To provide for the fair, orderly, economic and sustainable use and development of land.

The proposal will enhance the economic development by providing job opportunities and therefore it coincides with the above objective.

Rural Living Zone

The purpose of the Rural Living Zone is generally to provide for residential use in a rural environment, as well as provide for agricultural land uses that do not adversely affect the amenity of surrounding land uses, protecting and enhancing the natural resources, biodiversity, landscape and heritage values of the area.

The subject land use “contractors depot” does not appear in section 1 or section 3 of the zone table being an “as of right” use or “prohibited”. It is also not mentioned in Section 2 and, therefore, it can be referred to as an “unspecified use” that requires a permit. The use has been established by a precedence set by VCAT in a similar case to this proposal. To this end the Tribunal made the following comments in *Indigo SC v Carter No.2*¹:

The land use 'contractors depot' does not appear in section 1 or section 3 of the relevant table. It is not mentioned specifically in section 2 but it is caught by the 'catchall ' provision just quoted. As such it is a so called 'innominate use', also sometimes referred to as an 'unspecified use'. In any event, it requires planning permission. No such planning permit is currently in existence.

In spite of that the business and its contractors depot use of the land have been carried on now for some time, I believe in the order of two years or more. Because there is no valid planning permit allowing this land use it amounts to a contravention of the planning scheme.

The subject land is currently being used as a contractors depot and because there is no valid planning permit allowing this land use to occur, it amounts to a contravention of the planning scheme, similar to the case discussed above.

The decision guidelines specified in Clause 35.03-5 of the planning scheme require consideration of general land capability and compatibility issues, impacts on agricultural use and potential, impacts on environmental resources and design and siting.

The proposal in this case is for the use only and, therefore, the compatibility with adjoining and nearby land uses has to be assessed on the basis that this is a rural zone, where rural activities are to be accommodated and tolerated.

It is considered that the impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality, and by the emission of noise, dust and odours would be minimal. The proposal is further unlikely to impact on the flora, fauna and landscape features of the locality. It is also considered that the proposal would have minimal impact on the character and appearance of the area.

The proposed contractors depot is permitted by the zone (subject to approval) and is consistent with the purpose of the zone, will not cause additional detriment to adjoining properties, as the use is already operational. The application was advertised and Council has received two objections that are addressed later in this report.

On this basis, it is considered the proposal will not have any adverse impact on the values identified for the Rural Living Zone and should not have any additional adverse impact on the amenity of surrounding properties. In fact, it is considered that the amenity impact will be improved by the conditions to be imposed on the applicant.

State Planning Policy Framework

Clause 11-13.1 Planning for Growth

The policy has following relevant objective to the proposal:

- *To align population and economic growth.*

The proposal will be used as contractors depot and will provide employment opportunities to the local community.

Clause 11.13-2 A Diversified Economy

The policy has following relevant objective to the proposal:

- *To realise opportunities to strengthen and diversify the economy.*

The strategy to achieve this objective is to support investment in infrastructure, freight and logistics.

The proposal will result in transportation of agricultural produce will eventually assist local farmers to export agricultural products.

Clause 17.01-1 Business

The policy has following relevant objective to the proposal:

- *To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

The proposal will result in sustainable growth and development of regional Victoria and provides a commercial service to the Swan Hill and surrounding communities. It will also provide an economic and employment benefit to the region. The proposal will result in net community benefit in relation to providing services associated with the rural sector that is a main contributor to the economy of the region.

Clause 18.01-2 Transport system:

The policy has following relevant objective to the proposal:

- *To coordinate development of all transport modes to provide a comprehensive transport system.*

Relevant strategies are:

- *Locate transport routes to achieve the greatest overall benefit to the community and with regard to making the best use of existing social, cultural and economic infrastructure, minimising impacts on the environment and optimising accessibility, safety, emergency access, service and amenity.*
- *Plan or regulate new uses or development of land near an existing or proposed transport route to avoid detriment to, and where possible enhance the service, safety and amenity desirable for that transport route in the short and long terms.*
- *Ensure careful selection of sites for freight generating facilities to minimise associated operational and transport impacts to other urban development and transport networks.*

The proposal will enhance the existing transport system by providing a use that will enhance the transportation of the agricultural produce.

Local Planning Policy Framework (including the Municipal Strategic Statement)

Clause 21.08-1 Business

The policy has following relevant objective to the proposal:

- *To provide for the growth of business and commerce.*

The proposal will contribute to the economic growth by providing services to local agriculture in the region and will create local employment opportunities.

Clause 21.09-2 Transport:

The policy has following relevant objective to the proposal:

- *To protect and enhance transport infrastructure.*

The proposal recognises the existing freight facilities of the municipality and will utilise the existing transport infrastructure.

Conclusion

The proposed use is acceptable, subject to conditions. The use is already operating on site and applicant has applied for a retrospective permit to bring the use in compliance with the Swan Hill Planning Scheme. The submissions have been considered for the assessment of the proposal and appropriate measures have been adopted to address the concerns.

It is therefore considered that the proposal produces acceptable outcomes in terms of the State and local policy framework, which seek to encourage economic development within the municipality. It is considered that the proposal is an appropriate development and should be supported.

Consultation

Notice of the application

The application was advertised pursuant to Section 52 of the Planning and Environment Act 1987, via letters sent to adjoining and neighbouring owner/occupiers and a public notice displayed on the frontage of the site. Notification was completed in a satisfactory manner with Council receiving 2 submissions. One objection was recently withdrawn based on the conditions to be imposed on the applicant.

The objections can be summarised as follows:

- Noise emanating from the site;
- Dust from the movement of trucks in the area;
- Road is not suitable for such heavy traffic;
- Reversing the trucks on the road is causing a safety hazard for the road users;
- No proper drainage system for the water resulting from the truck wash and it ends up flowing to the adjoining land.

Officer's Response to Objections

The subject land is located in Rural Living Zone and the development is permissible under the zone. The issue around noise has been raised in one of the VCAT cases for a similar proposal in Rural Living Zone. The VCAT member made the following

comments in relation to the noise and residential amenity issues under the zone. (Air Ag Gippsland Pty Ltd v South Gippsland SC2).

Expectations need to be tempered in the light of the rural zoning of the land, the purposes of the Rural Zone, and the fact that many rural activities can be noisy at times. If residents wish residential standards of amenity they should be directed to residential or rural residential zones rather than assume false expectations and then expect the Responsible Authority to impose restrictions on legitimate rural activities.

The first of those purposes records the idea of residential use in a rural environment. That is not the same thing as residential use in an urban environment, or in a residential zone. It is not, for example, the same thing as a Low Density Residential Zone or any other zone where the primary purpose can be identified as residential.

Residential use here is on rural terms. That is indicated, not just by the zone being amongst the Rural Zones, but also, to an extent, by the second purpose quoted above. Farming pursuits are to be expected, accepted and tolerated. Such pursuits, even on smaller allotments, can involve the presence of animals, machinery, farm work, vehicles and buildings like large sheds that affect amenity, and in particular residential amenity, that would not be acceptable in residential zones.

The concerns associated with the dust are mostly associated with the road shoulder of Prescott Lane that is unsealed and the entrance to the subject land, and not particularly within the subject site itself, as truck movements within the site will be slow and the trucks are mainly stationary. The objector has complained that the trucks kick up dust that settles on the pasture for her horses, which they then can't eat. The applicant has submitted a photo of a horse feeding in the paddock on the objector's land in close proximity to Prescott Lane.

There is no denying that there are amenity issues associated with the use of land, however, the zoning of the land allows such uses in a rural environment as noted by the VCAT member in the above case. Concerns in relation to the dust have been noted by the VCAT member in a similar case (Indigo SC v Carter No.2¹) and are as follows;

Dust is a common concomitant of rural activities and, within reason, is to be expected and accepted in a context like this one. It is common, for example, for driveways to be unsealed and capable of throwing up some dust in certain circumstances including from cars and heavier vehicles. The presence and movement of vehicles, particularly heavy vehicles, on the driveway and hardstand is by no means continuous. Although concentrated at weekends there is not a great deal of such activity. If necessary conditions could be imposed requiring dust suppression by watering or sealing of surfaces but I am not satisfied, on the evidence, that such measures are warranted in this case.

Prescott Lane is an approved B double access road, which has been confirmed with the Council's Engineering Department. To prevent trucks reversing on the road, a condition will be imposed on the applicant that all truck manoeuvring happens on the subject land. The applicant has also confirmed that this can occur.

The water emanating as a result of truck wash and storm will be contained on site and dissipate to the existing paddock for irrigation purposes. No water will be allowed to enter in the Goulburn-Murray Water channel or on the adjoining land to the north. Earth bunding will be built around the truck wash area to prevent water from entering to the Goulburn-Murray Water channel and adjoining land to the north.

Referrals

The application was also referred internally to the Engineering Department who also approved the proposal subject to conditions.

Financial Implications

Nil

Social Implications

Nil

Economic Implications

The proposal will provide employment opportunities.

Environmental Implications

Nil

Risk Management Implications

Nil

Council Plan Strategy Addressed

Economic growth - Assist existing businesses to expand and increase their efficiency.

Options

Council generally has two options when considering an application.

These being:

1. Issue a Notice of Decision to Grant a Planning Permit for the use of the land for a contractors depot at 6 Prescott Lane, Nyah West subject to conditions and in accordance with the endorsed plan.
2. Issue a Refusal to Grant a Planning Permit for the use of the land for a

contractors depot at 6 Prescott Lane, Nyah West.

Recommendation

That Council issue a Notice of Decision to Grant a Planning Permit for the use of the land for a contractors depot at 6 Prescott Lane, Nyah West, subject to the attached conditions and in accordance with the endorsed plan.

42/17 Motion

MOVED Cr Norton

That Council issue a Notice of Decision to Grant a Planning Permit for the use of the land for a contractors depot at 6 Prescott Lane, Nyah West, in accordance with the endorsed plan and subject to the attached conditions 1-6 and 8-15.

SECONDED Cr Katis

The Motion was put and CARRIED

THE FOLLOWING CONDITIONS APPLY TO THE PERMIT:

- 1 Within six weeks of the date of this permit, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans received on (18 August 2017) and prepared by (F.C.H. Consulting) but modified to show:
 - a) *Removal of the northern vehicle crossing.*
 - b) *All vehicle movements occurring within the curtilage of the site.*
- 2 The existing vehicle crossing must be upgraded in accordance with the Infrastructure Design Manual (IDM) standards or to the satisfaction of the Responsible Authority.
- 3 Within ten weeks of the date of this permit the internal access driveways must be constructed to an all-weather surface of hard crushed rock screenings to the satisfaction of the Responsible Authority to prevent dust being emitted from the site.
- 4 All vehicles must enter and exit the land in a forward direction.
- 5 No fewer than seven car space(s) must be provided on the land for the use.
- 6 No more than eight prime movers and eight b-double combination trailers connected with the business are to be kept on the land at any one time. No vehicle larger than this configuration can access the land.
- 7 Maintenance works on vehicles must only be carried out between 7am to 6pm Monday to Saturday and 10am to 2pm on Sunday.
- 8 No vehicle washing, maintenance or repairs are to be carried out on vehicles or machinery unless it is normally kept, garaged or stored on the land and owned or controlled by the operator of the land use in connection with the cartage contractor business.
- 9 Waste from a vehicle wash area must drain into a settlement and oil separation system. The system must comply with the Environmental Protection Act 1970 and be installed to the satisfaction of the Responsible Authority.
- 10 The applicant/owner must restrict sediment discharges from any construction sites within the property in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995).
- 11 That storm water runoff from all buildings, tanks and paved areas must be dissipated as normal un-concentrated overland flow clear of all buildings and property boundaries.

- 12 This permit will expire if the use hereby permitted is not commenced within two (2) years of the date of this permit. The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.

If a request is made outside of the above time, the responsible authority cannot consider the request and the holder of this permit cannot apply to Victorian Civil and Administrative Tribunal (VCAT) for a review of this matter.

Conditions Required by Goulburn Murray Water

- 13 All buildings and works must be setback at least 5 metres from Goulburn-Murray Water's freehold, easements or reserves. It is the responsibility of the applicant/developer to locate the freehold, easement or reserve boundary.
- 14 Goulburn-Murray Water will only permit rainfall runoff to enter its drain. No other water or discharge is permitted, including sullage (grey water), sewerage or water containing hydrocarbons or non-approved detergents.
- 15 No works are to be constructed that may impact drainage flows in Goulburn-Murray water's 6/1 Nyah Drainage Pipeline without approval.

NOTE(S)

From the Responsible Authority

- (a) All works carried out within the road reserve associated with this approval require a "Consent to the Conduct of Proposed Work on a Road" from the Responsible Authority. The developer must obtain this consent prior to the commencement of works. A financial penalty under the Council's Local Laws will be imposed for non-compliance with this condition.

B.17.87 SWAN HILL INCORPORATED ANNUAL MARKETING PLAN AND BUDGET FOR 2017/2018

Responsible Officer: Director Development and Planning
File Number: S12-24-05
Attachments: 1 Swan Hill Incorporated Annual Marketing Plan and Budget 2017/18

Declarations of Interest:

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

Summary

This report recommends Council adopt the Swan Hill Incorporated Annual Marketing Plan and Budget for the 2017-2018 financial year.

Discussion

As per the agreement between Swan Hill Incorporated (Swan Hill Inc) and the Swan Hill Rural City Council (Council), in order for Swan Hill Inc to receive the funds collected through the Special Rate for its marketing programs, Council must first approve Swan Hill Inc's Annual Marketing Plan and Budget.

The annual marketing plan is built around four strategies:

1. Visitation to the Region
2. Shopping in the Region
3. Advocacy
4. Business Support

Highlights of the Marketing Plan include the dedication of funds for digital marketing. This involves the use of a new marketing company who specialize in this essential component of visitation marketing. In addition the plan includes the continuation of popular events such as Market Day and the Swan Hill Region Food and Wine Festival. There will also be a continued focus on engaging and supporting Swan Hill businesses through a strong advocacy and business support program.

The 2017/18 Swan Hill Inc annual budget is made up of the following:

- Income – Total income of \$538,813. This includes a carry-forward amount of \$56,554, Special Rate income of \$366,278 and income from various promotions/events
- Expenses – Total expenses are \$538,813. This includes Administration expense of \$84,771 Business Support and Advocacy expense of \$16,500, Marketing expense of \$362,542, Promotion expense of \$12,000 and Traders expense of \$63,000.

Consultation

Swan Hill Incorporated has consulted with their members in the development of the Marketing Plan and Annual Budget.

Financial Implications

There are no financial implications for Council as the activities outlined in the plan are funded through the Special Rate.

Social Implications

It is anticipated that the successful implementation of the Marketing Plan and Annual Budget will result in increased visitation to the region.

Economic Implications

It is anticipated that the activities to be carried out under the Marketing Plan and Annual Budget will assist the local economy by increasing visitor numbers and in turn support additional employment, residents and business development.

Environmental Implications

Not applicable.

Risk Management Implications

Not applicable.

Council Plan Strategy Addressed

Economic growth - Encourage and attract new business to our region.

Options

Council can choose to approve the Annual Marketing Plan and Budget or not. By not approving the Annual Marketing Plan and Budget Swan Hill Inc would be unable to deliver the outcomes sought by adopting the Special Rate.

Recommendation

That Council approve the Swan Hill Incorporated Annual Marketing Plan and Budget for 2017/2018.

43/17 Motion

MOVED Cr Jeffery

That Council approve the Swan Hill Incorporated Annual Marketing Plan and Budget for 2017/2018.

SECONDED Cr Johnson

The Motion was put and CARRIED



SWAN HILL
INCORPORATED



Marketing Plan
2017-2018

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Introduction

Swan Hill Incorporated has developed this annual marketing plan and budget to deliver a comprehensive set of priorities and actions for the organisation over the next 12 months. The function of the marketing plan is to deliver outcomes from the strategies documented in the strategic plan. It includes a tactical plan outlining the key initiatives, activities and timings.

Key Partners

Swan Hill Rural City Council

Swan Hill Incorporated will work directly and collaboratively with the Swan Hill Rural City Council to ensure the success of the plan.

Business Community

Swan Hill Incorporated will represent the best interests of its members by providing leadership to, and engaging with, the business community through strong communication.

Regional, State and Federal Tourism, Development and Government Organisations

Swan Hill Incorporated will work collaboratively with State and Federal Government and relevant industry organisations including the Murray Regional Tourism Board, Tourism Victoria, Regional Development Victoria, Destination New South Wales and Regional Development Australia. Each of these agencies will provide Swan Hill Incorporated with a range of opportunities not the least of which will be for additional funding for projects or events.

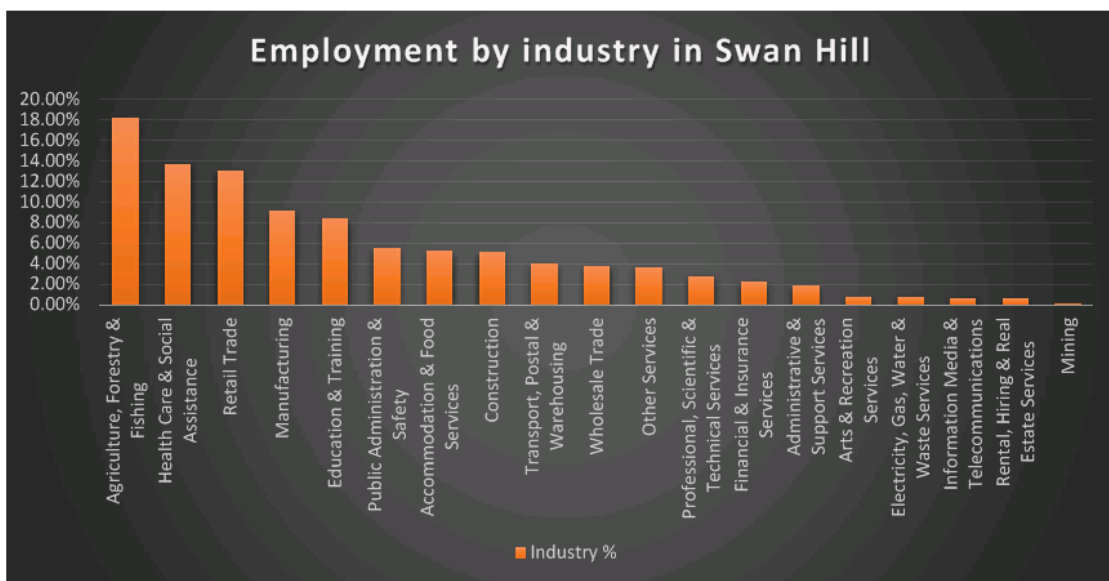
The Community

Swan Hill Incorporated will engage with the local community to promote the benefits of supporting local businesses and championing their own region.

Situation Analysis – A snapshot of Swan Hill

Employment¹

It is estimated that 7,927 people work in Swan Hill. Swan Hill represents 7.43 % of the 106,635 people working in Loddon Mallee Region, 0.33 % of the 2,421,985 people working in Victoria and 0.08 % of the 9,824,444 people working in Australia.¹



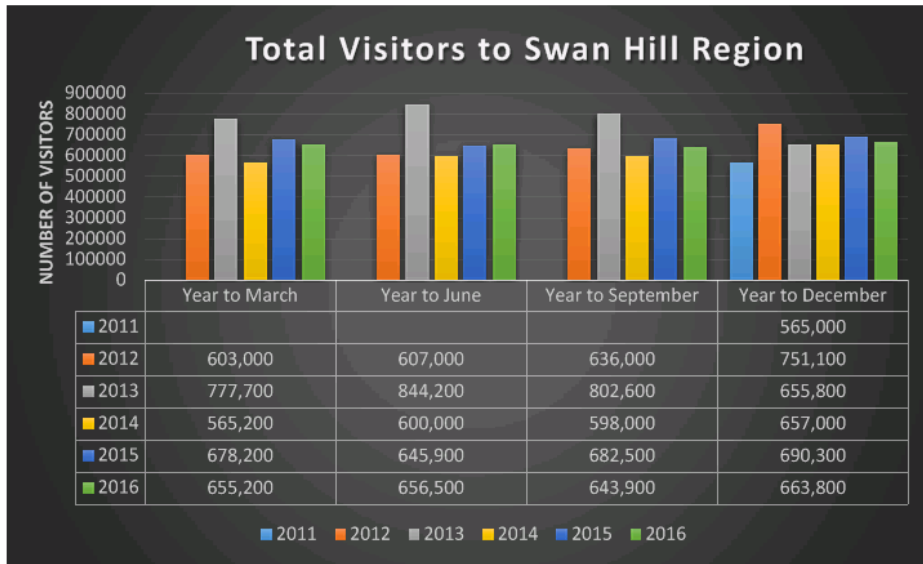
¹ REMPLAN – Economic Modelling and Analysis Software

Visitation to our region²

The tourism industry represents 4.13% of the total output (gross revenue) in our region. The industry itself turned over \$95 106 m for the year to June 2016.

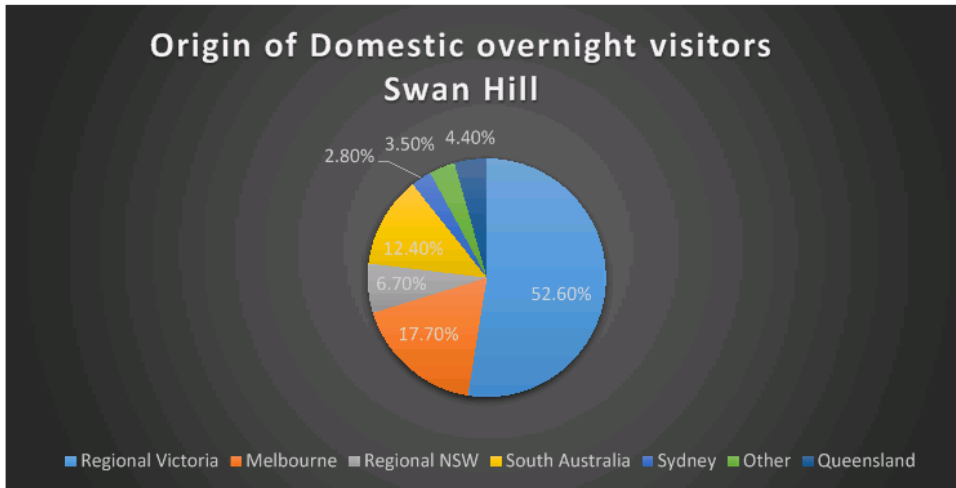
Total visitation (day and overnight) to the region for the period ending December 2016 was down by 3.8% on the year ending December 2015. The region experienced many natural occurrences during 2016 such as Blue Green Algae, Floods and mosquito's. These events impacted on visitation figures across the region with some destinations being affected more than others.

Swan Hill enjoys 12% of domestic overnight visitation to the Murray region.



Source

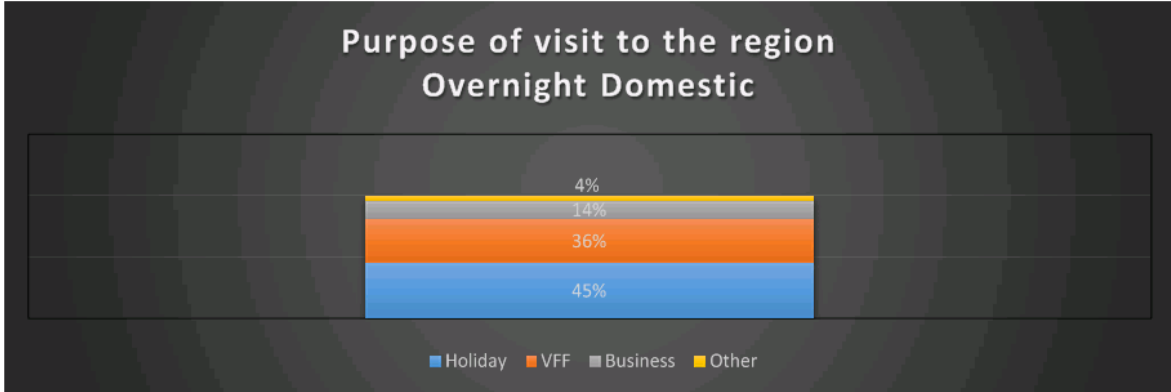
The priority domestic source markets are Melbourne, Regional Victoria, Regional New South Wales and South Australia.



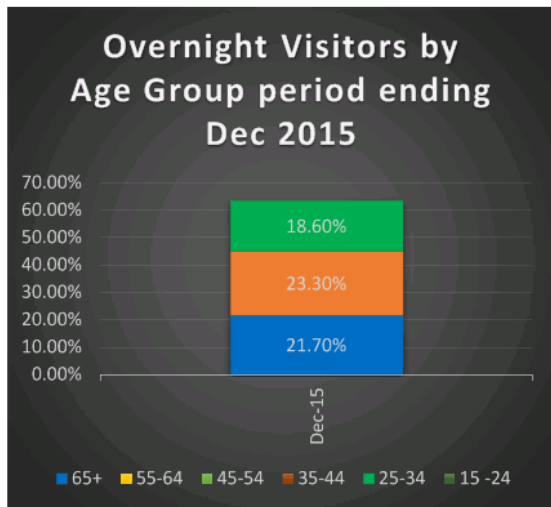
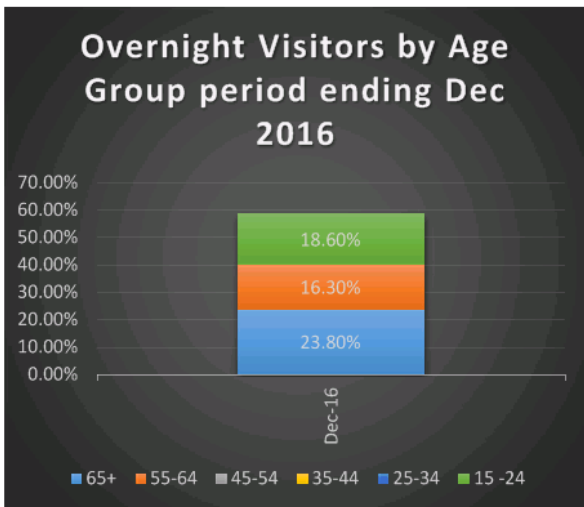
² Tourism Research Australia – reports provided by MRT

Target Markets

Most visitors to the region do so for holiday/leisure purposes representing 45% of overnight domestic visitors. Visiting Friends and Family are the next biggest market at 36 % then the Business market which represents 14 %.



The age group 65+ represent the most visitors to our region (23.8%), followed by the age group 55 – 64 years (16.30%) and 15 – 24 years (18.6%) for the period ending Dec. 2016. This is a change from 2015 where the age group 35 – 44 years represented most of our visitors (23.3%), followed by 65+ (21.7%) and 25-34 (18.60%).



Swot Analysis

STRENGTHS	WEAKNESS
Accessibility / proximity from / to other destinations	Limited recreation usage of the river
Train Line	Lack of new tourism experiences for repeat visitation
A relaxed, friendly environment with all the lifestyle benefits of a large, modern city	Segmented and immature tourism industry
Fishing	Cost of maintaining current attractions
Favourable Mediterranean Climate	Distance from Melbourne and other regional centres.
Murray River Location	Lack of developed tourism product
Pioneer Settlement	Retail operating hours
Heritage & History	Limited public transport
Food & Wine	Our ability to service the visitor 7 days a week
Championship Golf Course	Lack of a 'Tourism' culture amongst businesses
Variety of accommodation options	Insufficient activities for teenagers
Natural Assets - Murray River, lakes, bushland reserve and parks	Riverfront access from City Centre
Modern and well patronised regional Visitor Information Centres in Swan Hill and Robinvale.	
A diverse year round events calendar	
A strong and diverse retail sector	
Heartbeat of the Murray	
River Precinct	
Skiing at Lake Boga	

OPPORTUNITIES	THREATS
Nature based tourism	Access from NSW (unreliable bridge)
Tour packages	More destinations competing for visitor dollar
Further develop festivals and events	Spiralling number of leisure options competing for consumer dollar – sporting clubs
Conference visitation	Domestic holiday trend – shorter
Wine tourism development	Echuca possibly getting a special rate approved
Development of agriculture produce as tourism produce – farm tours, farm gate trails.	
Increase online presence (tourism & retail)	
Event development	
Water based activities	
Active trails	
Promote events such as speedway, local club events, MD AmiPro Golf	
Asian Market	
Create a ‘Tourism Partner Program’ to involve operators in marketing opportunities	
Capitalise on surrounding products	

Our Brand – Key Message

“Swan Hill region – Heart of the Murray” will continue as the key theme, brand, as it provides the region with both a location identifier and a sense of “community and liveability”.

Other key messages will be:

- Escape the city to an authentic country location with a variety of activities.
- The Murray River in Swan Hill is the natural part of the river, it allows for leisurely activities such as fishing and camping.
- The region is not commercialised – it has a good mix of boutique and regular shops. Something for the whole family.

Swan Hill’s point of difference is its slower pace, natural surroundings and because of the low key water sport activities allowed on the river, the region has a sense of serenity.

Unique selling points:

- Authenticity
- Murray River
- History - Pioneer Settlement, Heartbeat of the Murray, Lake Boga Flying Boat Museum
- Golf – quality of experience
- Fishing - Cod
- Lake Boga
- Nyah Forest – Trails, Biking & Waking
- Events – Regional events





Strategy One - Visitation to the Region

Increase visitation by specifically marketing the Swan Hill region as a place to visit and enjoy.

Committee: Marketing







The Marketing Committee has outsourced the **digital** component of the marketing plan to Cracking Media and the **targeted mainstream** component will be outsourced to Alchemy Media or another suitable company.

Digital Component Strategy

Initiative	Action	Timing	Annual Budget
 Brand Identity	Develop and document the Swan Hill Region brand and the direction for the marketing work	July	\$1 640
 Project Activities, Timeline and Budget	Develop and document the activities, timeline and budget for of marketing work. This work is likely to be revised on a constant basis to allow for external changes and opportunities that arise	Monthly	\$5 400
 Project Management	Management of the overall strategy including the modules, stakeholders, timelines and budgets.	Monthly	\$3 600
 Documentation of Information	Capture the marketing activities and deliverables to ensure up to date information. This includes project forms, meeting minutes, capturing information relevant to the region or marketing to share with stakeholders.	Monthly	\$2 160
Total			\$12 800





Digital Media

This module captures the digital media activities associated with marketing the Swan Hill Region to increase duration and frequency of tourist visitations to the region.

Initiative	Description	Timing	Annual Budget
 Website/SEO	Design the website layout to ensure usability and allow for greater conversion rates. Embed SEO items to ensure website is easily searchable.	September	\$6 250
 Branding	Develop a new branding image for Swan Hill Region that is consistent with modern looks and captures the essence of the brand identity. A style guide will also be developed on how to use the branding work.	September	\$7 300
 Photography/Videography	Obtain photography and videography of the Swan Hill region for use in marketing. The initial content should focus on the brand identity of pristine nature and activities.	October & November	\$18 800
 Articles	Develop articles to use throughout the year.	September to December	\$6 250
 Distribution of Content	Distribute the articles using both paid and unpaid channels including traditional media, online websites, blogs, social media and remarketing tools such as Outbrain.	September to December	\$ 3 620
 Marketing Documents	Generate marketing documents such as itineraries, brochures, videos, posters, audio files.	Jan – June	\$3 600
Total			\$45 820





Social Media

This module captures the social media tasks and activities required to assist Swan Hill Incorporated in meeting their objectives of increasing the duration and frequency of tourist visitations to the region.

Initiative	Description	Timing	Annual Budget
 Instagram content	Develop and document content for the @visitswanhill Instagram account every month.	Monthly	\$14 400
 Facebook content	Develop and document content for the Visit Swan Hill Facebook page every month.	Monthly	\$7 200
 Listing Site Management	Create, update and maintain listings for the Swan Hill region across various sites.	September	\$7 200
 You Tube Content	Develop and document content for You Tube.	January – June	\$1 000
Total			\$29 800

Public Relations

This document captures the public relations tasks and activities required to assist Swan Hill Incorporated in meeting their objectives of increasing the duration and frequency of tourist visitations to the region. Included in the scope of this module are: the preparation and distribution of a media release, the preparation of community announcements throughout the six month duration, the organisation of a media famil and the handling of any media crises that must be attended to.



Initiative	Description	Timing	Annual Budget
 Media releases	Prepare and distribute two media releases. Topic to be determined by Crackling Media and Swan Hill Incorporated.	September & November	\$3 000
 Community Announcements	Prepare and distribute ad hoc community announcements (including emergency announcement) when required.	When required	\$3 000
 Famils	Organise famils for the Swan Hill region.	November to June	\$9 000
 Crisis Management	Assist with any media crises that may arise during the period.	When required	\$ 1 000
Total			\$16 000

Campaign & Education

The module of “Campaigns and Education” will mainly focus on 3 topics: Visitors, Friends and Relatives (VFR), Community Education and Campaigns.

Initiative	Description	Timing	Annual Budget
 Social Media Campaigns	Motivate locals to join Swan Hill social media and actively engage with the posts (like, share, comment)	August to December	\$1 350
 Visitor, Friends & Relatives Education	Write articles in newsletters to be sent to relevant stakeholders about “Discovering Swan Hill Region with Friends and Family” and promote sharing of the 4 existing Itineraries to family and friends.	August to June	\$ 2 250
 Business Education campaigns	Present simple tutorials to the Business Community about how to set up a business account/page on Facebook, Instagram and TripAdvisor. Continue to liaise and educated the local business community around the importance of tourism.	August to June	\$2 880
 Tourism Campaigns	Create tourism campaigns aligned focused on specific features or seasons.	January - June	\$5 850
Total			\$12 330


Evaluation & Reporting

Initiative	Description	Timing	Annual Budget
 Metrics Report	A monthly metrics report to capture the marketing activities.	Monthly	\$9 000
 Reporting/Communication	Reporting and communications regarding strategy, implementation and completion of tasks	Monthly	\$4 500
Total			\$ 13 500

Total Digital Component

\$130 250

Targeted Mainstream Media

Initiative	Description	Timing	Annual Budget
 TV	Produce and execute a TV and print media campaign that aligns with the digital marketing theme.	October – April	80 662
Total			\$80 662

Other Marketing Opportunities

Initiative	Description	Timing	Annual Budget
 Marketing Opportunities with Murray River Tourism	<ul style="list-style-type: none"> Urban List – Meet the Maker is Part of the Visit Victoria Wander Campaign. It focuses on promoting the people behind our products be it farm gates, restaurants or key attractions. It's telling our story and engaging with visitors. 	October to December	\$10 000
	<ul style="list-style-type: none"> Urban List – Get out of town editorial series with a booking call to action. 	October to December	\$8 000
	<ul style="list-style-type: none"> Touring Hotels Combined – this campaign will enable Swan Hill to leverage off bookings from seasonal deliveries. 	October to December	\$10 000
 Official Visitor Guide (OVG)	<ul style="list-style-type: none"> Produce a new Swan Hill region Visitor Guide. 	October to March	\$45 000
	<ul style="list-style-type: none"> Distribute the OVG to other information centres within Victoria and local operators. 	Ongoing	\$ 6 000
 Opportunistic Promotions	<ul style="list-style-type: none"> This allows Swan Hill Inc. to take part in campaigns or opportunities that arise during the year. 	Ongoing	\$ 2 630
	<ul style="list-style-type: none"> Discover More Self Drive Routes Partner with SHRCC for a period of two years to develop and launch digital and paper based self-drive routes to neighbouring towns. 	October	\$ 5 000
 Swan Hill Region Food & Wine Festival	One of Swan Hill's premier events. The festival attracts visitors from inter and intrastate.	March	\$60 000
 Visit Swan Hill Website	Maintain the website with up to date content and imagery that align with the digital and mainstream marketing campaigns.	Ongoing	\$ 5 000
Total			\$151 630


Total Strategy 1: Visitation to the region

\$362 542

Strategy Two - Shopping in the Region

Promote the Swan Hill region as a place to shop

Committee: Traders

Initiative	Action	Timing	Annual Budget
 Promote and educate the importance of shopping locally	Participate in the Ace Radio 'Buy Swan Hill' Promotion.	Monthly	\$2 000
 Develop a targeted annual calendar of promotions to strengthen trade within the Swan Hill Region.	<ul style="list-style-type: none"> Conduct specific shopping promotions including Market Day, Christmas Stocking Promotion and other promotion(s) throughout the year. Provide retail support for festivals and events during the year 	October to June	\$43 000
		Ongoing	\$ 1 000
 Christmas Decorations	<ul style="list-style-type: none"> Decorate the CBD with Christmas decorations 	November to January	\$17 000



Total Strategy 2: Shopping in the region

\$ 63 000

Strategy Three – Advocacy

Engage with and advocate on behalf of members

Committee: Board & Advocacy Committee

Initiative	Action	Timing	Annual Budget
 Establish and maintain a leadership role by engaging with local businesses	<ul style="list-style-type: none"> Continue to communicate regularly and effectively with members and stakeholders using preferred methods of communication such as newspapers, social media, e-mails, telephone calls, visits, digital etc. 	Ongoing	\$2 500
	<ul style="list-style-type: none"> Engage with government agencies and relevant organisations to advocate on behalf of members and the region. 	As needed	Nil
	<ul style="list-style-type: none"> Schedule two networking forums for the year providing members with the opportunity to attend, raise issues and network with other members. 	September & May	\$2 000
 Develop a strong and mutually supportive relationship with Council	<ul style="list-style-type: none"> Conduct three (2) reviews annually with Councillors to provide updates on key achievements aligned with the Annual Marketing Plan. 	December & May	Nil
	<ul style="list-style-type: none"> Continue to hold monthly briefings with the Council CEO and senior staff to raise issues and share information. 	Ongoing	Nil


Total Strategy 3: Advocacy

\$ 4 500

Strategy Four – Business Support

Provide business support and direction to members and encourage the provision of quality service

Committee: Board & Business Support Committee

Initiative	Action	Timing	Annual Budget
 Provide members with opportunities to grow their business through educational and motivational events.	<ul style="list-style-type: none"> Host Business Support Forums which include motivational speakers / educational and networking events designed to appeal to members. 	August & February	\$12 000

Total Strategy 4: Business Support

\$12 000

Swan Hill Incorporated – Annual Budget 2017 - 2018

Income

Carried Forward from 2017	56,554
Bank Interest	1,300
Market Day	1,500
Membership SHI (Voluntary)	8,181
Official Visitor Guide	45,000
Special Rate Income	366,278
Swan Hill Region Food and Wine	60,000
Total INCOME	538,813

Expenses

ADMINISTRATION	
Audit	2,200
Bank Fees	60
Incorporation Fees	120
Insurances	3,170
Other Office Expenses	1,200
Payroll Expenses	61,800
Postage	300
Printing	2,000
Reckon Financial Software	550
Staff Training	2,300
Stationary	200
Superannuation Payment	5,871
Telephone/Mobile	1,600
VTIC Membership	700
Wages	2,000
Workers Compensation	700
Total ADMINISTRATION	84,771
 BUSINESS SUPPORT & ADVOCACY	
Business Forums	14,000
Guardian Column	2,500

Total BUSINESS SUPPORT & ADVOCACY	16,500
MARKETING	
Crackling Media	
Strategy	12 800
Digital Media	45 820
Social Media	29 800
Public Relations	16 000
Campaign & Education	12 330
Evaluation & Reporting	13 500
Targeted Mainstream Campaign	80,662
Murray Regional Tourism Board	28,000
Official Visitor Guide	45 000
Visitor Guide Distribution	6 000
Opportunistic Promotions	7 630
SH Food & Wine Festival	60,000
Website	5,000
Total MARKETING	362,542
PROMOTIONS	
Easter Regatta	500
Opportunistic Promotions	10,000
Swan Hill Show	1,500
Total PROMOTIONS	12,000
TRADERS	
Retail Promotions	15,000
Retail Support for Fest & Event	1,000
Ace Radio Buy Swan Hill	2,000
Christmas Decorations	17,000
Christmas Promotion	15,000
Market Day	13,000
Total TRADERS	63,000
Total Expenses	538 813

B.17.88 VICTORIAN AUDITOR GENERAL REPORT - MAINTAINING STATE CONTROLLED ROADWAYS

Responsible Officer: Chief Executive Officer
File Number: S17-02-65
Attachments: 1 Audit Overview-Maintaing State Controlled Roadways

Declarations of Interest:

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

Summary

This report is to inform Council of a report that has recently been published by the Victorian Auditor General (VAGO) into "Maintaining State-Controlled Roadways". It also requests that Council advocate through the MAV for funding for VicRoads to improve their maintenance of State controlled Roadways.

Discussion

VicRoads manages a network of approximately 24,000 km of freeways and arterial roads throughout Victoria. Roads are essential for every aspect of the community. They provide access to work, schools and all essential services. They provide a critical role for industry and the movement of freight and goods across Australia.

If road networks in poor condition it has a resultant increase in costs to the community, through increased fuel usage, maintenance costs and travel times. When roads are in poor condition, they are also more expensive to maintain and repair and may cause safety concerns.

Funding towards the maintenance and the management of roads has decreased on an ongoing basis for many years. At the same time vehicle numbers have increased across the entire network.

The Victorian Auditor-General has released a report in July 2017 called Maintaining State-Controlled Roadways. The report focuses specifically into whether Victoria's road network is being effectively and efficiently maintained.

The report considered road maintenance practices and strategies and how VicRoads meet these challenges. It also produced a number of findings around the state of regional roads across Victoria and levels of funding overtime. The report did not look at roads administered by Local Government.

The report recommends that VicRoads;

1. Develop a road maintenance strategy with clear objectives, outcomes and measures that define both technical and road-user levels of service for each road maintenance category
2. Revise its roads program guidelines so that they clearly describe how pavement condition data is to be used to prioritise pavement maintenance programs, including specifying criteria for both state wide and regional condition targets for each road maintenance category
3. Revise road inventory and pavement condition data requirements and document data management protocols, and develop appropriate processes for data validation, storage and dissemination based on sound data collection requirements for recording road inventory and pavement condition.
4. Develop state wide key contract outcomes and relevant and appropriate indicators so that it can consistently measure how contractor performance across the regions contributes to overall network condition.
5. Meaningfully report on road condition and performance against established levels of service so that the public and government are fully informed of the outcomes of the road pavement maintenance program.

Consultation

No consultation has been carried out in relation to this item. To view the report go to <https://www.audit.vic.gov.au/sites/default/files/20170622-Maintaining-Roadways.pdf>

Financial Implications

There are no financial implications from this report.

Social Implications

As outlined in this report the ongoing deterioration of the State-Controlled road network has an impact on communities throughout the Municipality. As roads deteriorate they have an impact on the ability of the community to access essential services. As roads deteriorate they will also impact the condition and running costs of vehicles.

Economic Implications

Good quality roads are essential for transport of goods and freight across the state. It is essential that state-controlled roads are maintained to a high standard.

Environmental Implications

The deterioration of roads will have an impact on the running cost and efficiency of vehicles. This in turn will impact on the environment over time.

Risk Management Implications

The deterioration of the State Controlled Road Network will increase the likelihood of accidents occurring.

Council Plan Strategy Addressed

Infrastructure - Infrastructure that appropriately services community needs.

Options

Nil

Recommendations

That Council:

- 1. Note the VAGO report in relation to Maintaining State Controlled Roadways.**
- 2. Request that the MAV advocate for improved funding for VicRoads to carry out the recommendations as outlined within the VAGO report and for additional funding to invest in the ongoing maintenance of State Controlled Roadways.**

44/17 Motion

MOVED Cr Norton

That Council:

- 1. Note the VAGO report in relation to Maintaining State Controlled Roadways.**
- 2. Request that the MAV advocate for improved funding for VicRoads to carry out the recommendations as outlined within the VAGO report and for additional funding to invest in the ongoing maintenance of State Controlled Roadways.**

SECONDED Cr Johnson

The Motion was put and CARRIED

Audit overview

We rely on roads for access to work, schools, shops, recreational activities, health care and other services. Roads also play a critical role in the movement of freight and goods across Victoria.

Road networks in poor condition increase costs to the community, through increased fuel usage, vehicle maintenance costs and travel times. When road surfaces—referred to as road pavements—are in poor condition, they are also more expensive to maintain and repair.

As Victoria's economy and population grow, so too does the number of heavy and light vehicles sharing the road. Higher traffic volumes and larger vehicles increase road wear, affecting the condition of roads and increasing the demand for maintenance work.

VicRoads manages a network of about 24 000 kilometres of freeways and arterial roads throughout Victoria. VicRoads' road assets are complex and long-lived, comprising road pavements, road formation earthworks, sound barriers, bridges and traffic signal control systems. This audit focuses on road pavements, because they make up the largest proportion of VicRoads' road assets by value (48 per cent of written down value) and for maintenance expenditure (56 per cent) as at June 2016.

Efficient and effective maintenance keeps Victoria's state roads safe and reliable. Sound investment decisions require a thorough understanding of the condition of these assets and the funding needed to maintain them to an acceptable standard. If road networks are not effectively maintained, road conditions will deteriorate, and future generations will be burdened with lower levels of service, higher maintenance costs, and increased risks to safety.

Conclusion

The increasing proportion of the state road network in very poor condition presents a growing risk to public safety and increases road user costs.

Not enough funding is allocated to road maintenance to sustain the road network, but VicRoads also cannot demonstrate clearly that it is making the best use of its existing maintenance funds.

Its approach to road pavement maintenance is reactive, with maintenance generally being carried out only when it becomes critical. Targeted early intervention to prevent roads from needing more costly and extensive maintenance has been limited. This approach has not kept up with the rate of deterioration of road pavements across the network.

Audit overview

As the complexity and cost of maintenance increases, less can be done using the available levels of funding, resulting in an increasing maintenance backlog and lower levels of service for road users.

VicRoads is aware that it needs a more strategic approach and is working towards improving its road pavement asset maintenance practices. It recognises that it needs greater clarity in its classification of roads and is examining how its procurement framework and performance reporting can be improved.

Without a strategic approach to road pavement maintenance, road conditions will continue to deteriorate and VicRoads will find it increasingly harder to maintain the entire network in a functional condition.

Findings

Arterial roads are having to cope with more traffic and heavier vehicles—since 2007 the number of vehicle kilometres travelled has increased by 9.4 per cent. At the same time, road managers are being required to do more with less.

Constrained fiscal conditions place significant pressure on investment and levels of service. These challenges are magnified in agencies like VicRoads that are asset intensive.

Total real funding to VicRoads has been decreasing since 2010–11, including a reduction in maintenance funding of about 60 per cent. As road network manager, VicRoads needs to manage its limited resources carefully and strategically to ensure the maximum benefit for Victoria.

Deteriorating pavement condition

VicRoads collects information on road pavement condition through a pavement condition survey (PCS). The key indicators the PCS measures are road surface roughness, rutting, and cracking. It surveys the entire network every two years.

VicRoads also uses contractors to visually inspect parts of the road network and provide it with a surface inspection rating based on a predefined scale. Regional officers inspect their regional road network every year as part of preparing their road maintenance program funding bids, to ensure their bids are informed by the most recent condition data.

VicRoads' pavement condition data shows a long-term deterioration in the condition of the network. Since 2005–06 the proportion of roads rated as 'poor' and 'very poor' has increased by 8 per cent in two of VicRoads' seven regions.

The proportion of roads in 'very poor' condition is increasing in all regions. In some regions, the proportion of road pavements in 'poor' condition has also increased. The two metropolitan regions have had a considerable decline in road pavement conditions since 2015.

Approach to road pavement maintenance

An 'optimised' road maintenance program is based on a maintenance strategy that will result in the highest benefit over time, within available funding.

VicRoads undertakes three types of maintenance activities:

- **routine**—activities to maximise the safety of roads and minimising pavement deterioration by identifying and removing hazards and addressing defects such as potholes in accordance with regulatory requirements
- **periodic**—activities to minimise the rate and extent of road pavement deterioration by replacing road surfaces and waterproofing the underlying road pavement
- **rehabilitation**—this returns road surfaces and road pavements to an appropriate level of service for road users. It involves repairing or reconstructing failed sections of road pavements that cannot be managed through periodic maintenance.

Achieving the right balance between rehabilitation, and periodic and routine maintenance, will keep whole-of-life asset costs to a minimum, while still delivering the required service level over the long term.

VicRoads approach to maintenance is reactive, not optimised—constrained funding means it manages only roads in poor condition with limited consideration for preservation across the network. VicRoads does not focus on achieving the lowest whole-of-life cost, but instead focuses on the most urgent maintenance needs at the time it prepares its annual road maintenance program—known as a 'worst first' approach. Current approaches to maintenance have not improved the overall condition of the network of road pavements.

Road pavement maintenance framework and practices

VicRoads does not have a pavement management strategy or policy that sets out how it will deliver its objectives through cost-effective asset lifecycle management, and to guide current practice. Without an adequate strategic framework, VicRoads' ability to plan its maintenance program effectively is limited.

Establishing a clear vision and set of expectations for road pavement maintenance will drive greater consistency in asset maintenance practices across the entire network.

VicRoads also has not defined desirable levels of service for road pavements. Its maintenance programs do not refer to the specific levels of service likely to be needed for particular road maintenance categories (RMC). Instead of levels of service, VicRoads has condition ratings for each RMC to trigger treatments and intervention.

VicRoads acknowledges that it needs to set levels of service to reflect road use and priorities, and to balance its pavement maintenance responsibilities with the expectations of road users and government. Such an approach is more likely to improve both stakeholder satisfaction and overall road pavement condition.

Audit overview

Annual roads program guidelines (the guidelines) are issued centrally to help regions prepare their bids for funding routine, periodic and rehabilitation maintenance. The guidelines instruct the regions to prioritise their bids into three categories—critical, needed, and desirable. Greater clarity and detail is needed in these guidelines to help the regions better prioritise projects in each category.

In prioritising periodic and rehabilitation jobs, regional offices attempt to achieve economies of scale by considering the register of roads in poor condition, the RMC of each road, and the proximity of maintenance jobs to one another.

However, it is not clear how the regions prioritise one critical bid over another. VicRoads does not provide clear direction, as the guidelines do not specify the importance or relative weighting that each factor should be given.

Developing the road maintenance program

VicRoads' 'bottom-up' approach to the road pavement maintenance program uses regional judgement of priorities rather than a data-driven statewide approach to pavement maintenance.

Further, it distributes available funding across the regions based largely on previous years' budget allocations.

Although the regional programs are directed to road sections in greatest need, these approaches—combined with a lack of network-wide strategy and levels of service—mean the road maintenance program is based largely on regional priorities and historical practices rather than on statewide network needs.

As part of preparing the 2017–18 funding submission, VicRoads has used modelling to inform government of forecast pavement condition based on various funding scenarios.

Systems and data

Collection and use of robust road pavement data would enable VicRoads to demonstrate whether funding allocations are being spent effectively.

VicRoads does not fully use available data to help develop its road maintenance program. The pavement condition data it collects does not drive statewide decision-making. Without appropriate strategies for data collection and use, VicRoads is not able to determine whether resources are being used effectively.

VicRoads uses several disparate systems and datasets from different sources to monitor and inform its road maintenance activities including:

- the road asset system database, which stores pavement condition survey data and surface inspection rating data
- the register of roads in poor condition
- spreadsheets that capture results, by region, of visual inspections of road pavement condition
- a database to store skid resistance data (not considered in the maintenance program).

VicRoads has no overall data governance policy to define data standards for each of its systems, leading to inconsistent datasets.

Recognising the problems with multiple disparate systems, VicRoads has developed a centralised data warehouse—the Transport Analytics Platform—but has not yet fully implemented the platform.

VicRoads is implementing a new system—vBids—to electronically manage the submission and approval of all road pavement maintenance bids. Due to the gap of nine to 15 months between regions preparing bids and carrying out road maintenance, regions may change planned jobs to reflect changes in priorities. The vBids system only captures the planned maintenance program, which means that VicRoads has no central repository of actual maintenance work done. As a result, it has limited insight into the actual costs of individual maintenance jobs, and there is no requirement for regions to report this information.

VicRoads has used its pavement management system (PMS) to model pavement condition based on various funding scenarios, as part of preparing the 2017–18 funding submission for its pavement resurfacing and rehabilitation funding.

Delivering the maintenance program

VicRoads does not centrally oversee the delivery of the pavement maintenance program, which is devolved to the regions. Regions only report outputs to VicRoads' head office relating to the area of the network maintained.

VicRoads assesses contractors' performance using key performance indicators based on compliance with inspection and hazard response deadlines, as specified in contracts. These indicators provide an incomplete picture of how contractor performance contributes to the overall condition of the network because they provide only an indication of timeliness and quantity of work delivered, and do not include measures of cost, time efficiency or quality of the work.

Performance measures, reporting and evaluation

Performance measures are important tools that help demonstrate alignment with objectives. There should be clear alignment between VicRoads' strategic and operational performance measures.

VicRoads does not evaluate how well it has achieved the objectives of its pavement maintenance program, and is therefore unable to assess the effectiveness of the program or identify lessons that can be used to improve performance.

Audit overview

VicRoads also does not meaningfully report to the public on the outcomes of its road pavement maintenance program:

- Reporting in annual reports, and against the government's Budget Paper 3 (BP3) targets, is based on output and provides little insight into the maintenance program's effectiveness and cost-efficiency. Reporting on road condition at a fixed point in time does not provide an accurate picture of changes in road condition.
- VicRoads does not report how well it meets the inspections frequency and response times set down in the road management plan.
- The VicRoads pavement condition data available for download on the Victorian government open-data website is not user friendly. It is difficult for the general public to interpret and understand pavement condition using this data.

VicRoads recognised that it needs more meaningful indicators for public reporting, and has told us that it proposes to report on road roughness, rutting and cracking.

Recommendations

We recommend that VicRoads:

1. develop a road maintenance strategy with clear objectives, outcomes and measures that define both technical and road-user levels of service for each road maintenance category (see Sections 3.2.1 and 3.3)
2. revise its roads program guidelines so that they clearly describe how pavement condition data is to be used to prioritise pavement maintenance programs, including specifying criteria for both statewide and regional condition targets for each road maintenance category (see Section 3.2.1)
3. revise road inventory and pavement condition data requirements and document data management protocols, and develop appropriate processes for data validation, storage and dissemination based on sound data collection requirements for recording road inventory and pavement condition (see Section 3.4.2)
4. develop statewide key contract outcomes and relevant and appropriate indicators so that it can consistently measure how contractor performance across the regions contributes to overall network condition (see Section 4.2)
5. meaningfully report on road condition and performance against established levels of service so that the public and government are fully informed of the outcomes of the road pavement maintenance program (see Section 4.4).

Responses to recommendations

We have consulted with VicRoads and the Department of Economic Development, Jobs, Transport and Resources, and we considered their views when reaching our audit conclusions. As required by section 16(3) of the *Audit Act 1994*, we gave a draft copy of this report to those agencies and asked for their submissions and comments. We also provided a copy to the Department of Premier and Cabinet.

The following is a summary of those responses. The full responses are included in Appendix A.

VicRoads supports the findings and recommendations, but commented that the report does not fully acknowledge the asset reform work it has undertaken to date. The Department of Economic Development, Jobs, Transport and Resources supports the findings and recommendations.

B.17.89 RECOMMENDATION TO EXTEND COUNCIL'S BITUMINOUS SEALING OF ROADS CONTRACT

Responsible Officer: Chief Executive Officer
File Number: 15 3612 01
Attachments: Nil

Declarations of Interest:

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

Summary

This report requests that Council approve to exercise the two year extension option of the existing contract with Primal Surfacing Pty Ltd, to complete bituminous sealing works.

Discussion

In 2014 Council invited tenders for contractors to complete Bituminous Surfacing and Asphalt works throughout the municipality. This contract is a three year contract with an ability to extend a further two years.

Five tenders were received from suitably qualified companies and all tenders conformed to the tender specification. The evaluation process included the assessment of social and economic benefits to the municipality, track record, availability of appropriate skills and resources and price.

On the 28 October 2014 Council endorsed the decision of the tender evaluation committee to award the contract for Bituminous Sealing of Roads to Primal Surfacing Pty Ltd.

The contract has the option of a further two years, however Council are not obligated to extend the contract. Primal approached Council seeking to extend and continue their existing contract on a performance based two year extension.

Prior to this contract, Primal Surfacing Pty Ltd had been contracted to complete sealing works in the Swan Hill municipality for six years. The standard of their work, now over a nine year period, has been of a high quality and the timing of their works ensured that the most suitable conditions were used to provide the best possible finished product.

Primal Surfacing Pty Ltd has developed a good knowledge of the road condition in the region which assists in minimising the instances of rework or revisits.

The unit rates provided at the time of tendering and through the contract period are competitive. The contract is a Schedule of Rates.

Additional years will be based on rise and fall provisions utilising Vicroads Section 199. This section provides for the adjustment of the contract sum for rise and fall in the price of bituminous materials for the supply of bitumen.

Consultation

The asset management and engineering department has been consulted to ensure the projects considered for the 2017-18 financial year have been selected based on the priority in relation to the road asset condition data.

Financial Implications

Council's budget is in the region of \$1-1.5 million for bituminous sealing of roads each year.

Social Implications

Well maintained roads and road related infrastructure are critical for the benefit and enjoyment of all community members to enable them to access services that they rely on, on a daily basis.

Economic Implications

Accessible roads are critical for industry and agricultural businesses. It is essential that food producers can access markets as efficiently and quickly as possible.

Environmental Implications

As part of the original tender evaluation process, consideration was given to the tenderer's environmental management systems. Primal Surfacing Pty Ltd has AS/NZS ISO 14001 Environmental Management System certification.

Risk Management Implications

The contract will be closely supervised by Council to ensure high service standards.

Council Plan Strategy Addressed

Infrastructure - Infrastructure that is provided and appropriately maintained in accordance with agreed standards.

Options

1. Award a two year extension to Primal Surfacing Pty Ltd for the supply and placement of bituminous products.
2. Do not award a two year extension to Primal Surfacing Pty Ltd. This will require re-tendering the Bituminous Sealing of Roads contract.

Recommendation

That Council awards a two year contract extension to Primal Surfacing Pty Ltd.

45/17 Motion

MOVED Cr Jeffery

That Council awards a two year contract extension to Primal Surfacing Pty Ltd.

SECONDED Cr Moar

The Motion was put and CARRIED

B.17.90 WERRIL STREET BRIDGE

Responsible Officer: Chief Executive Officer
File Number: S32-01-15
Attachments: Nil

Declarations of Interest:

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

Summary

This report is to inform Council of ongoing discussions with GMW in relation to the removal of the GMW bridge on Werril Street in Swan Hill.

The report also recommends that Council contribute funding towards the removal of this Bridge.

Discussion

In 2008 the Victorian Government committed funding to upgrade irrigation infrastructure across the Goulburn Murray Irrigation District (GMID). This project was developed due to the experience of the drought period where Goulburn Murray Water (GMW) was unable to guarantee all their customers water allocations. It was identified at this time that approximately 900GL of water was lost due to seepage, evaporation and operational losses each year. The purpose of the project is to upgrade the infrastructure to provide water savings and reduce losses. In 2011 the project was expanded and further funding was provided by the Victorian Government and the Federal Government toward the same outcomes.

This project identified that considerable volumes of water were being lost due to seepage and evaporation, from Channel No.9 in Swan Hill.

Taking this into account a project was established to decommission channel No 9 from Werril Street, through Swan Hill towards Bish Road (see image 1). The existing open channel would be replaced with two new pump stations and pipe infrastructure to continue to service existing GMW customers.

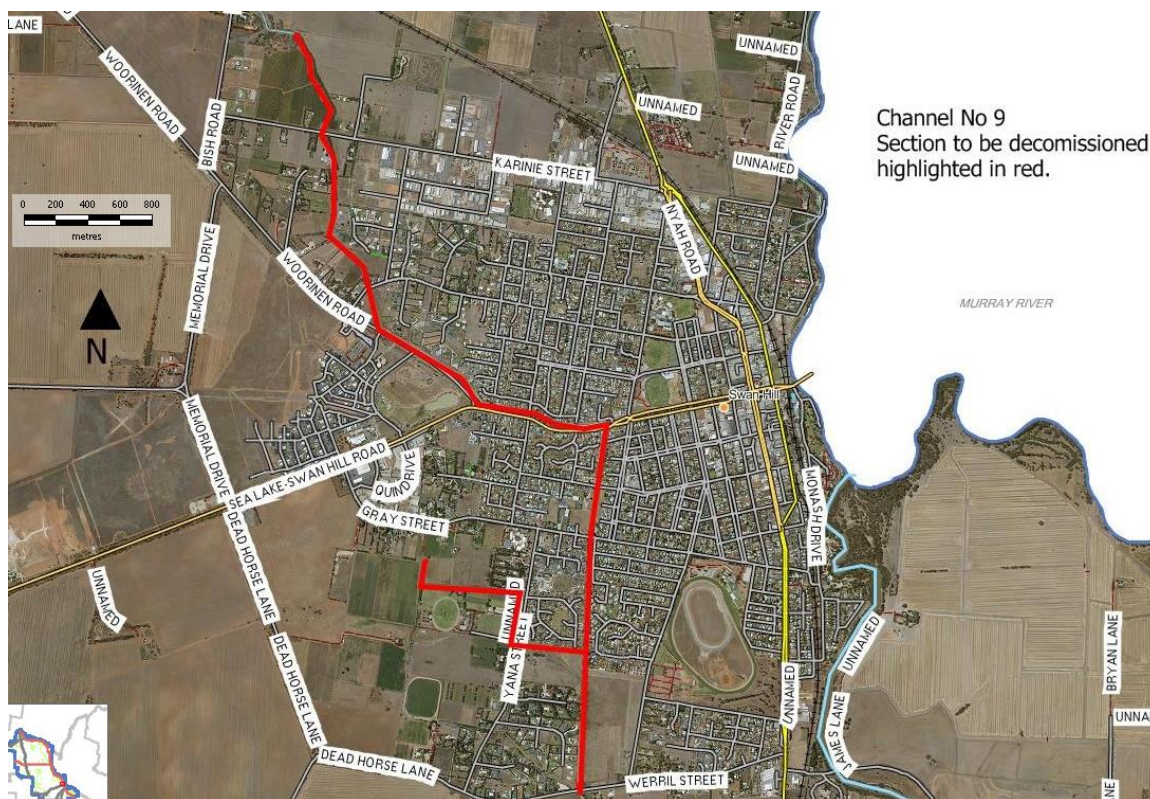


Image 1

Throughout the development of this project officers have been working with GMW to ensure the best outcome for the community through the decommissioning process.

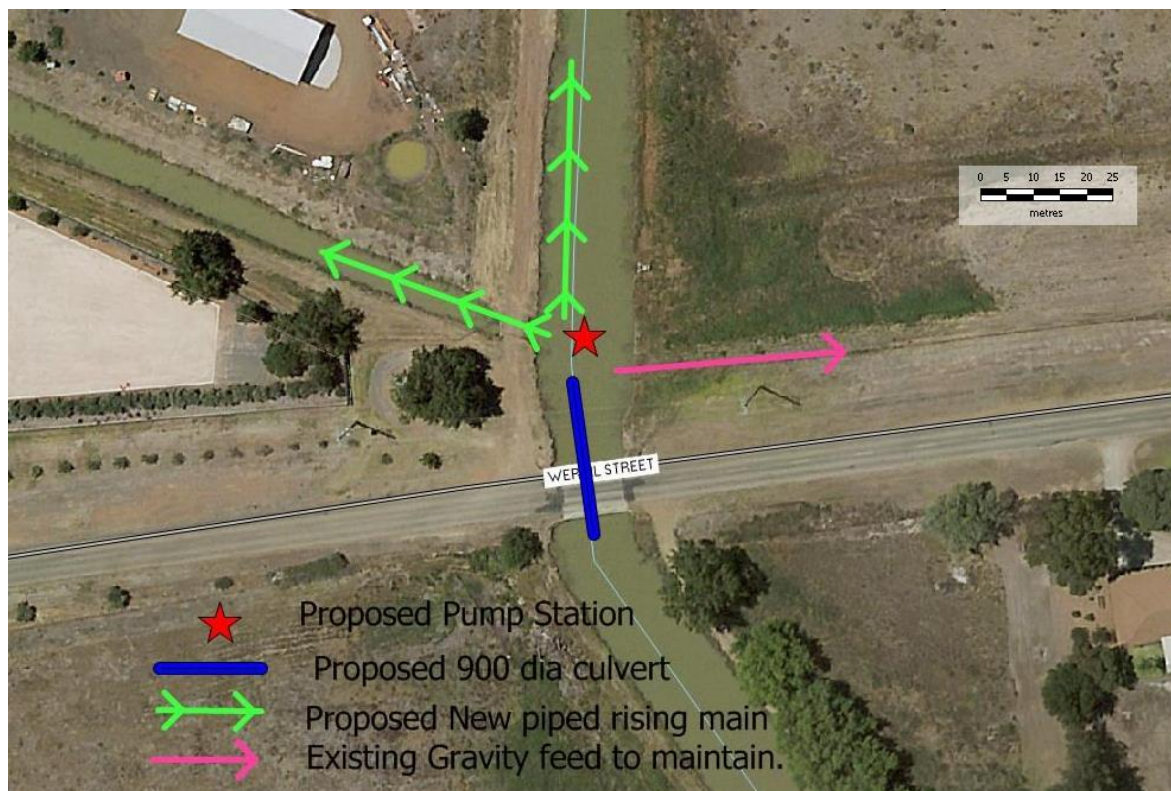


Image 2

Werril Street Bridge is located at the Southern extremity of the proposed work. This bridge is a GMW asset and its primary function is to provide access over the channel. Currently the GMW connections project does not include any works to be carried out to this bridge. It is proposed that a new pump station will be positioned approximately 25m North of the current bridge location.

The new pump station will be located within lands that GMW currently has an easement over. The proportion of channel from the existing bridge to the pump station will be retained as a sump for the pump station. It will also feed the customers to the east who have a gravity controlled system.

The local community raised concerns about this plan and believes this is an opportunity to remove a bridge that is in poor condition. There are also concerns about the safety of road users along Werril Street due to the narrowness and condition of the bridge.

Officers discussed opportunities to reconsider the location of the new pump station to the South of the bridge. This would enable the bridge to be removed and resolve the concerns raised.

GMW is not prepared to agree to this due to operational and financial constraints associated with its proposed location. GMW recognize the community concerns and has agreed to work with Council and contribute \$100k towards a project to remove the bridge.

Council officers in consultation with GMW have developed some specifications and schematic drawings for the removal of the bridge. The proposal is to remove the bridge and replace it with a 900 diameter culvert for the full width of the road reserve. Any services located in the road will be repositioned. The channel will be filled in and the road will be reconstructed to match the existing road alignment. This work has been priced by a local contractor and it is estimated that it will cost approximately \$220k. This includes a 20% contingency allowance. This new culvert will become a GMW asset.

The contractor can complete this work at the same time that GMW is completing the work to decommission the channel. This will limit any potential additional impact on GMW customers. The works to remove the bridge will require that section of Werril Street to be closed for the duration of the works. By completing the works whilst GMW is decommissioning the channel it will reduce further disruption to local residents due to ongoing works. Council will oversee this work in close consultation with GMW.

There is no budget identified for this project. Typically Council would not invest in projects to upgrade an asset owned and managed by another state service provider. This however is an opportunity for Council to work with GMW to deliver a better outcome for the community. Should this work not proceed at this time it is unlikely to happen for a considerable length of time.

Consultation

The issue in relation to Werril Street Bridge has been discussed with Council at an Assembly.

Council officers have been in ongoing discussion with GMW officers in relation to this item for the past 12 months. The Director Infrastructure and Chief Executive Officer recently met with the CEO's of GMW and GMW Connections to discuss the future of the bridge.

Officers have discussed the issue of the bridge with local community members.

Financial Implications

There is no budget allowed for this work however, Council can reprioritize the Road Renewal Program for 2017/18 and reallocate \$120,000 of this funding stream to this project

This with GMW contribution of \$100,000 would be sufficient to complete the identified works.

Social Implications

The bridge's location and its condition have been concerns for the local community for a number of years. Werril Street is also a popular route for cyclists. The removal of this bridge will provide a safer road for all users.

Economic Implications

Nil

Environmental Implications

Nil

Risk Management Implications

The removal of this bridge will reduce the likelihood of an accident at this location into the future.

Council Plan Strategy Addressed

Infrastructure - Infrastructure that is provided and appropriately maintained in accordance with agreed standards.

Options

1. Do not allocate funds towards this project. This is not the recommended option. GMW has confirmed that in accordance with their asset data this bridge has in excess of 20 years of remaining life. If Council do not take this opportunity to remove the bridge at this time it is unlikely to be replaced for at least 20 years.
2. Reallocate \$120,000 from the Roads Renewal Program and work with GMW to deliver a project to remove the Werril Street Bridge and replace it with a culvert.

Recommendations

That Council reallocate \$120,000 from the Roads Renewal Program to remove the bridge on Werril Street and replace it with a culvert.

46/17 Motion

MOVED Cr Norton

That Council do not allocate funds towards this project.

SECONDED Cr Jeffery

The Motion was put and CARRIED

B.17.91 PROPOSED MOTIONS TO THE MUNICIPAL ASSOCIATION OF VICTORIA STATE COUNCIL MEETING 20 OCTOBER 2017

Responsible Officer: Chief Executive Officer
File Number: S16-22-08 S03-22-05
Attachments: 1 Motion One
2 Motion Two

Declarations of Interest:

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

Summary

The purpose of this report is to propose two State Council Motions sponsored by Swan Hill Rural City Council to be presented for consideration at the Municipal Association of Victoria (MAV) State Council meeting of 20 October 2017.

Discussion

Two matters have been identified as having particular relevance to the Swan Hill Rural City Council community which are also of state wide significance. These matters are:

1. The need for a renewed agreement between the Australian Electoral Commission and the Victorian Electoral Commission for data sharing.
2. A call for a greater investment in public housing in small rural communities for more equality to support Victoria's most vulnerable.

Copies of the proposed motions are attached to this report.

Consultation

Not applicable for this item.

Financial Implications

Not applicable for this item.

Social Implications

Not applicable for this item.

Economic Implications

Not applicable for this item.

Environmental Implications

Not applicable for this item.

Risk Management Implications

Not applicable for this item.

Council Plan Strategy Addressed

Governance and leadership - Effective and efficient utilisation of resources.

Options

1. Council may endorse one or both of the motions proposed, or
2. Council may suggest amendments to one or both of the motions.
3. Council may resolve to not support any motions to the MAV State Council meeting of 20 October 2017.

Recommendations

That Council:

- 1. Council endorse and authorise the submission of the two mentioned motions to the MAV State Council meeting of 20 October 2017.**
- 2. Council seek support of the Murray River Group of Councils and also Councils within the Northwest Municipalities group for the two motions proposed.**

47/17 Motion

MOVED Cr Jeffery

That Council:

- 1. Endorse and authorise the submission of the two mentioned motions to the MAV State Council meeting of 20 October 2017.**
- 2. Seek support of the Murray River Group of Councils and also Councils within the Northwest Municipalities group for the two motions proposed.**

- 3. Authorise the submission of a third MAV State Council motion requesting that the MAV lobby the State Government to provide better funding to VicRoads for the maintenance of State controlled roads and that this motion is also forwarded to the MRGC and the NWMA for their support.**

SECONDED Cr Norton

The Motion was put and CARRIED

MAV State Council Meeting – 20 October 2017

To submit a motion for consideration by State Council on Friday, 20 October 2017, please complete this form and email to the **State Council** email address S2@mav.asn.au, **no later than 22 September**. Please note, motions received by **14 September** (early motions) will be distributed to all MAV representatives on **15 September**. Submitters may amend their own motions up to 5pm on **29 September**.

Motion Electoral Rolls

Submitted by: Swan Hill Rural City Council

MOTION:

The motion and rationale should be no longer than one page.

That the MAV lobby the Victorian Electoral Commission and the Australian Electoral Commission to once again enter into an agreement to share data so that the electoral rolls of both organisations are as accurate as possible.

MAV Strategic Work Plan (SWP):

Indicate whether or not the subject matter of your motion is included in the MAV SWP 2017-19.

Is the subject matter of this motion included in the SWP?	No
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If yes, identify the following:	
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Objective No.	
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Priority No.	
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Item No.	
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RATIONALE:

The electoral rolls in Australia are compiled by the State Electoral Commission in respect of State and Local Government elections and by the Australian Electoral Commission in respect of Federal Elections. Until recently the Victorian Electoral Commission and the Australian Electoral Commission had an agreement in place for data sharing to ensure that individuals enrolled at a particular address were correctly enrolled in both the Australian and Victorian electoral rolls and therefore were automatically correctly enrolled for the purpose of Local Government elections.

It appears that this agreement has recently lapsed and has not been renewed. Council has become aware of instances where individuals have been placed on the Victorian Electoral roll but have not been inaccurately recorded on the Australian Electoral roll or vice versa.

The enrolment procedures are meant to automatically update both roles but, on occasions these enrolments are not recorded correctly and the datasharing agreement insured that errors of this nature were minimised. Swan Hill Rural City Council calls upon the MAV to lobby both the Victorian Electoral Commission and Australian Electoral Commission to once again enter into a datasharing arrangement to ensure that both electoral rolls are as accurate as possible and that inconvenience to constituents through inaccurate recording of their enrolments is minimised.

MAV State Council Meeting – 20 October 2017

To submit a motion for consideration by State Council on Friday, 20 October 2017, please complete this form and email to the **State Council** email address S2@mav.asn.au, **no later than 22 September**. Please note, motions received by **14 September** (early motions) will be distributed to all MAV representatives on **15 September**. Submitters may amend their own motions up to 5pm on **29 September**.

Motion Public Housing in smaller rural communities

Submitted by: Swan Hill Rural City Council

MOTION:

The motion and rationale should be no longer than one page.

That the MAV lobby the Victorian State Government for a greater share of public housing for small rural communities so that support for our society's most vulnerable is more equitably shared across the State.

MAV Strategic Work Plan (SWP):

Indicate whether or not the subject matter of your motion is included in the MAV SWP 2017-19.

Is the subject matter of this motion included in the SWP?	No
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If yes, identify the following:	
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Objective No.	
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Priority No.	
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Item No.	
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RATIONALE:

Victoria's investment in public housing appears to be concentrated in urban centres experiencing levels of high socio-economic disadvantage. Council understands and supports this approach but, feels that more can be done to invest in new public housing in smaller rural communities where social disadvantage is at an all-time high.

Throughout rural Victoria there are many small townships that are facing significant decline in population and in the quality of its housing stock. Swan Hill Rural City Council believes that if the State Government were to amend its policies and practices in relation to the investment in public housing to ensure that a proportion of this housing was also provided to small country towns, that this would have a significant positive flow on effect.

Such a shift in policy would reinvigorate the streetscapes of the townships, it would improve the quality of the overall building stock within small towns and it would provide for some local economic stimulus through the construction of new housing, which for many of these towns has been absent for a number of years. Such a shift in policy would also improve the quality of life of some of our most disadvantaged families and would make a positive contribution to the overall economic and social well-being of the Victorian community.

**B.17.92 SWAN HILL BRIDGE POSITION ACTION COMMITTEE
CORRESPONDENCE**

Responsible Officer: Chief Executive Officer
File Number: S32-01-02-01
Attachments: Nil

Declarations of Interest:

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

Summary

The Swan Hill Bridge Position Action Committee has been working with the Heritage Branch of Engineers Australia in relation to the heritage aspects of the existing Murray River Bridge at Swan Hill.

A draft report providing an opinion on the heritage aspects of the existing bridge dated July 2017 has been provided to Council. It is important to note that this report is draft and at this stage is un-authored and has not received the sanction of Engineers Australia.

Discussion

The Bridge Position Action Committee has advised that they believe that the draft report will be approved by Engineers Australia and that a final report should be available in the near future.

The draft report proposes dismantling the existing bridge and its removal with certain components being reassembled across the Little Murray River linking the Swan Hill Pioneer Settlement with Pental Island. This would enable the construction of a new Murray River crossing at a location very close to but immediately upstream of the existing bridge. This proposal was not considered as part of the options developed by VicRoads during its investigation into the replacement options of the existing Swan Hill Bridge.

There are a number of limitations in the subject matter that the draft report addresses. The report does not seek to provide a detailed understanding of the merits of the existing heritage listing on the Swan Hill Bridge. In order for the proposal to be considered further it will be necessary for Heritage Victoria and Heritage New South Wales to assess the heritage value of the existing bridge and make a determination as to whether these heritage values can be preserved if components of the bridge are re-erected in a different location. This is one of the questions that is critical to the successful prosecution of the proposal being put forward by the Bridge Position Action Committee. Another matter that needs to be addressed for the Bridge Position Action Committee's proposal to be progressed is the ongoing maintenance and ownership of the various components of the existing

bridge. The Bridge Position Action Committee has written to Council on 1 September 2017 asking Council to wholeheartedly support the proposal.

The Bridge Position Action Committee proposal can only proceed if Council agrees to accept responsibility for the existing bridge structure which is proposed to be at the Pioneer Settlement.

Accepting responsibility for this bridge at the Pioneer Settlement provides some benefits to the operation of the Settlement but also provides significant financial risk to Council.

If the bridge was to be refurbished as part of its relocation so that it is trafficable across the little Murray River at the Pioneer Settlement there may be operational advantages for Council. It is not envisaged that this bridge would be open to the public but would provide opportunities for Council to access its Pental Island site in connection with the operation of the Pioneer Settlement. In accepting the relocation of the bridge to the Pioneer Settlement Council would also be accepting an obligation for ongoing maintenance and restoration of the timber bridge. Council should not accept this responsibility without suitable financial undertakings to ensure that the ratepayers of Swan Hill are not burdened with the ongoing costs of maintaining what is an ageing timber bridge.

Council will need to decide if it wishes to support further investigation of this proposal. It should be noted the Councils current position (Ordinary Council Meeting - 15 April 2014 - D14.1 BRIDGE OPTION) in respect of the replacement the Swan Hill Bridge is:

1. That Council endorse Option 4B or a 4B variation as its preferred bridge option.
2. That Council officers prepare a report outlining the process to be followed to put in place a planning overlay in relation to the 4B option, including an estimate of the costs involved.
3. That Council officers prepare a report outlining the process to be followed to remove the existing overlay in relation to the 9A option, including the costs involved.
4. That Council write to VicRoads, NSW Roads and Maritime Services, Wakool Shire, Victorian and NSW Ministers for Roads, local members of Parliament (State and Federal), and the Wamba Wamba community making them aware of Council's position.

Consultation

Before proceeding further Council should hold formal discussions with VicRoads, RMS, Heritage Victoria and Heritage New South Wales to understand their positions in relation to the heritage values of the existing bridge. The draft report by Engineers Australia has no legislative authority in respect of heritage values of the existing Swan Hill Bridge.

It is suggested that Council hold these discussions and then revisit this matter and respond to the Bridge Position Action Committee at that time.

Financial Implications

Not known at this stage however, likely to be significant if Council chooses to be responsible for the relocated bridge.

Social Implications

While the report by Engineers Australia suggests that the proposal will resolve the heritage issues of the bridge this has not been confirmed by either Heritage Victoria or Heritage NSW.

Economic Implications

A replacement bridge for Swan Hill would have a positive economic impact.

Environmental Implications

Not applicable for this item.

Risk Management Implications

Accepting responsibility for the relocated bridge would expose Council to additional risks.

Council Plan Strategy Addressed

Infrastructure - Infrastructure that appropriately services community needs.

Options

Nil

Recommendations

That Council:

- 1. Enter into discussions with VicRoads, RMS, Heritage Victoria and Heritage New South Wales to determine the potential for the existing bridge to be demolished and relocated and thus preserved in a different location and seek suitable undertakings and financial assurances in respect of the ongoing maintenance and refurbishment of this bridge.**
- 2. Subject to the removal of heritage control on the existing bridge that Council request VicRoads to investigate an alternative alignment close to**

but, immediately upstream of the existing bridge.

3. Write to the Swan Hill Bridge Position Action Committee advising them of its decision in relation to this matter and meet to discuss the proposal further.

48/17 Motion

MOVED Cr Norton

That Council:

1. Enter into discussions with VicRoads, RMS, Murray River Council, Heritage Victoria and Heritage New South Wales to determine the potential for the existing bridge to be demolished and relocated and thus preserved in a different location and seek suitable undertakings and financial assurances in respect of the ongoing maintenance and refurbishment of this bridge.
2. Subject to the removal of heritage control on the existing bridge that Council request VicRoads to investigate an alternative alignment in line with what is proposed by the bridge action committee as expressed in the report dated July 2017.
3. Write to the Swan Hill Bridge Position Action Committee advising them of its decision in relation to this matter and meet to discuss the proposal further.

SECONDED Cr Jeffery

MOVED Cr Katis to make an amendment to the motion, to add an additional dot point

That Council:

1. Enter into discussions with VicRoads, RMS, Murray River Council, Heritage Victoria and Heritage New South Wales to determine the potential for the existing bridge to be demolished and relocated and thus preserved in a different location and seek suitable undertakings and financial assurances in respect of the ongoing maintenance and refurbishment of this bridge.
2. Subject to the removal of heritage control on the existing bridge that Council request VicRoads to investigate an alternative alignment in line with what is proposed by the bridge action committee as expressed in the

report dated July 2017.

3. **Write to the Swan Hill Bridge Position Action Committee advising them of its decision in relation to this matter and meet to discuss the proposal further.**
4. **Removes Councils current support for option 4B as its preferred option and location for the new bridge that Council has passed in April 2014 as a good gesture to other organisations, so that Council can consider all options.**

SECONDED Cr Moar

The Amendment was put and LOST

Council then reverted back to the original motion put by Councillor Norton.

49/17 Motion

MOVED Cr Norton

That Council:

1. **Enter into discussions with VicRoads, RMS, Murray River Council, Heritage Victoria and Heritage New South Wales to determine the potential for the existing bridge to be demolished and relocated and thus preserved in a different location and seek suitable undertakings and financial assurances in respect of the ongoing maintenance and refurbishment of this bridge.**
2. **Subject to the removal of heritage control on the existing bridge that Council request VicRoads to investigate an alternative alignment in line with what is proposed by the bridge action committee as expressed in the report dated July 2017.**
3. **Write to the Swan Hill Bridge Position Action Committee advising them of its decision in relation to this matter and meet to discuss the proposal further.**

SECONDED Cr Jeffery

The Motion was put and CARRIED

19 September 2017



BPAC
BRIDGE POSITION
ACTION COMMITTEE



Correspondence: 7 River Oaks Drive, Swan Hill, Vic, 3585 PH 0428500186

The Mayor and Councillors
Swan Hill Rural City Council
PO Box 488
Swan Hill Vic, 3585

1 September, 2017

Dear Councillors,

Re: Swan Hill Bridge – Report by Engineering Heritage Victoria

At the 7 August meeting of the Bridge Position Action Committee, a presentation was made by Consulting Engineer John Forrest outlining a draft report by Engineering Heritage Victoria of a proposal to open up an opportunity to consider a bridge route never considered in detail before by VicRoads or RMS.

This option proposes to eventually relocate the present heritage listed bridge to the Pioneer Settlement outside the Spoons Riverside Restaurant over the Little Murray. As this suggestion removes the constriction of the curtilage restrictions imposed by the heritage listing of the existing bridge, it thereby allows a new bridge to be constructed immediately adjacent to the old one. There are enormous advantages with this proposal including obviating the need for two lift spans on the Murray River in close proximity, as well as overcoming all the objections to the currently planned and gazetted option 9A.

As the owners of the Swan Hill Pioneer Settlement, it is very important that Council wholeheartedly supports this proposal.

BPAC resolved to support the proposal on a resolution carried unanimously and further resolved to request that the Swan Hill Rural City Council consider the report from Engineering Heritage Victoria and embark on a dialogue with the relevant Authorities to support the proposal contained in the report for the replacement of the Swan Hill Murray River Bridge.

Please accept this letter as the formal request of the Bridge Position Action Committee for Council to action this request.

A handwritten signature in blue ink, appearing to read 'D. Quayle'.

Mr David Quayle
Chair BPAC

SECTION C – DECISIONS WHICH NEED ACTION/RATIFICATION

C.17.13 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

19 September 2017

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
837	Agreement to allow continued access to long term financial planning software	Between Swan Hill Rural City Council and CT Management Group Pty Ltd	14-08-17
838	Transfer of land: Volume 11855 Folio 921, Lot 0339 Lot 336 – 5 Tea Tree Drive, Swan Hill	Between Swan Hill Rural City Council and L.Gleeson	14-08-17
839	Transfer of land: Volume 11855 Folio 908, Lot 0326 Coobah Street	Between Swan Hill Rural City Council and Hinton Building Pty Ltd	14-08-17
840	Memorandum of Understanding for premises at 50-52 Campbell Street, Swan Hill	Between Swan Hill Rural City Council and Youth Affairs Council of Victoria	14-08-17
841	S173 Agreement – pipes in Road, ongoing ownership and maintenance (Three Chain Road, Fishpoint) CA 4B Boga and CA 15B S2 Boga	Between Swan Hill Rural City Council and VicSuper Ecosystem Services Pty Ltd	22-08-17
842	S173 Agreement – Pipes in Road, ongoing ownership and Maintenance (Three Chain Road, Winlaton) CA 5A Boga and CA 15C S2 Boga	Between Swan Hill Rural City Council and VicSuper Ecosystem Services Pty Ltd	22-08-17

Conclusion

Council authorise the signing and sealing of the above documents.

Recommendation

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

50/17 Motion

MOVED Cr Norton

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

SECONDED Cr Moar

The Motion was put and CARRIED

C.17.14 COUNCILLOR ASSEMBLIES - RECORD OF ATTENDANCE AND AGENDA ITEMS

Responsible Officer: Chief Executive Officer
File Number: S15-05-06
Attachments: 1 Councillor - Record of Attendance and Agenda Items

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 - Effective advocacy and strategic planning.

Options

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

Recommendation

That Council note the contents of the report.

51/17 Motion

MOVED Cr Norton

That Council note the contents of the report.

SECONDED Cr Johnson

The Motion was put and CARRIED

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA

22 August 2017 at 1.00pm

Swan Hill Information Centre, EDU

AGENDA ITEMS

- Councillor Only Session
- Mallee CMA and North Central CMA
- Drag Strip up-date
- Regional Certifying Body (RCB) Skilled Migration
- MAV – Call for State Council Motions
- 6 Prescott Lane Nyah West Planning Application

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Les McPhee
- Cr Chris Jeffery
- Cr Bill Moar
- Cr Lea Johnson
- Cr Ann Young
- Cr Gary Norton
- Cr John Katis

Apologies

-

OFFICERS

- John McLinden, Chief Executive Officer
- Bruce Myers, Director Community & Cultural Services
- David Lenton, Director Corporate Services
- Oliver McNulty, Director Infrastructure
- Heather Green, Director Development and Planning
- Emma Cramer, Economic & Community Development Manager
- Nathan Keighran, Economic Development & Tourism Project Officer
- Stefan Louw, Development Manager
- Shahed Amin, Senior Project Engineer

Other

- Shaun Morgan (Mallee CMA and North Central CMA)

CONFLICT OF INTEREST

- Nil

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
5 September 2017 at 1.00pm, Swan Hill Town Hall, Council Chambers

AGENDA ITEMS

- Rooming Houses
- Up-date on 2016/17 Projects
- MRGC Advocacy Strategy
- 6 Prescott Lane Nyah West Planning Application
- Aboriginal Community Partnership Strategy (ACPS) Final Draft
- Travel to Tyntyndyer Homestead for a Tour commencing at 2pm
- Gem Project
- Council's Bituminous Sealing of Roads Contract
- Regional Livestock Exchange
- Swan Hill's priorities for the Regional Partnership Plan
- Youth Inc New Membership Presentation
- Swan Hill Inc Report

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Les McPhee
- Cr Chris Jeffery
- Cr Bill Moar
- Cr Lea Johnson
- Cr John Katis

Apologies

- Cr Ann Young
- Cr Gary Norton

OFFICERS

- John McLinden, Chief Executive Officer
- Darren Ingram, Acting Director Community & Cultural Services
- David Lenton, Director Corporate Services
- Oliver McNulty, Director Infrastructure
- Heather Green, Director Development and Planning
- Fiona Gormann, Community Development and Riverfront Coordinator
- Nellie Patterson, Youth Support Officer
- Kane Sparks, Youth Support Co-Ordinator
- Stefan Louw, Development Manager
- Pat Ahern, Fleet Operations and Livestock Exchange Coordinator

Other

- Murray Ray and Julie Wiggins, Swan Hill Inc.
- Youth Council Members - Brodi Purtill, Clarisa Wiggins, Daniella Glowrey, Emily Rush, Emma Berg, Emma Gilbee, Josh Baird, Jack Silvester, Lewa Drua, Morgan Silvester, Ryan Abernethy, Talia Tuitupou, Rachael Sedlacek, Stephanie Hartshorn, Tiana Sixsmith, Tima Ratubalavu.
- Thelma Chilly - Local Aboriginal Network Robinvale and Swan Hill
- Cain Chaplin - Legal Service Client Services Officer

- Tania Wise - Suni TAFE Dulka Yuppata Koorie Cultural Centre Koori Liaison Officer Swan Hill

CONFLICT OF INTEREST

- Nil

SECTION D – NOTICES OF MOTION

Nil

SECTION E – URGENT ITEMS NOT INCLUDED IN AGENDA

Nil

SECTION F – TO CONSIDER & ORDER ON COUNCILLOR REPORTS

Councillor Ann Young

Art Gallery Advisory Committee Meeting
The Breakfast Series
Opening Woorinen Football Netball Club
Art Exhibition Opening
MAV Video Conferencing Session

Councillor Chris Jeffery

Bridge Committee Action Group Meeting

Councillor Gary Norton

GEM Funding Announcement
Manangatang Improvement Group
North West Municipalities Meeting
MAV Transport and Infrastructure Meeting
MAV Board Meeting
Nyah District Action Group Meeting
Annualised Centralised Valuation Consultation Session MAV
Rail Freight Alliance Forum

Councillor Bill Moar

Loddon Mallee Local Government Waste Forum
Agribusiness Committee

Councillor John Katis

ANZAC working Group
Murray Darling Water Plan Discussion at Town Hall

Mayor Councillor Les McPhee

ABC Radio Interview
GEM funding Announcement
Meeting with The Guardian
MacKillop College “Beauty and the Beast”
Blackwire Solar Park information session
Black Duck and Years of Service Certificates
Woorinen Football Netball Club Official Opening
Mayor/CEO meeting re: Drag Strip

Meeting with Dean Morpeth (Woorinen Football Netball Club)
Mayor/CEO meeting
Ultima Progress Association meeting
Lake Boga Inc meeting
3SH Radio Interview
Mayor/CEO meeting
Major Event Support Scheme meeting
Interview with Ange Gibson (MacKillop College student)
MEMPC meeting
Mayor/CEO meeting
Opening Croquet season for Swan Hill
Meals on Wheels media and presentation of Heart Beat of the Murray tickets
Travel to Canberra with MRGC
MRGC Advocacy in Canberra – report to be presented at next Council Meeting

Councillor Lea Johnson

SECTION G – IN CAMERA ITEMS

52/17 Motion

MOVED Cr Norton

That Council close the meeting to the public on the grounds that the report(s) include contractual matters.

SECONDED Cr Jeffery

The Motion was put and CARRIED

B.17.93 IN CAMERA CONSIDERATION OF CONFIDENTIAL REPORT

53/17 Motion

MOVED Cr Jeffery

That the meeting move out of closed session 6.04pm

SECONDED Cr Norton

The Motion was put and CARRIED

SECTION H – DECISIONS MADE IN CAMERA

**B.17.93 TENDER OUTCOME FOR THE CONSTRUCTION OF TOWER HILL
STAGES 11 & 12**

54/17 Motion

MOVED Cr Jeffery

That Council awards the contract for the construction of Tower Hill Stages 11 & 12 to Whitfield Excavations.

SECONDED Cr Norton

THE MOTION WAS PUT AND CARRIED

There being no further business the Deputy Mayor, Councillor Ann Young closed the meeting at 6.04pm.