



MINUTES

ORDINARY MEETING OF COUNCIL

Tuesday, 21 February 2017

Held at the
Swan Hill Information Centre,
Corner of Curlewis and McCrae Streets,
Conference Room
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 21 March 2017

Chairperson.....

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SECTION A – PROCEDURAL MATTERS

- **Open**

Mayor, Cr Les McPhee assumed the chair and declared the meeting open at 4pm.

- **Acknowledgement of Country**

Mayor, Cr Les McPhee read the Acknowledgement of Country.

- **Prayer**

Cr Katis read the prayer.

- **Apologies**

Nil

Recommendations

That the apologies be accepted.

- **Confirmation of Minutes**

- 1) Ordinary Meeting held on 20 December 2016

1/17 Motion

MOVED Cr Jeffery

That the minutes be confirmed.

SECONDED Cr Norton

The Motion was put and CARRIED

- **Declarations of Conflict of Interest**

Cr John Katis declared a conflict of interest in the In Camera item B17.18 Disposal of Surplus Council Land – 56-64 Herbert Street Robinvale Direct Interest due to family relations.

Cr Gary Norton declared a conflict of interest in item B17.17 MAV Board Representative as Cr Norton was the subject of the report.

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

Nil

2/17 Recommendation

MOVED Cr Norton

That standing orders be suspended for Public Question Time.

SECONDED Cr Katis

The Motion was put and CARRIED

- **Public Question Time**

Question 1 - Ms Joan Slater

Is there a law against people walking on the wrong side of the road specially when no footpaths are available. I thought a person walked against the flow of traffic and got off the road when they see a car coming towards them, well it was like that a few years ago or has the laws changed for the worst.

Mayor, Cr Les McPhee replied: That it wasn't a Local Government Question but he would answer it anyway. People can walk on either side of the road as a pedestrian as there is no law.

Question 2 - Ms Joan Slater

A person suggested to me to contact Council that Lake Boga has not got proper footpaths to walk on and it's not very nice when it's raining. They want to know what and when Council will do something about it? This person comes to Swan Hill by bus and has got no way to coming to Council meetings.

Mayor, Cr Les McPhee replied: We would bend the rules on this occasion as the person can write to Council to ask a question without having to come to a Council Meeting to ask a question and technically you can't ask questions on other peoples behalf. But the walking paths of Lake Boga are done by Lake Boga Inc. They get community funding and they do the walking paths themselves down there. Like a lot of smaller town they don't have walking paths at all, Lake Boga are lucky they have an active community group that have put those paths in.

3/17 Motion

MOVED Cr Jeffery

That Standing Orders be resumed.

SECONDED Cr Young

The Motion was put and CARRIED

SECTION B – REPORTS

B.17.2 10 YEAR MAJOR PROJECTS PLAN 2017/18 TO 2026/27

Responsible Officer: Director Corporate Services
File Number: S15-06-04
Attachments: 1 10 Year Major Project Plan

Declarations of Interest:

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

Summary

A Major Projects Plan covering the financial years 2017/18 to 2026/27 has been prepared and is being presented for Council adoption.

Discussion

The 2017/18 to 2026/27 Major Projects Plan includes projects covering the entire municipality as well as ongoing programs of works to replace and maintain key infrastructure.

Continued development of the Swan Hill Riverfront remains as a key aspect of the Plan. Works in and around Robinvale over the next ten years include establishing a Public Library, Town Levee banks, Bromley Road beautification, drainage improvements and Robinvale Caravan Park works.

Community planning funding includes projects across all the smaller townships in the Municipality. The plan allocates \$43 million in capital funding for roads over ten years including expected ongoing Roads to Recovery funding. This funding is in addition to ongoing maintenance expenditure.

Priorities within the plan have been assessed on a number of factors, including whether the project maintains existing service levels, or increases them, statutory or regulatory imperatives, compliance with existing Council plans and strategies, the availability of external funding sources to help cover the cost of each project and the expected overall ability of Council to fund the items within the plan, based on the current Long-Term Financial Plan.

The final list of projects submitted for the 2017/18 year will be subject to the financial constraints determined through the 2017/18 budget process. Projects in future years will be similarly constrained. In addition, it is possible that some of the projects may change priority in the future due to a number of factors including availability of external funding, community demand, legislative changes etc.

Consultation

Council regularly receives suggestions, both formally and informally, for items to be considered for funding. Many of the projects in the plan have been subject to a specific consultation and/or community planning process.

Financial Implications

Given funding constraints, it is inevitable that many worthwhile projects cannot be included in the Plan. Several projects are included on the basis that the required external funding will be forthcoming. These projects will not proceed otherwise.

Social Implications

Various projects within the plan will assist Council in improving community wellbeing.

Economic Implications

As well as the direct economic benefit from project expenditure within the Municipality many of the projects will assist business through better transport links or increased tourist visitation.

Environmental Implications

Many of the projects within the plan will improve environmental outcomes through improved drainage systems, reduced green-house gas emissions or improved landfill operations.

Risk Management Implications

The Risk Management implications for each project are assessed individually as part of the project scope.

Council Plan Strategy Addressed

Governance and Leadership - Effective and efficient utilisation of resources.

Options

1. These were considered during the review of the draft plan.

Recommendations

That Council:

1. **Adopt the 10 Year Major Projects Plan 2017/18 to 2026/27 as presented.**
2. **Refer the projects identified for the financial year 2017/18 to the budget process.**

4/17

MOVED Cr Norton

5/17 Motion

MOVED Cr Jeffery

That Council:

- 1. Adopt the 10 Year Major Projects Plan 2017/18 to 2026/27 as presented.**
- 2. Refer the projects identified for the financial year 2017/18 to the budget process.**

SECONDED Cr Johnson

The Motion was put and CARRIED

Attachment

- 10 Year Major Projects Plan 2017/18 to 2026/27

B.17.3 QUARTERLY REVIEW OF FINANCIAL PERFORMANCE AND FINANCIAL POSITION TO 31 DECEMBER 2016

Responsible Officer: Director Corporate Services
File Number: 42-20-00
Attachments:
1 Summarised Balance Sheet 31-12-16
2 Income & Expenditure 6 months 31-12-16

Declarations of Interest:

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

Summary

A review of Council's Financial Performance (Income and Expenditure) and Financial Position (balance sheet) to the adopted Budget for the six months to 31 December has been conducted and the results are summarised in this report.

Discussion

A summarised Statement of Income and Expenditure and a summarised Balance Sheet for the 6 months ended 31 December 2016 are included with this report.

Major variations to budget as at 31 December 2016 are explained by way of notes on the attached report.

The forecast result is expected to be better than budget at this stage. The predicted surplus assumes that Major Projects and Capital Works during the last six months of the financial year will be within budget.

Significant forecast variations to budget include:

	Previous Forecast Variances		Current Forecast Variances	
Rates	\$20,200	Favourable	\$20,200	Favourable
Grants Commission	\$56,600	Favourable	\$56,600	Favourable
Grants expected 2015/16, rec'd 2016/17	\$1,182,100	Favourable	\$1,192,100	Favourable
Rates Discount	\$5,000	Unfavourable	\$5,000	Unfavourable
Insurance (Incl Fire Service Levy) net	\$20,000	Favourable	\$22,500	Favourable
Livestock Exchange (net result)	\$15,000	Favourable	\$7,500	Favourable
Public Lighting maintenance	\$8,000	Unfavourable	\$8,000	Unfavourable
Employee Costs	\$30,000	Favourable	\$137,000	Favourable
Parking Fines and fees	\$15,000	Favourable	\$23,000	Favourable
Elected Member Allowance	\$8,500	Favourable	\$8,500	Favourable
Building & Planning Permit Income	\$40,000	Favourable	\$80,000	Favourable
Pioneer Settlement net operating result	\$90,000	Unfavourable	\$110,000	Unfavourable
Workcover Premiums (net)	\$30,000	Favourable	\$30,000	Favourable
Public Lighting Utility Costs	-	-	\$5,000	Favourable

Caravan Park – Flood effects	-	-	\$20,000	Unfavourable
Home Care overall result	-	-	\$40,000	Favourable
Municipal Office Electricity	-	-	\$10,000	Favourable
Chisholm Reserve Drainage Works	-	-	\$20,000	Unfavourable
Town Hall User Fees	-	-	\$18,000	Unfavourable
Other Variations (net)	-	-	\$2,100	Favourable
	\$1,314,400	Favourable	\$1,453,500	Favourable
Less: Income owing from 2015/16	\$1,227,700	Unfavourable	\$1,228,600	Unfavourable
Net Variation to 2016/17 Budget	\$86,700	Favourable	\$224,900	Favourable

Consultation

Consultation occurred as part of the Budget preparation process.

Financial Implications

The report shows a predicted rates determination surplus \$224,900 better than budget for the 2016/17 financial year.

Social Implications

Not relevant to this item.

Economic Implications

Not relevant to this item.

Environmental Implications

Not relevant to this item.

Risk Management Implications

The anticipated surplus is subject to income and costs trending as expected over the final six months of the year. In particular the anticipated surplus relies on the income from the Heartbeat of the Murray Experience completion of Major Projects within budget and no significant, unbudgeted costs.

Council Plan Strategy Addressed

Governance and Leadership - Effective and efficient utilisation of resources.

Options

Nil

Recommendations

That Council

- 1. Note that the anticipated end of financial year result is \$224,900 better than budget at this stage.**
- 2. Not allocate the anticipated surplus to any new projects until the outcome of the Chisholm Reserve Drag Strip condition assessment has been quantified.**

6/17 Motion

MOVED Cr Norton

That Council

- 1. Note that the anticipated end of financial year result is \$224,900 better than budget at this stage.**
- 2. Not allocate the anticipated surplus to any new projects until the outcome of the Chisholm Reserve Drag Strip condition assessment has been quantified.**

SECONDED Cr Katis

The Motion was put and CARRIED

**SWAN HILL RURAL CITY COUNCIL
SUMMARISED BALANCE SHEET
AS AT 31/12/2016**

	This Year Actual As At 31/12/2016 \$000	Last Year Actual As At 31/12/2015 \$000	\$ Movement Y.T.D. \$000	% Movement Y.T.D.	Budget As At End 2016/17 \$000
CURRENT ASSETS:-					
Cash and Cash Equivalents	22,696	17,377	5,319	30.6%	15,156
Trade & Other Receivables	9,932	10,291	(359)	-3.5%	2,141
Inventories	35	99	(64)	-64.6%	235
Other Assets	112	451	(339)	-75.2%	127
TOTAL CURRENT ASSETS	32,775	28,218	4,557	16.1%	17,659
CURRENT LIABILITIES:-					
Trade & Other Payables	612	1,389	(777)	-55.9%	3,947
Trust Funds & Deposits	760	408	352	86.3%	394
Provisions	5,297	4,847	450	9.3%	5,089
Interest Bearing Loans & Borrowings	737	745	(8)	-1.1%	974
TOTAL CURRENT LIABILITIES	7,406	7,389	17	0.2%	10,404
NET CURRENT ASSETS	25,369	20,829	4,540	21.8%	7,255
NON-CURRENT ASSETS:-					
Trade & Other Receivables	145	91	54	59.3%	91
Property, Plant, Equipment & Infrastructure	441,072	442,856	(1,784)	-0.4%	474,194
Intangible Assets	720	720	0	0.0%	720
TOTAL NON-CURRENT ASSETS	441,937	443,667	(1,730)	-0.4%	475,005
NON-CURRENT LIABILITIES:-					
Interest Bearing Loans & Borrowings	7,154	7,391	(237)	-3.2%	7,035
Provisions	1,697	1,755	(58)	-3.3%	1,776
TOTAL NON-CURRENT LIABILITIES	8,851	9,146	(295)	-3.2%	8,811
TOTAL NET ASSETS	458,455	455,350	3,105	0.7%	473,449
EQUITY:-					
Accumulated Surplus & Reserves	295,909	287,356	8,553	3.0%	279,886
Asset Revaluation Reserve	162,546	167,994	(5,448)	-3.2%	193,563
TOTAL EQUITY	458,455	455,350	3,105	0.7%	473,449

**SWAN HILL RURAL CITY COUNCIL
STATEMENT OF INCOME & EXPENDITURE
FOR THE 6 MONTHS ENDING 31/12/2016**

	Actual Year To Date 31/12/2016 \$000	Budget Year To Date 31/12/2016 \$000	\$ Variance To Budget \$000	% Variance To Budget	Original Annual Budget 2016/17 \$000	Notes
OPERATING INCOME :-						
Rates, garbage charges and marketing levy	25,777	25,824	(47)	-0.2%	25,824	
Statutory fees & fines	543	382	161	42.1%	745	1
User fees	2,682	2,907	(225)	-7.7%	5,722	
Grants - Operating (recurrent)	7,559	6,839	720	10.5%	13,663	2
Grants - operating (non-recurrent)	506	261	245	93.9%	521	3
Grants - capital (recurrent)	459	832	(373)	-44.8%	3,327	4
Grants - capital (non-recurrent)	136	1,674	(1,538)	-91.9%	2,335	5
Contributions - cash non recurrent	185	1,040	(855)	-82.2%	1,581	6
Interest income	168	251	(83)	-33.1%	520	7
Proceeds from disposal of assets	336	243	93	38.3%	486	
Other revenue	1,606	821	785	95.6%	1,640	8
TOTAL INCOME	39,957	41,074	(1,117)	-2.7%	56,364	
OPERATING EXPENSES (Excluding Depreciation) :-						
Employee benefits	9,405	10,359	(954)	-9.2%	19,891	9
Contract payments materials & services	8,983	10,036	(1,053)	-10.5%	19,594	10
Bad & doubtful debts	-	1	(1)	0.0%	2	
Finance costs	175	210	(35)	-16.7%	407	11
Other expenses	487	515	(28)	-5.4%	968	
TOTAL OPERATING EXPENSES (Excl. Deprn.)	19,050	21,121	(2,071)	-9.8%	40,862	
OPERATING RESULT (Excl. Deprn.)	20,907	19,953	954	4.8%	15,502	
CAPITAL ITEMS :-						
Capital works/asset purchases - funding sourced	3,252	6,046	(2,794)	-46%	12,091	12
Capital works/asset purchases - funding not sourced	0	0	0	0%	3,789	
SURPLUS (DEFICIT) AFTER CAPITAL ITEMS	17,655	13,908	3,748	27%	(378)	
ADD FINANCING TRANSACTIONS						
Loan principal redemption	(387)	(380)	(7)	1.8%	(759)	
Transfers to/from reserves	(1,090)	(1,090)	0	0.0%	668	
Proceeds from loans	-	-	-	0.0%	500	
TOTAL FINANCING TRANSACTIONS	(1,477)	(1,470)	(7)	0.5%	409	
BUDGET RESULT SURPLUS	16,178	12,438	3,741	30.1%	31	

- 1 Valuation data fees of \$91K had been forecast to be received last year and Food Premises and Public Health registrations of \$107K have been raised but the forecast allows for them to be raised throughout the year.
- 2 SupportFirst packaged care grants are \$481K above forecast due to the receipt of outstanding funds from 2015/16. The Robinvale Employment Network grant of \$210K had not been forecast.
- 3 Grants for the Roadside Weeds and Pests (\$75K) and L2P program (\$48K) had been forecast to be received over the year but have been paid in full. Grants owed from 2015/16 have been received totalling \$61K. Council also received additional operational grants which had not been forecast: \$25K Engaging Audiences at the Art Gallery, Municipality VMS project \$29K, various programs at the Library \$20k.
- 4 Council's Roads to Recovery funding has been reduced by \$1M in 2016/17 and deferred to 2017/18.
- 5 Grants for the Swan Hill Riverfront Masterplan (\$1.1M) had been forecast to be received throughout the year. No funds have been received to date. The forecast has allowed for \$300K for the Robinvale Levy project to be received. This grant is yet to be sourced.
- 6 Contributions towards stage 9B of the Tower Hill Development will be paid as the lots are sold.
- 7 As at 31 December 2016 Council had accrued \$102K of interest income in addition to the \$168K already received.
- 8 Tower Hill Stage 9A land sales are \$303K greater than forecast. Sale of SupportFirst aged care of \$500K had not been forecast.
- 9 Significant savings have been made in Council's workcover premiums, and to date this cost is \$250K below forecast. \$200K of this saving will be transferred to a reserve to stabilise future premiums. A number of vacant positions will result in savings over the year and \$220K of design and supervision charges which had been forecast for capital works projects are yet to be realised.
- 10 The majority of this variance relates to the Packaged Aged Care services (\$523K). These packages were sold to Uniting AgeWell effective 15 December 2016. Other significant variances are for increased development costs at Tower Hill (\$205K) in line with the increased number of lot sales, Waste management contractor payments (\$212K) and Grants and Contributions (\$59K). These are timing issues.
- 11 Council's interest only loans have accrued \$42K in interest costs. The next instalments are due in May and June.
- 12 The forecast had allowed for significant capital works projects such as Tower Hill Stage 9B some of these costs were incurred in 2015/16, Riverfront enhancement trail (\$342K) and the Catalina Park Activation (\$427K). To date there are only minimal expenses incurred.

B.17.4 S5 INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER

Responsible Officer: Director Corporate Services
File Number: 74-00-23
Attachments: 1 Maddocks Letter 15-12-16
2 S5 Delegation 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 their 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 December 2016 it has been advised that all Instruments of Delegation should be updated, or refreshed, on a regular basis to ensure that they incorporate all recent legislative developments. This includes the Instrument of Delegation to Council's Chief Executive Officer, even though it is expressed in general terms.

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.**

7/17 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

Email Letter



Maddocks

Lawyers
140 William Street
Melbourne Victoria 3000 Australia

Telephone 61 3 9288 0555
Facsimile 61 3 9288 0666

info@maddocks.com.au
www.maddocks.com.au

DX 259 Melbourne

From Tom Abourizk	Date 15 December 2016
Direct 03 9258 3811	Email tom.abourizk@maddocks.com.au
Partner Melanie Olynyk	

Dear Subscriber

Delegations and Authorisations Service Update Second update for 2016

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

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

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

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

CHANGES MADE IN THIS UPDATE

This update amends our S6, S7, S12, S13 and S14 Instruments. We have outlined some of the changes to each instrument below.

Changes to the S6 Instrument of Delegation from Council to Staff

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

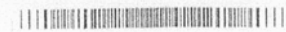
1. minor amendments have been made in relation to provisions of the *Road Management Act 2004* relating to bus stopping points and infrastructure; and
2. the *Planning and Environment (Fees) Regulations 2016* have replaced the *Planning and Environment Regulations (Fees) Interim Regulations 2015*.

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

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

3. additions to the *Aboriginal Heritage Act 2006*, which give councils the power to enter into Aboriginal cultural heritage agreements, and which were included in our last update, came into effect on 1 August 2016;

[628721: 18064878_1]



Maddocks

4. the Commission for Children and Young People will be responsible for enforcement of the Child Safety Standards under amendments introduced to the *Child Wellbeing and Safety Act 2005*, which come into force on 1 September 2017. These amendments also impose duties, powers and functions upon councils as a 'relevant entity';
5. minor amendments have been made in relation to provisions of the *Road Management Act 2004* relating to bus stopping points and infrastructure;
6. a new provision in the *Taxation Administration Act 1997* allows councils to receive information from a tax officer in certain circumstances;
7. amendments to the *Victorian Environmental Assessment Council Act 2001* impose duties and functions on councils to assist and confer with the Victorian Environmental Assessment Council in certain circumstances;
8. the *Infringement Regulations 2016* introduced in our last update came into force on 26 June 2016;
9. amendments to the *Road Safety Road Rules (Electric Personal Transporters Trial) Amendment Rules 2016* impose a new function on councils of liaising with the Roads Corporation; and
10. the *Subdivision (Fees) Regulations 2016* have replaced the *Subdivision (Fees) Interim Regulations 2015*.

Changes to the S12 Municipal Building Surveyor Package

In relation to the S12 Instrument of Delegation and Authorisation by the Municipal Building Surveyor, we note the following:

11. the introduction of r.812 of the *Building Regulations 2006*, which requires a relevant building surveyor to accept a particular rating for bushfire attack levels when certain criteria are satisfied; and
12. changes to r.902 of the *Building Regulations 2006* alter the time during which copies of directions given must be kept and made available.

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

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

13. the Commission for Children and Young People will be responsible for enforcement of the Child Safety Standards under amendments introduced to the *Child Wellbeing and Safety Act 2005*, which come into force on 1 September 2017. These amendments also impose duties, powers and functions upon the CEO as the 'head of a relevant entity';
14. provisions imposing duties upon CEOs under the *Independent Broad-Based Anti-Corruption Commission Act 2011* have come into force; and
15. the *Local Government (Electoral) Regulations 2016* imposed some duties upon CEOs.

While we are aware that not all councils use the S13 Instrument, we remind councils of the importance of ensuring that the CEO's powers, duties and functions have been delegated where the CEO is not personally exercising those powers or responsibilities. Further, and as previously advised, if the S13 Instrument is not used, then we recommend that you include provisions relating to 'Human Resources' in the Miscellaneous and Administrative powers section of the S7 Instrument of Sub-Delegation. These could be based on the provisions listed in the S13 Instruments under s 94A(3) of the *Local Government Act 1989*.



Maddocks

Changes to the S14 Instrument of Delegation of CEO powers, duties and functions for VicSmart Applications under the *Planning and Environment Act 1987*

In relation to the S14 Instrument of Delegation, we note that the *Planning and Environment (Fees) Regulations 2016* have replaced the *Planning and Environment Regulations (Fees) Interim Regulations 2015*.

EastLink Project Regulations 2016

We also note that the *EastLink Project Regulations 2016 (EastLink Regulations)* came into force on 13 December 2016, which revoked a number of regulations previously in force in relation to EastLink.

Under regulation 7 of EastLink Regulations, Councils which are the responsible road authority under the *Road Management Act 2004* for roads connecting to, or in the vicinity of, EastLink have the power to provide consent to the Freeway Corporation to place notices on those roads providing information about EastLink. This power is not included in our instruments, but Councils to which this applies may consider arranging for the delegation of such powers as well.

LOCAL LAWS

While this has been mentioned in our previous updates, we again remind councils of the importance of delegating not only the powers, duties and functions existing under legislation, but also any council powers, duties and functions existing in any local laws made by their council.

Our Delegations and Authorisations Service covers only the former and so it is up to each council to ensure that it reviews all of its local laws and, where appropriate, delegates relevant powers, duties and functions.

UPDATING YOUR INSTRUMENTS

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

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

Yours sincerely
Maddocks

Transmission authorised by:
Melanie Olynyk
Partner



Maddocks

Maddocks Delegations and Authorisations

S5. Instrument of Delegation to Chief Executive Officer

Swan Hill Rural City Council

Instrument of Delegation

to

The Chief Executive Officer



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Instrument of Delegation

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

AND declares that

- 1. this Instrument of Delegation is authorised by a Resolution of Council passed on 21 February 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)



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SCHEDULE

The power to

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

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

Conditions and Limitations

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

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



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

B.17.5 S6 INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF

Responsible Officer: Director Corporate Services
File Number: 74-00-23
Attachments:
1 Maddocks Letter 15-12-16
2 S6 Delegations 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.**

8/17 Motion

MOVED Cr Young

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 Johnson

The Motion was put and CARRIED

Email Letter



Maddocks

Lawyers
140 William Street
Melbourne Victoria 3000 Australia

Telephone 61 3 9288 0555
Facsimile 61 3 9288 0666

info@maddocks.com.au
www.maddocks.com.au

DX 259 Melbourne

From Tom Abourizk	Date 15 December 2016
Direct 03 9258 3811	Email tom.abourizk@maddocks.com.au
Partner Melanie Olynyk	

Dear Subscriber

Delegations and Authorisations Service Update Second update for 2016

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

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

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

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

CHANGES MADE IN THIS UPDATE

This update amends our S6, S7, S12, S13 and S14 Instruments. We have outlined some of the changes to each instrument below.

Changes to the S6 Instrument of Delegation from Council to Staff

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

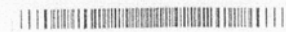
1. minor amendments have been made in relation to provisions of the *Road Management Act 2004* relating to bus stopping points and infrastructure; and
2. the *Planning and Environment (Fees) Regulations 2016* have replaced the *Planning and Environment Regulations (Fees) Interim Regulations 2015*.

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

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

3. additions to the *Aboriginal Heritage Act 2006*, which give councils the power to enter into Aboriginal cultural heritage agreements, and which were included in our last update, came into effect on 1 August 2016;

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4. the Commission for Children and Young People will be responsible for enforcement of the Child Safety Standards under amendments introduced to the *Child Wellbeing and Safety Act 2005*, which come into force on 1 September 2017. These amendments also impose duties, powers and functions upon councils as a 'relevant entity';
5. minor amendments have been made in relation to provisions of the *Road Management Act 2004* relating to bus stopping points and infrastructure;
6. a new provision in the *Taxation Administration Act 1997* allows councils to receive information from a tax officer in certain circumstances;
7. amendments to the *Victorian Environmental Assessment Council Act 2001* impose duties and functions on councils to assist and confer with the Victorian Environmental Assessment Council in certain circumstances;
8. the *Infringement Regulations 2016* introduced in our last update came into force on 26 June 2016;
9. amendments to the *Road Safety Road Rules (Electric Personal Transporters Trial) Amendment Rules 2016* impose a new function on councils of liaising with the Roads Corporation; and
10. the *Subdivision (Fees) Regulations 2016* have replaced the *Subdivision (Fees) Interim Regulations 2015*.

Changes to the S12 Municipal Building Surveyor Package

In relation to the S12 Instrument of Delegation and Authorisation by the Municipal Building Surveyor, we note the following:

11. the introduction of r.812 of the *Building Regulations 2006*, which requires a relevant building surveyor to accept a particular rating for bushfire attack levels when certain criteria are satisfied; and
12. changes to r.902 of the *Building Regulations 2006* alter the time during which copies of directions given must be kept and made available.

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

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

13. the Commission for Children and Young People will be responsible for enforcement of the Child Safety Standards under amendments introduced to the *Child Wellbeing and Safety Act 2005*, which come into force on 1 September 2017. These amendments also impose duties, powers and functions upon the CEO as the 'head of a relevant entity';
14. provisions imposing duties upon CEOs under the *Independent Broad-Based Anti-Corruption Commission Act 2011* have come into force; and
15. the *Local Government (Electoral) Regulations 2016* imposed some duties upon CEOs.

While we are aware that not all councils use the S13 Instrument, we remind councils of the importance of ensuring that the CEO's powers, duties and functions have been delegated where the CEO is not personally exercising those powers or responsibilities. Further, and as previously advised, if the S13 Instrument is not used, then we recommend that you include provisions relating to 'Human Resources' in the Miscellaneous and Administrative powers section of the S7 Instrument of Sub-Delegation. These could be based on the provisions listed in the S13 Instruments under s 94A(3) of the *Local Government Act 1989*.

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Changes to the S14 Instrument of Delegation of CEO powers, duties and functions for VicSmart Applications under the *Planning and Environment Act 1987*

In relation to the S14 Instrument of Delegation, we note that the *Planning and Environment (Fees) Regulations 2016* have replaced the *Planning and Environment Regulations (Fees) Interim Regulations 2015*.

EastLink Project Regulations 2016

We also note that the *EastLink Project Regulations 2016 (EastLink Regulations)* came into force on 13 December 2016, which revoked a number of regulations previously in force in relation to EastLink.

Under regulation 7 of EastLink Regulations, Councils which are the responsible road authority under the *Road Management Act 2004* for roads connecting to, or in the vicinity of, EastLink have the power to provide consent to the Freeway Corporation to place notices on those roads providing information about EastLink. This power is not included in our instruments, but Councils to which this applies may consider arranging for the delegation of such powers as well.

LOCAL LAWS

While this has been mentioned in our previous updates, we again remind councils of the importance of delegating not only the powers, duties and functions existing under legislation, but also any council powers, duties and functions existing in any local laws made by their council.

Our Delegations and Authorisations Service covers only the former and so it is up to each council to ensure that it reviews all of its local laws and, where appropriate, delegates relevant powers, duties and functions.

UPDATING YOUR INSTRUMENTS

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

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

Yours sincerely
Maddocks

Transmission authorised by:
Melanie Olynyk
Partner





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Maddocks Delegations and Authorisations

S6. Instrument of Delegation – Members of Staff

Swan Hill Rural City Council

Instrument of Delegation

to

Members of Council Staff



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Instrument of Delegation

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

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. record that references in the Schedule are as follows:
 - “AC” means Asset Coordinator
 - “AO” means Authorised Officer
 - “CEO” means Chief Executive Officer
 - “CSC” means Commercial Service & Revenue Coordinator
 - “CSO” means Customer Service Officer
 - “DDP” means Director Development & Planning
 - “DE” means Design Engineer
 - “DI” means Director Infrastructure
 - “DM” Means Development Manager
 - “EHO” means Environmental Health Officer
 - “EPAM” means Engineering Projects & Assets Manager
 - “MBS” means Municipal Building Surveyor
 - “MERO” means Municipal Emergency Resource Officer
 - “MFPO” means Municipal Fire Prevention Officer
 - “PHRSC” means Public Health & Regulatory Services Coordinator
 - “PO” means Planning Officer
 - “PP” means Principal Planner
 - “SRO” means Senior Revenue Officer
 - “TOS” means Technical Officer Survey
3. declares that:
 - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 21 February 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



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

The COMMON SEAL OF THE SWAN HILL RURAL CITY COUNCIL)

Was hereunto affixed in the presence of)

Chief Executive Officer

(Print Name)

Councillor _____ Councillor _____

(Print Name) _____ (Print Name) _____



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SCHEDULE



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

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



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



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



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



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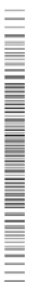
FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38E(2)	power to register the food premises on a conditional basis	DDP, PHRSC, EHO	where council is the registration authority; not exceeding the prescribed time limit defined under subsection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

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

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



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.4B	power to prepare an amendment to the Victoria Planning Provisions	Not delegated, considered by Council.	if authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	DDP, DM, PPPP, PO	
s.4H	duty to make amendment to Victoria Planning Provisions available	DDP, DM, PP, PO	
s.4I	duty to keep Victoria Planning Provisions and other documents available	DDP, DM, PP, PO	
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	Not delegated, considered by Council.	
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	



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



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(2)	duty of giving copy s.173 agreement	DDP, DM, PP, PO	
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CEO, DDP, DM, PP, PO	
s.18	duty to make amendment etc. available	DDP, DM, PP, PO	
s.19	power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under section 19 to a planning scheme	DDP, DM, 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, PP, PO	
s.21A(4)	duty to publish notice in accordance with section	DDP, DM, PP, PO	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.22	duty to consider all submissions	Not delegated, considered by Council	
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	DDP, DM	
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	CEO, DDP, DM, 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, PP, PO	
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, PP, PO	
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, PP, PO	

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



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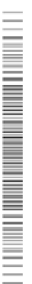
PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GF	duty to comply with directions issued by the Minister	DDP, DM, PP, PO	
s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and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



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

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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, SRO, DM, PP, PO	
s.46Q(1A)	duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	DDP, DM, 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 satisfied the development is not to proceed	Only applies when levy is paid to Council as a development agency.	only applies when levy is paid to Council as a 'development agency'



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46Q(4)(c)	duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the council or for the provision by the council of works, services or facilities in an area under s.46Q(4)(a)	DDP, DM, 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
s46Q(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	Not Applicable	
s.46Y	duty to carry out works in conformity with the approved strategy plan	Not Applicable	
s.47	power to decide that an application for a planning permit does not comply with that Act	CEO, DDP, DM, PP	

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



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



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

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



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

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	CEO, DDP, DM, PP, PO	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DDP, DM, PC	
s.62(1)	duty to include certain conditions in deciding to grant a permit	DDP, DM, PP, PO	
s.62(2)	power to include other conditions	DDP, DM, PP, PO	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DDP, DM, PP, PO	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	DDP, DM, PP, PO	
s.62(5)(b)	power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	DDP, DM, PP, PO	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	DDP, DM, PP, PO	
s.62(6)(a)	duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with section 62(5) or section 46N	DDP, DM, PP, PO	



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

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	DDP, DM, PP, PO	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s.66(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	DDP, DM, PP, 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, PM, PO	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, PP, PO	
s.70	duty to make copy permit available for inspection	DDP, DM, PP	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.71(1)	power to correct certain mistakes	DDP, DM, PP	
s.71(2)	duty to note corrections in register	DDP, DM, PP, PO	
s.73	power to decide to grant amendment subject to conditions	DDP, DM, PP, PO	
s.74	duty to issue amended permit to applicant if no objectors	DDP, DM, PP, PO	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DDP, DM, PP	
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, PP, PO	if the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	DDP, DM, PP, PO	if the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under section 64 or 76	DDP, DM, PP	if the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.76D	duty to comply with direction of Minister to issue amended permit	DDP, DM, PP, PO	
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, PP, PO	
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	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	DDP, DM, PP, PO	
s.93(2)	duty to give notice of VCAT order to stop development	DDP, DM, PP, PO	
s.95(3)	function of referring certain applications to the Minister	DDP, DM, PP, PO	
s.95(4)	duty to comply with an order or direction	DDP, DM, PP, PO	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	CEO, DDP, DM, PP, PO	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DDP, DM, PP, PO	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, DDP, DM, PP, PO	
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, PP, PO	
s.96F	duty to consider the panel's report under section 96E	DDP, DM, PP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.96G(1)	power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under section 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	DDP, DM, PP	
s.96H(3)	power to give notice in compliance with Minister's direction	Not Delegated considered by Council	
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, PP, PO	
s. 96Z	duty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate	DDP, DM, PP, PO	
s.97C	power to request Minister to decide the application	Not delegated, considered by Council.	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	CEO, DDP, DM, 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	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	CEO, DDP, DM, PP, PO	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	CEO, DDP, DM, PP, PO,	
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



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	
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	Not delegated, considered by Council.	
s.171(2)(g)	power to grant and reserve easements	Not delegated, considered by Council.	
s.173	power to enter into agreement covering matters set out in section 174	DDP, DI, EPAM, DM, PP	
---	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	DDP, DI, EPAM, DM, PP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	Not delegated, considered by Council.	
s.177(2)	power to end a section 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	Not delegated, considered by Council.	
s.178	power to amend a s.173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	Not delegated, considered by Council.	
s.178A(1)	function of receiving application to amend or end an agreement	CEO, DDP	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	DDP	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, DDP	
s.178A(5)	power to propose to amend or end an agreement	CEO, DDP	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	DDP, DM, PP	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	DDP, DM, PP	

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



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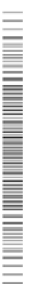
PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, DDP	After considering objections, submissions and matters 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, PO, DM, PC	
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DDP, DM, PP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.181(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, PP, PO,	
s.184F(1)	power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	CEO, DDP	
s.184F(2)	duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	CEO, DDP	
s.184F(3)	duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	DDP, DM, 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	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.184G(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, PP, PO,	
s.199(1)	duty to give planning certificate to applicant	DDP, DM, PP, PO,	
s.201(1)	function of receiving application for declaration of underlying zoning	DDP, DM, PP, PO,	
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, PP, PO	
-	power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	DDP, DM, PP, PO	
-	power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	DDP, DM, PP, PO	
-	power to give written authorisation in accordance with a provision of a planning scheme	DDP, DM, PP, PO	
s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	Not Applicable	
s.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	Not Applicable	



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

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



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

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



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



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

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



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



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.42A(3)	duty to consult with VicRoads before road is specified	DI, AC, EPAM	where council is the coordinating road authority if road is a municipal road or part thereof
s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	DI, AC, EPAM	where council is the coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road
s.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	DI, AC, EPAM	where council is the responsible road authority, infrastructure manager or works manager
s.48M(3)	function of consulting with the relevant authority for purposes of developing guidelines under section 48M	DI, AC, EPAM	
s.49	power to develop and publish a road management plan	DI, AC, EPAM	
s.51	power to determine standards by incorporating the standards in a road management plan	DI, AC, EPAM	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	Not delegated, considered by Council.	
s.54(2)	duty to give notice of proposal to make a road management plan	DI, AC, EPAM	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	DI, AC, EPAM	



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54(6)	power to amend road management plan	DI, AC, EPAM	
s.54(7)	duty to incorporate the amendments into the road management plan	DI, AC, EPAM	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	DI, AC, EPAM	
s.63(1)	power to consent to conduct of works on road	DI, AC, EPAM	where council is the coordinating road authority
s.63(2)(e)	power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	DI, AC, EPAM	where council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	DI, AC, EPAM	where council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	DI, AC, EPAM	where council is the coordinating road authority
s.67(2)	function of receiving the name & address of the person responsible for distributing the sign or bill	DI, AC, EPAM	where council is the coordinating road authority
s.67(3)	power to request information	DI, AC, EPAM	where council is the coordinating road authority
s.68(2)	power to request information	DI, AC, EPAM	where council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	CEO, DI, AC, EPAM	
s.72	duty to issue an identity card to each authorised officer	CEO	



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



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



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



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

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



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PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r. 6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	DDP, DM	where Council is not the planning authority and the amendment affects land within its municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	CEO, DDP, DM, PP	
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.

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PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
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,	



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



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RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.18	duty to keep register of caravan parks	PHRSC, EHO	
r.19(4)	power to determine where the emergency contact person's details are displayed	DDP, PHRSC, EHO	
r.19(6)	power to determine where certain information is displayed	DDP, PHRSC, EHO	
r.22A(1)	duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	DDP, PHRSC, EHO, CSO	
r.22A(2)	duty to consult with relevant emergency services agencies	DDP, MERO, MFPO	
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	DDP, PHRSC, EHO	
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	DDP, EPAM, PHRSC, EHO	
r.25(3)	duty to consult with relevant floodplain management authority	DDP, PP, PHRSC, EHO	
r.26	duty to have regard to any report of the relevant fire authority	DDP, EPAM, MBS, PHRSC, EHO	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	DDP, PHRSC, EHO	

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



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ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.8(1)	duty to conduct reviews of road management plan	DI, AC, EPAM	
r.9(2)	duty to produce written report of review of road management plan and make report available	DI, AC, EPAM	
r.9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	DI, AC, EPAM	where council is the coordinating road authority
r.10	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 4.1 of the Act	DI, AC, EPAM	
r.13(1)	Duty to publish notice of amendments to road management plan	DI, AC, EPAM	where council is the coordinating road authority
r.13(3)	duty to record on road management plan the substance and date of effect of amendment	DI, AC, EPAM	
r.16(3)	power to issue permit	DI, AC, EPAM	where council is the coordinating road authority
r.18(1)	power to give written consent re damage to road	DI, AC, EPAM	where council is the coordinating road authority
r.23(2)	power to make submission to Tribunal	DI, AC, EPAM	where council is the coordinating road authority
r.23(4)	power to charge a fee for application under section 66(1) Road Management Act	DI, AC, EPAM	where council is the coordinating road authority

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ROAD MANAGEMENT (GENERAL) REGULATIONS 2016

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



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ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.15	power to exempt a person from requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	D1	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	D1	where council is the coordinating road authority

B.17.6 COUNCILLOR ALLOWANCES

Responsible Officer: Director Corporate Services
File Number: S16-04-02
Attachments: Nil

Declarations of Interest: Officer

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

Summary

At Council's Statutory meeting in November 2016, Councillors considered allowance levels in accordance with State Government guidelines. Council moved the allowances to be set at the same level as the previous financial year plus any adjustments required by the Local Government Minister in December each year.

Discussion

In December 2016 Council advertised the proposed Councillor allowance levels be set at:

Mayor	\$62,113.18 plus the equivalent of 9.5% superannuation
Councillors	\$23,411.89 plus the equivalent of 9.5% superannuation

In accordance with Section 223 of Local Government Act 1989, written submissions were sought from the public in relation to the proposed allowances by 4pm on 8 January 2017. No public submissions were received.

Since the advert appeared the Minister for Local Government has now announced the annual increase for Councillor allowances to be 2.5% which is to be added to the amounts moved at the November Statutory meeting, meaning the allowances will be:-

Mayor	\$63,666.00 plus the equivalent of 9.5% superannuation
Councillors	\$23,997.19 plus the equivalent of 9.5% superannuation.

Consultation

Council has considered the amounts payable and proposed the allowed levels. Allowances advertised and Submissions sought. No Public submissions were received.

Financial Implications

The budget includes funding to support the allowances which are within the allowable range.

Social Implications

Not applicable for this item.

Economic Implications

Not applicable for this item.

Environmental Implications

Not applicable for this item.

Risk Management Implications

Nil.

Council Plan Strategy Addressed

Governance and Leadership - Effective and efficient utilisation of resources.

Options

Nil.

Recommendations

That Council:

- 1. Note no submissions were received to the Councilors allowances proposed in November 2016.**
- 2. Note the Minister for Local Government has now increased these allowances by 2.5%**
- 3. Note the allowances to be paid will be \$63,666.00 plus 9.5% in lieu of superannuation for the Mayor and \$23,997.19 plus the equivalent of 9.5% superannuation for the each Councillor. These allowances will be adjusted annually in accordance with Ministerial directions.**

9/17 Motion

MOVED Cr Norton

That Council:

1. Note no submissions were received to the Councilors allowances proposed in November 2016.
2. Note the Minister for Local Government has now increased these allowances by 2.5%
3. Note the allowances to be paid will be \$63,666.00 plus 9.5% in lieu of superannuation for the Mayor and \$23,997.19 plus the equivalent of 9.5% superannuation for the each Councillor. These allowances will be adjusted annually in accordance with Ministerial directions.

SECONDED Cr Katis

The Motion was put and CARRIED

B.17.7 KEY STRATEGIC INITIATIVES FOR 2016/17 STATUS REPORT FOR THE SECOND QUARTER

Responsible Officer: Director Corporate Services
File Number: 22-23-08
Attachments: 1 KSI second quarter status report

Declarations of Interest:

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

Summary

This is the second quarterly report identifying the status of the Key Strategic Initiatives from the Council Plan for the 2016/17 financial year. This report also provides updates for any actions that were carried over from previous years.

Discussion

The Council Plan 2013-17 includes 78 initiatives and 248 actions through which the achievement of the Council Plan may be measured over its four-year term. Each action has a nominated responsible officer who is a member of the Leadership Team, reflecting the importance placed on achieving targets.

There are 15 actions in total identified for the 2016/17 period.

The following 5 actions were completed during the second quarter plus another 4 actions marked as complete/ongoing for 2016/2017 financial year.

Completed

11.8.2 Regular discussions with State Government authorities

19.4.4 Secure funding

19.4.5 Prioritise Investment

19.4.6 Functional Design Plan Review of progress to date

19.10.1 Undertake review of directional signage for ease of access to major facilities.

Complete and Ongoing

19.10.2 Develop signage strategy

19.10.3 Implement identified actions from Signage Strategy

17.4.2 Implement preferred renewable energy options for Council

19.7.9 Review Pioneer Settlement Master Plan and priorities future works.

As some actions span over a number of years they cannot be marked as completed until the end of the plan. These actions are reported on as completed/ongoing (CO).

Since the adoption of the Council Plan in 2013, six actions have been deemed as no longer applicable.

The progress of all actions is outlined in the table below and the comments section of the attachment to this report.

Year	No. of Actions	Total completed	No longer applicable	Underway/ Ongoing	Outstanding	Completed this ¼
Rolled over from previous Council Plan	6	6	0	0	0	
2013/14	76	80	4	27	0	1
2014/15	27	33	1	32	1	2
2015/16	16	18	1	26	4	1
2016/17	15	1	0	4	10	1
Future years	108	0	0	0	0	
Total	248	138	6	89	15	Total - 5

Consultation

Council consulted the community during the development of the Council Plan 2013/17. Public submissions were also called for during the 2014 Council Plan review.

The Council Plan was first adopted at the June Council Meeting 2013. The reviewed Council Plan was adopted at the April Council Meeting 2016.

Financial Implications

The implementation of most 2016/17 Key Strategic Initiatives was included in the budget.

Social Implications

Not applicable for this item.

Economic Implications

Not applicable for this item.

Environmental Implications

Not applicable for this item.

Risk Management Implications

Monitoring of Council's progress to implement the Council Plan helps to reduce risks associated with governance and reputation.

Council Plan Strategy Addressed

Governance and Leadership - Effective and efficient utilisation of resources.

Options

Not applicable for this report.

Recommendation

That Council adopt the Key Strategic Initiatives second quarter status report for 2016/17.

10/17 Motion

MOVED Cr Jeffery

That Council adopt the Key Strategic Initiatives second quarter status report for 2016/17.

SECONDED Cr Young

The Motion was put and CARRIED

1 Objective	Strategic Initiatives	Actions	When	How we will know we have achieved this	Directorate	Officers/s	Complete Y/N	Comments as at 31 December 2016
Legend								
Completed		Currently underway/Ongoing		Action yet to be taken				
Initiatives carried over from previous Council Plan								
EG	Housing	Facilitate development of the South West Precinct of Swan Hill	2014-15	Amendment to the Minister of Planning for approval.	DDP	DM	Y	Amendment C58 has been approved by the Minister. Awaiting gazettal of the amendment.
EG	Attracting new business	Begin implementation of the Central Business District Masterplans for Robinvale and Swan Hill including identifying links to Riverfronts	May-14	Stage 3 works complete.	DI	EPAM	Y	Works completed in May 2014.
EG	Attracting new business	Development of a strategy to support the attraction of new business based on the regions comparative and competitive advantages as identified in the Economic Development Strategy	Jun-14	Strategy developed.	DDP	ECOM	Y	The Investment Attraction Policy adopted at Council's September 2015 meeting. COMPLETED
EG	Infrastructure	Conduct a review of Council operated aerodromes and implement both CASA requirements and Council recommendations	Dec-14	Works completed within available funds.	DI	ECOM	Y	Renewal works completed to the amount of the available funds. COMPLETED
EG	Infrastructure	Conduct a review of Council operated aerodromes and implement both CASA requirements and Council recommendations	2014	Expressions of interest advertised if recommended by Business Case for Aerodrome.	DDP	ECDM	Y	Discussions with potential commercial operator has recently ceased due to changes in their commercial direction. Discussions will now be held with Councilors to determine a course of action. COMPLETED
EG	Infrastructure	Commerce Program to identify works required on access roads to enable B Double access	2014	Identify appropriate roads.	DDP	ECOM	Y	National Heavy Vehicle Regulator will determine access as part of national program. Council completed the pre-approval process to determine routes. COMPLETED
Governance and Leadership (15 Strategic Initiatives : 44 Actions)								
GL	1. Developing open community relationships	1.1 Review and implement actions from the Communication Strategy	2014-15	Revised Communication Strategy adopted by Council	DCS	ODM	Y	Communication Strategy adopted at July Council Meeting. COMPLETED
GL		1.1.1 Review of existing Communication Strategy	2015-17	Half yearly report of achievement of Strategy will be presented to Council	DCS	ODM	CO	Communication Strategy update reported to ELT in Dec 2015
GL		1.2 Review results of Community Satisfaction Surveys to identify and implement changes in service demand	2013-17	Annual report to Council presenting Survey results and recommendations	DCS	ODM	CO	1. State Government Community Satisfaction Survey completed and result presented to Council in July 2013. 2. Staff presentations made in February 2014. 3. SHRC's community satisfaction emailed to Council in August 2014 as per CEO's request. 4. State Government Community Satisfaction Survey result presented to ELT 1 June. Presented at Councilor Assembly 30 June 5. 2016 Community Survey completed. ONGOING
GL		1.2.2 Service Level Changes implemented where appropriate and funded	2014-17	Service Level changes identified and funded in the Budget	DCS	ODM	CO	Service levels are reviewed as part of the annual budget process. ONGOING
GL	Developing open community relationships	1.3 Produce and distribute a Community Newsletter three times a year	2013-17	Newsletter distributed in April, August and December	DCS	ODM	CO	August 2013 December 2013, April 2014, August 2014, December 2014, March 2015, April 2015, July 2015, December 2015 newsletters distributed ONGOING
GL	Developing open community relationships	1.4 Develop Council's systems and processes to improve Customer Service	2013-17	Annual report on completion of actions from I.T. Strategy presented to Council	DCS	ITM	CO	IT Strategy actions from the previous IT Strategy are complete. A new IT Strategy is now being developed to underpin the objectives of the new Council Plan. Plan is due for completion by mid of 2017. ONGOING - New Council Plan will require a similar initiative.
GL		1.4.1 Implement the I.T. Strategy within the available funds	2014-15	Customer Service Strategy developed. Including Customer Service Charter.	DCS	ODM	Y	Charter adopted Draft Customer Service Strategy presented at Council Assembly on 29/3/16. Actions already implemented include: 1. 1.45 employees have completed Customer Service Training 2. Improved the After Hours Call Out Service 3. Improved Website accessibility 4. Linked the After Hours Call Centre action requests to the Service Request System 5. Expanded the Service Request system to cover animal control, building maintenance, Customer Service. Draft presented to ELT Nov 15, presented to LT Feb 24 6. Presented to Council Assembly on 29/3/16. 7. Adopted at April Council Meeting COMPLETED

GL	Developing open community relationships	1.5 Council will investigate and implement new technologies to better communicate with our community	1.5.1 Develop a Social Media Policy	2013-14	Policy adopted by Council	DCS	ODM	Y	Social Media Policy adopted in February 2013. COMPLETED
GL			1.5.2 Implement Social Media Policy within existing resources	2013-17	Social media sites established and maintained for Council and 4 selected areas of Council operations.	DCS	ODM	Y	Social Media sites (Facebook and Twitter) launched 1 October 2013. COMPLETED
GL			1.5.3 Launch new Council Website	2013-14	New Website live and active	DCS	ITM	Y	Website launched 1 October 2013. COMPLETED
GL			1.5.4 Website content kept up to date	2013-17	Website page audit reports to prompt review and updating of old information	DCS	ITM	CO	All web content now goes through a six monthly review to identify content due for update. An automated review and approval process follows. Syndication has now been installed on all Council web sites. ONGOING
GL	Developing open community relationships	1.6 Progressively develop "Easy Read" Council communication documents	1.6.1 Review and update Council publications and forms to ensure they are easy to read and understand	2013-17	All media releases and speeches, Annual Report, Council Plan, Policies due for review, new website information to be written in "easy read" format. Six Council forms to be reviewed and updated each year.	DCS	ODM	CO	Annual Report, Council Plan, reviewed policies and website content all written in easy read format. COMPLETE AND ONGOING
GL			1.6.2 Easy Read training to be provided on an ongoing basis to appropriate staff	2013-17	Training offered and undertaken	DCS	ODM	CO	12 staff completed at the end of 2012. Training due April 2016. ONGOING
GL	2. Councillor and staff accountability	2.1 Review the SHRCC Councillor and staff Codes of Conduct	2.1.1 Review existing Councillor Code of Conduct against DPCD guidelines and values statements in Council Plan.	2013-14	Existing Code reviewed, updated and presented at Councillor Assembly	DCS	ODM	Y	Councillor Code of Conduct reviewed and presented at Councillor Assembly in October 2013. COMPLETED
GL			2.1.2 Adopted revised Councillor Code of Conduct	2013-14	Revised Code adopted by Council	DCS	ODM	Y	Local Government Act required new Code of Conduct which was adopted in June 2016. COMPLETED
GL			2.1.3 Review existing Staff Code of Conduct against DPCD guidelines, current employment law and values statements in Council Plan.	2014-15	Existing Code reviewed and presented to Consultative Committee meeting	DCS	ODM	Y	Staff Code of Conduct reviewed. COMPLETED
GL			2.1.4 Adopt revised Staff Code of Conduct	2015-16	Revised Code adopted by ELT	DCS	ODM	Y	Staff Code of Conduct signed off in December. COMPLETED
GL	3. Responsible Management of Resources	3.1 Develop and review plans, policies, directives and procedures as required.	3.1.1 List of all relevant documents to be prepared including a review date	2013-14	List finalised and approved by ELT	DCS	ODM	Y	Policy, Directive and Procedure Master list completed. Plans and strategies document completed. COMPLETED
GL			3.1.2 Documents reviewed and updated prior to expiry	2014-17	No expired documents	DCS	ODM	CO	ONGOING
GL	Responsible Management of Resources	3.2 Pursue Strategic Land Acquisitions and review Councils existing land bank	3.2.1 Conduct a review to identify what type, size and location of land Council may require for its Strategic objectives over the next 10 years	2013-14	Confidential list of the sort of land Council may require to be prepared	DCS	DCS	Y	Review has commenced. Report presented to Councillor Assembly in February 2015. COMPLETED
GL			3.2.2 Review Council's existing "Land Bank" against the above list	2013-14	Existing Land holdings to be identified as required or surplus to needs	DCS	DCS	Y	Review is complete. Now compiling and confirming title details. Report presented to Councillor Assembly in September 2015. COMPLETED
GL			3.2.3 Prepare a disposal strategy for any surplus land	2014-15	Strategy prepared and approved by Council	DCS	DCS	Y	The confidential list of properties to be disposed has been finalised. COMPLETE
GL			3.2.4 Implement the Disposal Strategy as appropriate	2014-17	Surplus land progressively disposed of	DCS	DCS	CO	Piangli Hall former Piangli MCH building and Walchoe Hall and Walchoe Tennis Courts have been sold. Proposals to purchase 49 Herbert Street Robinson are currently being assessed. Other high priority properties identified for disposal are currently being prepared for sale. ONGOING
GL			3.2.5 Pursue acquisition and/or control of land identified as being required	2014-17	Appropriate land progressively acquired	DCS	DCS	CO	The confidential list of properties in which Council may have an interest in acquiring has been finalised. Acquisition of the properties will be pursued as they become available for purchase. ONGOING
GL	4. Valuing our staff	4.1 Negotiate of new EBA	4.1.1 Determine Council position on pay increases, work place flexibilities etc	2013-14	Position determined	DCS	ODM	Y	Final EBA meeting in June. Draft EBA document to be voted on early July 2014. COMPLETED

GL			4.1.2 Undertake negotiation with staff and unions and develop a draft agreement	2013-14	Draft agreement prepared	DCS	ODM	Y	Final EBA meeting in June. Draft EBA document to be voted on early July 2014. COMPLETED
GL			4.1.3 Fair Work Australia Register the new EBA	2013-14	EBA registered	DCS	ODM	Y	Final EBA meeting in June. Draft EBA document to be voted on early July 2014. COMPLETED
GL			4.1.4 Implement the terms and conditions of the new EBA	2014-17	Ongoing monitoring of EBA terms and conditions by all parties	DCS	ODM	Y	COMPLETED
GL	Valuing our staff	4.2 Introduce measures to continually improve workplace safety and staff health and wellbeing	4.2.1 Review workover claims, accident and injury reports and insurance claims each year to identify the top 5 causes of workplace injury, accidents and near misses.	2013-14	Report with recommended improvement actions adopted by ELT	DCS	ODM	Y	1. Workover file reviews take place quarterly 2. Accident and injury Reports presented to OHS Committee bi-monthly. 3. Report presented to ELT September 2014. COMPLETED
GL			4.2.2 Implement recommendations to address top 5 issues identified in the report.	2014-15	Recommended actions complete	DCS	ODM	Y	Issues presented to ELT and LT, actions implemented to address these include training, Occupational Therapist advice and regular case conferences with OBE. COMPLETED
GL			4.2.3 Implement recommendations to address top 5 issues identified in the report.	2015-16	Recommended actions complete	DCS	ODM	Y	Issues presented to ELT and LT, actions implemented to address these include training, Occupational Therapist advice, regular case conferences with OBE. COMPLETED
GL			4.2.4 Implement recommendations to address top 5 issues identified in the report.	2016-17	Recommended actions complete	DCS	ODM	CO	Case conferences with the insurers occur quarterly to review all active claims. ONGOING
GL	5. Nurturing critical external relationships	5.1 Engage with community organisations to increase cooperation and avoid duplication of resources	5.1.1 Update register of community organisations	2013-17	Register is loaded onto a common network drive and a review period is implemented	DCS	CSRC	CO	Community Services Directory is now accessible through Customer Services Public site on Alresco. Updated on an annual or as-needs basis. COMPLETED AND ONGOING
GL			5.1.2 Identify duplication of resources and services provided	2014-15	Duplications identified	DI/ELT	Asset Coord		Piangli - Community Centre Nyah West - Childrens Centre
GL			5.1.3 Prioritise a program of meeting with various organisations to negotiate consolidating resources	2015-16	Program developed	DI	AC		
GL			5.1.4 Assess infrastructure consolidation	2014-17	Program for rationalisation approved	DI	AC		Piangli - consolidated Hall, MCH building, Toilet Block and Community Centre. Hall and MCH Building sold. Public Toilets demolished. Nyah - consolidated preschool, playgroup and MCH building.
GL			5.1.5 Negotiate shared resourcing with organisations	2014-17	Outcomes of negotiations approved by Council	DI	AC		
GL	Nurturing critical external relationships	5.2 Identify opportunities to nominate Council for industry recognition	5.2.1 Report to ELT & Council as opportunities arise and seek endorsement	2013-17	Nominations approved	DCS	DCS	CO	The Pioneer Settlement Heartbeat of the Murray experience has been nominated for more Awards. Heart Foundation awarded Council several awards across a number of Council services. ONGOING
GL			5.2.2 Maintain membership of professional and peak bodies	2013-17	Nominations lodged with various industry organisations	ELT	ELT	CO	4 new memberships with LGPro and 1 membership with Australian Human Resource Institute. Maintained membership of MAV. ONGOING
GL	Nurturing critical external relationships	5.3 Encourage and support Council representatives to obtain positions on relevant boards	5.3.1 Identify opportunities that match the skill set of Councilors and Senior staff	2013-17	Board position opportunities discussed regularly at Council Assemblies	ELT	ELT	CO	Council is well represented on boards and will continue to look for opportunities. Council representation on MAV Board (C Norton), C McPhee appointed to the MAV committee responding to the review of the Local Government Act. ONGOING
GL	Nurturing critical external relationships	5.4 Ensure regular dialogue with neighbouring NSW municipalities to assist in reducing cross border issues	5.4.1 Schedule regular meetings/ assemblies with Wakool & Baralald Shires	2013-17	Schedule is established and agreed to by all municipalities	CEO	CEO	CO	Joint tour of Murray Downs and Swan Hill with Wakool Shire in January 2014. Baralald Municipal Visit: Tuesday 14 April 2015 Wakool Municipal Visit: 12 May 2015. Council meet with Wakool Council in April 2016 ONGOING
GL			5.4.2 Maintain membership of Central Murray Regional Trans Forum & Murray Tourism Board	2013-15	Councilor rep and Senior staff nominated to administer / participate	CEO	CEO	CO	Membership of, and participation in, both organisations has been maintained. ONGOING

GL			5.4.3 Facilitate discussions with Cross Border Commissioner (NSW) and Dept of Premier & Cabinet (Vic)	2013-17	Meetings scheduled	CEO	CEO	CO	A meeting of NSW Councils (RAMROCI) and Murray River Group of Councils (MRGC) that was scheduled for November 2014 has been positioned.
GL			5.4.5 Industry based discussions held with Council staff and industry reps	2013-17	Meetings scheduled	CEO	CEO ELT	CO	CEO and Director Development and Planning have had meetings with large Swan Hill Businesses. Industry presentations have been made at Councilor Assembly. The CEO and the Director of Development and Planning have continued site visits spending two days in the Wernem and Robinvale areas discussion various issues with large horticulture operations.
Community Health and Wellbeing (27 Strategic Initiatives:88 Actions)									
CHW	6. Council seeks to connect members of our community to bring people together to find solutions to community problems	6.1 Assist with the review and implementation of community plans	6.1.1 Implementation of plans are an ongoing process. There are currently 11 community plans in place.	2013-17	Projects identified in the plans are completed and signed off on by relevant community. There will be projects that are investigated by community members and are seen not to be a priority.	DDP	CPO	CO	In progress. 2. Manangatang have identified gym equipment, final site visit to be conducted prior to installation taking place. 3. Manangatang path fully scoped awaiting 4. Boundary Bend and Two Bay paths scoping to be finalised. All three paths will go out to Tender together. 5. Woomern have identified gym equipment, final site visit to be conducted prior to installation taking place 6. Beverford outdoor spaced upgraded for community use by installation of ceiling fans 7. Christmas decorations purchased for Robinvale CBD via the new Robinvale Improvement Group's partnership with Council 8. Robinvale working on upgrading lights, power outside and signage on Oak Square 9. Ryan's AN Lewis Park Sculptures ready for installation
CHW			6.1.2 Every community plan is reviewed approximately every 18 months. Over a four year period approximately 6 plans are reviewed yearly.	2013-17	New community plans are published	DDP	CPO	CO	Robinvale Improvement Group established and Director Infrastructure appointed as Councils representative.
CHW	7. Building community capacity	7.1 Implement Youth Action Plan	7.1.1 Youth Strategy reviewed and Action Plan developed	2013-14	Council adopts reviewed Youth Strategy. Endorses Action Plan	DCCS	FYCSM	Y	The new Youth Strategy 2015-2019 was adopted by Council in October 2015.
CHW			7.1.2 Determine Council responsibilities and priorities for resource allocation.	2013-14	Council responsibilities and priorities determined, and resource allocation complete.	DCCS	FYCSM		Annual Operational Plan was presented at Council Assembly on 19 April 2016.
CHW			7.1.3 Implementation of Actions	2014-16	Identified Actions are resourced and completed	DCCS	FYCSM		Annual Operational Plan has been prepared and circulated to ELT and C/s
CHW			7.1.4 Review of the Action Plan	2016-17	Process for continual review undertaken and agreed, resources allocated.	DCCS	FYCSM		Operational Plan activities/resolutions that have been implemented are being recorded into an Evaluation Framework.
CHW	8. Building community capacity	8.1 Provide leadership/support to the community as issues of significance arise	8.1.1 Determine Council's role in our community addressing youth mental health and early intervention service gaps.	2013-14	Service gaps determined and Council's role defined	DCCS	FYCSM	Y	Council's participates actively in various working parties: Southern Mallee Youth Partnership. Governance project has established a sub-regional governance structure. Jan McEwen represents SHRCC on Mallee Child and Youth Area Partnership led by DHS and DEECD which held its first meeting in September 2014.
CHW			8.1.2 (For example) Seek the establishment of a Headspace in Swan Hill.	2014-15	A Headspace is established	DCCS	FYCSM	Y	It was announced in October 2014 that a new Headspace Centre will be located in Swan Hill and is due to be open in 2015. Medicare Local has agreed to be the lead agency and business plan has been submitted by Medicare Local in April 2015.
CHW			8.1.3 Implement the agreed actions.	2013-17	Actions are implemented.	DCCS	FYCSM		COMPLETED
CHW	Building community capacity	8.2 Provide leadership/support to the community as issues of significance arise	8.2.1 Determine Council's role in closing community mental health service gaps.	2013-14	Service gaps determined and Council's role defined	DCCS	FYCSM	Y	The 17/18 Operational Plan will be developed at the end of 16/17
CHW			8.2.2 Implement the agreed actions which are Council responsibility	2014-15	Actions are implemented within budget and to agreed timelines	DCCS	FYCSM	Y	Council's participates actively in various working parties, and CEO is a member of the Executive Coalition - the governance structure of the Swan Hill Interagency Youth Service System.
CHW									COMPLETED

CHW			8.2.3 Implement the agreed actions.	2013-17	Actions are implemented.	DCCS	FYCSM	CO	Director is a member of the Swan Hill Youth Mental Health Executive Coalition and also Headspace Consortium which has adopted the Youth Mental Health Project Reform Action Plan 2014-2016. ONGOING
CHW	9. Supporting people who need extra assistance	9.1 Investigate implications and opportunities through Council's role regarding the Community Based Aged Care reform	9.1.1 Review implications of aged care reform	2013-14	Full understanding of the reforms and their effects on local government are understood by ELT and Council	DCCS	CCSM	Y	Financial modelling and software development for managing CDC for packaged care underway. Review of HAACC program has commenced, anticipate first stage to be implemented by mid 2015. Tri-lateral statement of intent from MAV, DSS and Doh confirms current HAACC funding level remain in place until 2018. COMPLETED
CHW			9.1.2 Provide the community with a clear direction on what services Council could provide post-2015	2013-14	Community is fully informed of the direction of Council, the implications for changes to services.	DCCS	CCSM	Y	Communication plan developed to inform community about HAACC/HSP service changes. Community has been consulted. COMPLETED
CHW			9.1.3 Identify opportunities for Council in undertaken community aged care	2014-15	Internal processes are finalised and assessed and adopted, delivery models are assessed and adopted.	DCCS	CCSM	Y	Transition to Commonwealth systems to be phased approach over 2015/16 year. Internal processes are in place. COMPLETED
CHW			9.1.4 (Example) Council will use the Consortium model for regional delivery of community-based aged care services.	2015-16	Service delivery is undertaken using the new regime and costs borne by Council equate those previously due to HAACC system, or with reduced subsidy.	DCCS	CCSM		Second phase of reduction in CHSP achieved with service hours target met in 2015/16. Targets and strategies identified for third phase of program transition in 2016/17. Service hours being monitored and are in line with 2016/17 targets. COMPLETED
CHW	Supporting people who need extra assistance	9.2 Finalise, adopt and implement an Early Years Priority Plan	9.2.1 Early Years Plan completed	2013-14	Council has adopted the Plan and endorsed the Actions for referral to annual budget processes.	DCCS	FYCSM	Y	Early Years Plan remained in draft form, however all actions in the draft have been further developed and worked through since 2012. Initiatives have included resourcing of Council's early years services, Myah West project, greater coordination of kindergarten services, and continuing work to develop staff professional skills. Council may decide to fund a formalised Early Years Plan in future, a proposal will be presented as part of the Major Projects Plan review for 2016 onwards. COMPLETED
CHW			9.2.2 Identified actions for Council, and their outcomes to be undertaken	2014-15	Actions of Council responsibility are completed within budget and timelines and outcomes achieved by measurable data.	DCCS	FYCSM	Y	As above COMPLETED
CHW			9.2.3 Action - to be identified	2014-15	Project is scoped, outcomes determined and community benefit measurable.	DCCS	FYCSM	Y	As above COMPLETED
CHW			9.2.4 Funding sought for action/project	2014-15	Funding is sourced and received	DCCS	FYCSM	Y	As above COMPLETED
CHW			9.2.5 Completion of action/project	2015-17	Action/project completed.	DCCS	FYCSM	Y	If a new plan is developed further projects may be identified. COMPLETED
CHW	Supporting people who need extra assistance	9.3 Implement Disability Action Plan	9.3.1 Implement actions from Objective 1 - Services and facilities for the community	2013-14	All actions completed within time frame.	DDP	RAC	Y	Of 20, 17 have been addressed. The 3 outstanding actions are not able to be addressed due to the unavailability of the specialist required. These 3 actions will be included in the new Disability Action Plan. COMPLETED
CHW			9.3.2 Implement actions from Objective 2 - Council Employment Services	2013-14	All actions completed within time frame.	DDP	RAC	Y	Of 5 actions, 3 have been addressed and 2 will be included in the next disability plan. COMPLETED
CHW			9.3.3 Implement actions from Objective 3 - Inclusion and participation in the community	2013-14	All actions completed within time frame.	DDP	RAC	Y	Of 4 actions, 4 have been addressed COMPLETED
CHW			9.3.4 Implement actions from Objective 4 - Planning for attitudinal change in the community	2013-14	All actions completed within time frame.	DDP	RAC	Y	Of 15 actions, 12 have been addressed, 3 will be included in the next disability plan. COMPLETED
CHW	10. Maintaining a safe community	10.1 Promote the development of a strategy to enable communication of emergency management plans and activities to CALD communities	10.1.1 Formulate a process during the development of the Diversity Plan	2014-15	Diversity Plan is adopted, a clear process is developed and resourced for communication of emergency plans to CALD communities	DI DCCS	DI DCCS		Cultural Plan currently in draft form. Hazard and Structural plan completed as part of Municipal Fire Management Plan. Communication strategy to form part of the plan. The current Draft Cultural Plan is to be reviewed and resourced by Council. This will impact on the plan and will need to be addressed to ensure that the CALD communities are aware of relevant sections of Councils Emergency Management Plan COMPLETED

CHW			10.1.2 Implement the process following adoption of the Diversity Plan	2015-17	The communication process is implemented	DCCS	DI	DCCS		No communication has taken place with the CALD communities in relation to Emergency management. Council are developing a Emergency Management Strategy which may consider any communication requirements for CALD communities
CHW			10.1.3 Evaluation of effectiveness	2015-17	The process is evaluated and refined accordingly.	DCCS	DI	DCCS		When CP actions are complete.
CHW	Maintaining a safe community	10.2 Develop a Hazmat and Structural Fire Plan	10.2.1 Complete an Environmental Scan (including community flow survey) of hazardous materials	2013-14	Completion of survey and Hazmat Plan presented to MEMPC	DI	DI	Y	Municipal Fire Management Plan has been updated to include information on structural and hazmat categories. COMPLETED	
CHW			10.2.2 Complete an Environmental Scan Structures including completion of Structure Fire Plan	2013-14	Completion of Scan and Structure Fire Plan presented to MEMPC	DI	DI	Y	As above COMPLETED	
CHW	Maintaining a safe community	10.3 Investigate a scheme to provide an incentive for undertaking responsible pet ownership training	10.3.1 This initiative will be included as a major focus in the Domestic Animal Management Plan. Plan to be adopted in 2013.	2013-14	Program will be implemented as part of the Domestic Animal Management Plan. A report on the progress of the program will be provided to Council.	DDP	PHRSC	Y	Domestic Animal Management Plan adopted at September Council Meeting COMPLETED	
CHW	Maintaining a safe community	10.4 Pursue future funding opportunities to work with the community with regards to projects that provide safety for its members	10.4.1 Active membership of the Police Community Safety Committee	2013-17	Assisting, leading and facilitating initiatives that improve community safety	DCCS	DI	CO	CCTV network extended to include cameras at the dock tower, and increasing the range of the cameras along Campbell Street. Have also installed cameras in Perrin Street Robinvale. COMPLETED AND ONGOING	
CHW			10.4.2 CLASP program outcomes	2013-17	CLASP program successfully completed and outcomes achieved	DCCS	DI	Y	CLASP program expired 30 June 2014. All indicators are that it has been a success. COMPLETED	
CHW			10.4.3 Participate in initiatives and projects that enhance community safety.	2013-17	Initiatives and projects are completed in partnership with other agencies and provide significant community safety enhancements	DCCS	DI	CO	Worked with Police Community Safety Committee to develop Dept Justice grant for August 2015 submission, which was successful for lighting. 2016 Police Community safety priorities reviewed at meetings in early 2016. COMPLETED AND ONGOING	
CHW	11.1 Facilitate and provide services for health and wellbeing	11.1 Continue development and continue to identify other partners for Barry Steggall Reserve in partnership with Places Vic and Swan Hill Inc	11.1.1 Develop specification for next stage of works (wetlands)	2013-14	Specification complete	DCCS	N/A	N/A	No longer required.	
CHW			11.1.2 Identify potential funding sources	2013-14	Funding identified	DCCS	N/A	N/A	No longer required.	
CHW			11.1.3 Apply for funding	2013-14	Application submitted	DCCS	N/A	N/A	No longer required.	
CHW			11.1.4 Secure funding	2013-14	Funding secured	DCCS	N/A	N/A	No longer required.	
CHW			11.1.5 Tender for works	2014-15	Tender issued	DCCS	N/A	N/A	No longer required.	
CHW			11.1.6 Complete construction of wetlands	2015-16	Construction complete	DCCS	N/A	N/A	No longer required.	
CHW			11.1.7 Develop specification for next stage of works	2015-16	Specification complete	DCCS	CSC	Y	All actions from Masterplan now complete. COMPLETED	
CHW			11.1.8 Identify potential funding sources	2015-16	Funding identified	DCCS	CSC	Y	All actions from Masterplan now complete. COMPLETED	
CHW			11.1.9 Apply for funding	2016-17	Application submitted	DCCS	CSC	Y	All actions from Masterplan now complete. COMPLETED	
CHW			11.1.10 Secure funding	2016-17	Funding secured	DCCS	CSC	Y	All actions from Masterplan now complete. COMPLETED	
CHW			11.1.11 Tender for works	2016-17	Tender issued	DCCS	CSC	Y	All actions from Masterplan now complete. COMPLETED	
CHW	Facilitate and provide services for health and wellbeing	11.2 Develop the Swan Hill Riverfront Masterplan	11.2.1 Appoint consultants	2013-14	Master Plan developed and adopted by Council	DI	CDRC	Y	Master Plan developed and adopted COMPLETED	
CHW			11.2.2 Schedule internal committee meetings, stakeholder committee meetings and community consultations	2013-14	Meetings scheduled	DI	CDRC	Y	Meetings of all stakeholders conducted COMPLETED	

CHW		11.2.3 Develop communications plan	2013-14	Communications Plan Developed	DI	CDRC	Y	Communications Plan Developed COMPLETED
CHW		11.2.4 Complete Master Plan and seek Council adoption	2013-14	Masterplan completed and adopted by Council	DI	CDRC	Y	Master Plan developed and adopted COMPLETED
CHW		11.3 Develop Implementation Plan	2013-14	Implementation program developed	DI	CDRC	Y	Projects identified. COMPLETED
CHW		11.3.1 Identify individual projects within Master Plan	2013-14	Resources allocated and schedule developed	DI	CDRC	Y	Schedule developed. COMPLETED
CHW		11.3.2 Allocate resources and schedule implementation of Master Plan	2013-14	Major Projects Plan updated	DI	CDRC	Y	Major projects plan updated. COMPLETED
CHW		11.3.3 Update Major Projects plan in accordance with Implementation Plan	2013-14					
CHW	11.4 Implement Riverfront Master Plan	11.4.1 Develop detailed designs and costings for projects	2013-17	Projects completed in accordance with timeliness	DDP	CDRC	Y	1. Final Active Play Precinct Plan designs with estimated costs to construct completed. These include whole of life and maintenance costs. 2. The shared path near GEM Spoons continues to be scoped. 3. Consultants engaged to undertake the Murray River Cultural Centre Feasibility Study. 4. Additional design work completed for horsebender's Art Gallery/Gem Spoons shared path project. 5. Preparation for design work has commenced for sculpture park (stage 3) shared path. 6. Working with the Swan Hill Yamagata Club a Japanese Horticulturalist will be engaged to assist with the Japanese garden design. 7. A consultant is undertaking the documentation required for anticipated future developments along the riverfront which will require Environment Impact Statements. COMPLETED
CHW		11.4.2 Encourage and facilitate private sector investment in Riverfront.	2013-17	Develop prospects for key assets within the Riverfront.	DDP	CDRC	Y	1. Consultants appointed to undertake a Commercial Development Strategy. COMPLETED
CHW		11.4.3 Identify funding opportunities and submit applications in accordance with Implementation Plan and Major Projects Plan	2013-17	Funding identified	DDP	CDRC	Y	1. Grant application successful Commercial Development Strategy. 2. Grant application unsuccessful for the 2nd stage of lighting within Riverside Park. 2. 3. Grant application submitted for the extension of the boat ramp, car park and new toilet block. COMPLETED
CHW		11.4.4 Consider funding allocations through Council's annual budgeting process	2013-17	Completion of annual budgeting process	DDP	CDRC	Y	Budget Continues to be monitored COMPLETED
CHW	Facilitate and provide services for health and well being	11.5 Continue to implement actions within the Public Health and Wellbeing Plan	2013-17	Copies of completed quarterly report	DDP	PHRSC	Y	2015 Actions tabled in report. Report presented at Council Meeting on 17 May 2016. ONGOING
CHW		11.5.1 Action report template taken to Councilor Assembly quarterly	2013-17	Relevant updates included in the PHWP	DDP	PHRSC	Y	Annual review complete. Report on review presented at Council Meeting on 17 May 2016. ONGOING
CHW		11.5.2 Continuous review/update of the Public Health and Wellbeing Plan	2013-17	Council considered reports' recommendations	DI	ECDM	Y	Options considered. COMPLETED
CHW	Facilitate and provide services for health and well being	11.6 Investigate options for the development of Chisholm Motor Sports Complex including the possibility of a drag racing facility	2013-14	Upon receipt of advice	DI	EPAM	Y	The construction of eight bus shelters has been included in the major projects plan and budgeted for over the next four years. COMPLETED
CHW		11.7 Investigate the options for bus shelters in Swan Hill	2013-14	Information received	DI	EPAM	Y	As above. COMPLETED
CHW		11.7.1 Contact MAV and Public Transport Victoria (PTV) to determine responsibilities in regard to the installation and maintenance of bus shelters	2013-14					
CHW		11.7.2 Determine the standards of construction of bus shelters and the optimum locations within the municipality	2013-14					

CHW			11.7.3 Obtain cost estimates and investigation of possible funding options	2013-14	Information received	DI	EPAM	Y	As above COMPLETED
CHW	Facilitate and provide services for health and well being	11.8 Engage with appropriate organisations to co-locate community facilities	11.8.1 Through the building asset Mgt group, identify co-location opportunities	2013-17	Negotiations with various groups commence	DDP	ECDM	N	Further discussion required. Co-location/facility sharing will be further investigated with the Master Plan for the Chinsham Reserve currently being developed and any other Master Plan undertaken in the future. Further co location or sharing of resources may occur pending the recommendations of the Recreation Reserves Masterplan and Aquatic Centres Masterplan
CHW		11.8.2 Regular discussions with State Government authorities		2014-17	Updates provided at Councillor Assemblies	DDP	ECDM	Y	Discussions have been taking place with VicRoads, Lower Murray Water, Goulburn Murray Water, Regional Development Victoria, VicTrack and VLine.
CHW	12. Celebrating our identity	12.1 Pursue funding for the redevelopment of the Swan Hill Regional Art Gallery	12.1.1 Provide final designs and all costs and contingencies	2016-17	Final designs are approved and accurately costed	DCCS	DCCS		Review of redevelopment options in context of Riverfront Masterplan underway. Surveys requesting community feedback begun in November, concluding in February 2015. Update with Gallery Advisory Committee June 2015. ELT review of project 22 June. Cr Assembly discussion November 2015. Identification of other sites included in Riverfront Prospectus project December 2015. Awaiting prospectus project to be undertaken.
CHW		12.1.2 Identify funding sources		2016-17	Funding sources are identified	DCCS	DCCS		Major Projects Plan reviewed with no changes at this stage. Meetings with Creative Victoria, confirmed key contacts from RDV for confirmation of funding in 2017-2020 period. Next steps dependent on Council decision to redevelop current site or alternative greenfield development option from Riverfront Prospectus. Awaiting prospectus project to be undertaken.
CHW		12.1.3 Seek funding for development		2016-17	Funding is received for development to match Council Major Projects contribution	DCCS	DCCS		No applications made to date.
CHW	Celebrating our identity	12.2 Support for new citizens to the municipality to increase awareness of local customs and practices	12.2.1 Review existing services to address short-term options.	2013-14	Short-term options and actions are undertaken	DCCS	DCCS	Y	Early Years Services under review, and Community Care responding to State Diversity Framework. COMPLETED
CHW		12.2.2 (Following Diversity Plan) Actions identified for ongoing assistance to new arrivals. TBD		2015-16	Actions undertaken and reviewed for effectiveness	DCCS	DCCS		Cultural Plan in final draft, delayed by team restructure. Proposed funding of external consultant in 2017 to review and assist with finalisation of document, due to ongoing changes to funding and diversity definitions.
CHW		12.2.3 (Following Diversity Plan) Actions identified for ongoing assistance to new arrivals. TBD		2016-17	Actions undertaken and reviewed for effectiveness	DCCS	DCCS		
CHW	Celebrating our identity	12.3 Encourage Community harmony, cultural understanding and tolerance	12.3.1 Support and develop Harmony Day as the central point for a larger festival of events	2013-14	Harmony Day is improved and annual commitment secured, greater service provider participation	DCCS	CDLM	Y	Will be pursued as opportunities arise. Review completed. Recommendation that the Harmony Day and Food and Wine Festival events remain separate COMPLETED
CHW		12.3.2 Harmony Day 2015 linked to other events		2014-15	Harmony Day linked to Food and Wine Festival, greater local business participation.	DCCS	CDLM	Y	
CHW		12.3.3 Harmony Day 2016 linked closer to Pioneer Settlement 50 year celebrations		2015-16	linked to range of events, including Harmony Day, Indigenous celebration and cultural awareness through linking history of local business and community.	DCCS	CDLM	Y	Harmony Day will not happen at a time suitable for linking with the Pioneer Settlement and Art Gallery celebrations
CHW		12.3.4 Change perception of Harmony Day to illustrate iconic status for the region		2016-17	Harmony Day is imbedded as an iconic celebration for the region	DCCS	CDLM	Y	Record number of stalls have been registered for Harmony Day 2016
CHW	Celebration our identity	12.4 Pursue funding to develop a Diversity Plan and investigate the potential to develop a multicultural hub	12.4.1 Identify potential funding sources	2013-14	Funding identified	DCCS	DCCS	Y	Community consultation has been completed. Draft Plan is being finalised. COMPLETED
CHW		12.4.2 Develop project scope (consultants brief)		2013-14	Project scope and brief approved	DCCS	DCCS		Ongoing.

CHW			12.4.3 Apply for funding	2013-14	Application submitted	DCCS	DCCS			Draft Cultural Plan has been presented to L.T. Draft undergoing final proofing.
CHW			12.4.4 Secure funding	2013-17	Funding secured	DCCS	DCCS			as above
CHW			12.4.5 Develop plan (including consultation)	2013-17	Plan is adopted by Council	DCCS	DCCS			When CP is finalised and adopted.
CHW			12.4.6 Draw on findings of plan to determine need and location of multicultural hub	2013-17	Plan assesses requirement for multicultural hub	DCCS	DCCS			incorporation into Cultural Plan. This action forms one potential initiative for the Plan.
CHW										
CHW	Celebrating our identity	12.5 Develop and implement a Cultural Plan	12.5.1 Develop an understanding of the cultural experiences currently available in the municipality	2013-14	Conduct audit and gap analysis of the cultural assets and experiences available	DCCS	CDLM	Y		Results of audit are included in Draft Cultural Plan COMPLETED
CHW			12.5.2 Development of Plan undertaken	2014-15	Community consultation, and prioritising of potential actions	DCCS	CDLM	Y		Community consultation has been completed. Plan is currently in draft form. COMPLETED
CHW			12.5.3 Development continues	2014-16	Community consultation, and prioritising of potential actions	DCCS	CDLM			Ongoing.
CHW			12.5.4 Cultural Plan is completed and adopted	2015-17	Adoption of Plan by Council and	DCCS	CDLM			Draft Cultural Plan has been presented to L.T. Draft is undergoing further modifications. Waiting on final feedback from DCCS
CHW										
CHW	13. Aboriginal Identity	13.1 Review and implement identified actions following the review of Aboriginal Partnership Plan	13.1.1 Upon completion of Aboriginal Community Planning process Review Aboriginal Partnership Plan	2014-17	Plan review completed to the satisfaction of Council and the Aboriginal community	DDP	ECDM	CO		The Aboriginal Planning Officer is in the process of reviewing the Aboriginal Community Partnership Strategy. Aboriginal Advisory Group established. On completion of review, Strategy to be brought to Council for adoption. ONGOING
CHW			13.1.2 Implement actions identified in Aboriginal Partnership Plan	2014-17	Actions completed	DDP	ECDM			Aboriginal Community Partnership Strategy to replace Aboriginal Partnership Plan. The Actions within the Plan will continue to be implemented.
CHW	Aboriginal Identity	13.2 Continued involvement in Aboriginal Strategic Placement program	13.2.1 Assist contracted employment placement provider to place Aboriginal jobseekers into employment by providing advice on local Aboriginal issues; assist in completion of individual employment placement plans; assist with identification of employment opportunities; assist with post placement support; process payment of clothing and incidentals allowance	2014-16	Achievement of contracted employment placement and outcomes targets	DDP	ECDM	CO		Jobs Victoria Funding was unsuccessful for Swan Hill but successful for Robjohns. Discussions are taking place to redefine the program to reflect the new parameters
CHW	Aboriginal Identity	13.3 Be and active participant in the Aboriginal Community Planning processes throughout the Municipality	13.3.1 Encourage Local Indigenous Network(S/LN) in Robjohns and Swan Hill to consider completion of Aboriginal Community Plans	2013-14	Commitment gained from LIN to complete Aboriginal Community Plans	DDP	ECDM	Y		LIN commitment received. COMPLETED
CHW			13.3.2 Advise and assist LIN with the process and methodology to complete community plans	2014-16	Completion of community plans in Robjohns and Swan Hill	DDP	ECDM	Y		LIN Community Plans have been completed. These will be used as COMPLETED
Economic Growth: 29 Strategic Initiatives - 96 Actions										
EG	14. Creating population growth	14.1 Support the key initiatives arising from the Northern Loddon Malles Region Strategic Plan	14.1.1 Align the Council Plan with the objectives of the Regional Strategic Plan	2013-17	Council Plan endorsed and communicated to State Government	DDP	DM	CO		The next MSS review will highlight and provide strategic directions for this. Review of the Swan Hill Planning Scheme (including the MSS) is completed. A consultant is engaged to undertake the Planning scheme amendment to implement the review. COMPLETED AND ONGOING
EG			14.1.2 Participate in the review of the Strategic Plan	2016-17	Councils input is included in reviewed plan	DDP	DM	Y		Completed. Council adopted the plan in 2013. Council will participate on future reviews when initiated by the State Government. Plan endorsed at March Council Meeting 2015. COMPLETED

EG			14.1.3 Pursue a position on steering committees of key projects within the Strategy	2013-17	Council is granted positions on Committees (eg Natural Gas study committee)	DDP	DDP		Ongoing. Councillors and Council Officers have been involved with the development and implementation of a number of projects from the Regional Strategic Plan e.g. Natural gas study and subsequent roll-out. Officers will continue to pursue opportunities on regional working groups for priority projects.
EG	Creating population growth	14.2 Review of the Municipal Strategic Statement (MSS) with a view to encourage population growth	14.2.1 Commence MSS review	2014-17	MSS review report completed by end of 2015	DDP	DM	Y	The Review of the Swan Hill Planning Scheme has been adopted by Council and was sent to the Minister for Planning as per the requirements of the Planning and Environment Act 1987. COMPLETED
EG	Creating population growth	14.3 Investigate opportunities of accommodation and services being provided for displaced people	14.3.1 Liaise with key stakeholders to identify issues and possible actions.	2014-15	Results of investigation will be reported back to Council	DDP	DM		No update. No budget allocation in the 2016/17 financial year.
EG	15. Housing	15.1 Develop Rural Land Use/Living Strategy	15.1.1 Scoping paper to be developed	2013-14	Scoping paper approved by ELT and presented at Council/ Assembly	DDP	DDP	Y	Scoping paper complete. Workshop with Councillors on 8 July to commence study. COMPLETED
EG			15.1.2 Complete Rural Living/Land Use Strategy (including consultation)	2014-16	Rural Living/Land Use Strategy adopted by Council	DDP	DM	Y	The Swan Hill Rural Land Use Strategy was adopted by Council in September 2016. The Swan Hill Planning Scheme amendment will implement the recommendations of this Strategy.
EG	Housing	15.2 Adopt the Swan Hill Residential Housing Strategy and complete the planning scheme amendments	15.2.1 Respective Planning Scheme Amendments to be initiated	2014-15	Minister's authorisation for the amendment, public exhibition and subsequent process. Approval of the Amendment	DDP	DDP	Y	Swan Hill Residential Strategy adopted by Council at its Ordinary Meeting in March 2013. Large number of recommendations will be undertaken with the Development Plan for the SWDP. COMPLETED
EG	Housing	15.3 Review of the Municipal Strategic Statement (MSS) taking into consideration appropriate accommodation options	15.3.1 Commence MSS review	2014-15	Revised MSS referral to the Minister	DDP	DDP		Ongoing. Councillors and Council Officers have been involved with the development and implementation of a number of projects from the Regional Strategic Plan e.g. Natural gas study and subsequent roll-out. Officers will continue to pursue opportunities on regional working groups for priority projects.
EG	Housing	15.4 Investigate the connection of small towns to reticulated sewerage and potable water	15.4.1 Draw on findings to identify towns	2014-15	Council recommendations adopted	ELT	ELT		Woolmeen South feasibility study scoping paper completed and quotes being obtained to undertake the study. Working group, including community reps, has met on at least 2 occasions to assist with the scoping of the project which will commence in 2015. Lower Murray Water is to provide guidance and support on this matter.
EG			15.4.2 Develop a project scope for feasibility study for identified towns.	2014-15	Completed project scope approved by ELT in consultation with Councillors	ELT	ELT		As above.
EG			15.4.3 Complete feasibility study	2014-15	Feasibility study adopted by Council	ELT	ELT		As above.
EG			15.4.4 If feasible, proceed to community consultation	2015-16	Completed consultation process for each town with evidence of input from all relevant sectors	ELT	ELT		Further discussions required with Council.
EG			15.4.5 Establish priority towns (council decision in conjunction with relevant community)	2015-16	Council adopted list of priority towns	ELT	ELT		No update.
EG			15.4.6 Develop business case for preferred option for each town	2015-17	Adopted business cases for each town	ELT	ELT		No update.
EG	16. Education/Skilling	16.1 Advocate for higher educational opportunities in our region	16.1.1 Engage with education providers and community/representative bodies (MFC, School Boards, Sunr/ale etc) to identify expansion opportunities.	2014-16	Opportunities identified	CEO	CEO		Councillors and Officers toured Sunr/ale Swan Hill Campus and ongoing discussions with the providers in the region are continuing.
EG			16.1.2 Gain community involvement to assist the process	2015-16	Community Planning working parties established	CEO	CEO	ELT	
EG	Education/skilling	16.2 Promote the availability of local University access	16.2.1 Utilise Councils media presence to cross promote University accessibility	2013-17	University media exposure increased	DCS	ODM		Desklin at your door step operating from Swan Hill TAFE Campus for Ba of Early Childhood, next class commencing in 2017 plus other pathway agreements in place with Latrobe University and Sunr/AFE. Council will continue to advocate for opportunities for local education. Attended Robinvale Careers Expo June 2015 Careers in Accounting project supported by Council. Tours and careers days attended by HR staff annually.

EG												Regional Development Victoria is currently coordinating the program design for implementation of the Regional Jobs and Infrastructure Fund (RJIF) from 1 July 2015. COMPLETE AND ONGOING
EG	Education/skilling	16.3 Provide access to a study common room and access to professionals for university students	16.2.2 Actively promote Councils cadetships, traineeships and apprenticeships	2013-17	Cadetships are linked to University opportunities available locally	DCS	ODM	CO	Y			Discussions held with Sanliffe representatives however opportunities limited. Swan Hill Library provides study spaces in close within the CBD. COMPLETED
EG	17. Attracting new business	17.1 Investigate new opportunities to support new business development	17.1.1 Implement actions of Economic Development Strategies	2013-17	Progress reports against various actions provided to Council	DDP	ECDM	Y				Implementation of EDOS continues, reports provided to Council as actions are completed. Working with Infrastructure Directorate to implement transport and infrastructure projects conducive to business growth and investment
EG			17.1.2 Identify suitable land parcels for new business	2015-17	Land use strategies are reviewed	DDP	ECDM	CO				Planning continues to support and facilitate new business through planning process and is a part of day to day planning function. New Investment Facilitation committee identifies emerging opportunities and possible locations for new businesses, for implementation by EDU
EG			17.1.3 Review Economic Development incentives within strategies	2015-17	Incentives reviewed and altered where necessary	DDP	ECDM					The investment Attraction Policy adopted at Council's September 2015 meeting. Ongoing and will continue to be reported on
EG	Attracting new business	17.2 Encourage the establishment of value adding industries	17.2.1 Undertake industry forums / discussions	2013-15	Regular discussions take place	DDP	ECDM	Y				A business event calendar for 2014/2015 has been developed and is being promoted monthly through the EDU newsletter. Regular business events are being held. COMPLETED
EG			17.2.2 Prioritise industries with greatest return	2014-16	Priorities established	DDP	ECDM	CO				Encouraging value adding through RLUS. Investment Attraction strategy and individual assistance to potential investors
EG			17.2.3 Seek State Govt assistance	2015-17	Grant applications successful	DDP	ECDM					Ongoing. Working with RDV to deliver Agriculture Infrastructure Funding Projects for the Municipality
EG	Attracting new business	17.3 Conduct and Business Expansion Attraction and Retention survey	17.3.1 Establish criteria for survey	2014-16	Survey Completed	DDP	ECDM	Y				Survey was conducted during May and June, report presented to Council in October 2013. COMPLETED
EG	Attracting new business	17.4 Continue to investigate options for renewable energy for the municipality	17.4.1 Complete a Study that explores opportunities to source renewable energy for Council operations	2013-14	Study completed and adopted by Council	DDP	SEO	Y				Currently working with CVGA to identify the cost of the project on two Council buildings. The Alliance is currently working with partners for a bulk buy option. Once they have resolved this issue, they will commence cost analysis for the Swan Hill project as they have already been requested to do so. Discussions held at Councilor Assembly - two buildings identified and included in Major Projects Plan. COMPLETED
EG			17.4.2 Implement preferred renewable energy options for Council	2014-17	Renewable energies projects delivered	DDP	ECDM	CO				Scoping viability of bio mass or natural gas for the SH leisure centre. Officers are currently seeking quotes for the installation of solar on Council buildings. The initial quotes being sought are for the Sialat St office, depending on the prices received further Council buildings could also be upgraded. Organic waste feasibility study in progress. Grant sought for designing eco friendly temporary accommodation ONGOING
EG	Attracting new business	17.5 Encourage organisations to joint tender for works and services	17.5.1 Work with regions Council to combine contracts and services	2013-17	Joint contracts established (eg road sealing, waste management)	DDP	ECDM					Council is lead agency in an MAV procurement excellence project which aims to better coordinate human activities of local government
EG			17.5.2 Assist local business and tenderers to improve their tendering processes	2013-15	Increased success rate for local tenders	DDP	ECDM	Y				The Economic Development Unit have conducted workshops to assist local businesses to tender for government work. Local tenderers have met with council staff to better inform businesses of Councils policies and procedures.
EG	Attracting new business	17.6 Promote the benefits of the region as a place to live, work and invest	17.6.1 Participate in regional Expos	2013-17	Regular bookings established	DDP	ECDM	Y				Regional Victoria Living Expo attended in May 2015. Received approx. 40 leads from people willing to relocate to Swan Hill that are now being followed up. Regional Victoria Living Expo has been discontinued by the State Government. CLOSED
EG			17.6.2 Support regional promotions of the municipality	2013-17	Advertising in regionally distributed publications continue. SH Inc television campaigns continue	DDP	ECDM	CO				Attending national events with the Murray Regional Tourism Board and participating in regional promotional/marketing campaigns Developing a new clip and TV advert for the region in partnership with Swan Hill Inc. Possibility of feature in Gantias Magazine for Swan Hill and Lake Boga ONGOING

EG			17.6.3 All Job Vacancies advertised with description on the regions benefits	2013-17	Standard template ad developed	DCS	ODM	Y	Template developed and now used for all job vacancy advertising. COMPLETED
EG	18 Existing Business Support	18.1 Assist local businesses to up skill and retain their workforce	18.1.1 Establish specific skill shortages in the region	2013-14	Shortages identified	DDP	ECDM	Y	Strategies identified in the Swan Hill Region Workforce Development Strategy adopted by Council November 2013. Implementation to commence in 2014. COMPLETED
EG			18.2 Support regional training opportunities	2013-17	Council staff participate in regional training	DDP	ODM	Y	Aussie-host delivered in conjunction with Swan Hill Inc to local business. Regional training - QBE Work Cover for managers and Meritlin and Apel Industrial relations training delivered to multiple industries March 13. COMPLETE AND ONGOING
EG	Existing Business Support	18.2 Investigate opportunities arising from the Murray Darling Basin Plan	18.2.1 Support proposals that provide for economic infrastructure upgrades (natural gas)	2014-17	Regional funding applications lodged	DDP	DI DDP	Y	Funding opportunities coming from the MDDP have been limited. No funding rounds have been released and Council has been unable to make any funding applications. COMPLETED
EG			18.2.2 Continue to work collaboratively with Mergo on basin plan submissions	2013-17	MRGOC regular meetings with State and Federal Ministers	DDP	DI DDP	Y	Council has participated in the Mergo meeting and has been involved in delegations to meet with State and Federal elected representatives including Ministers. COMPLETED
EG	Existing Business Support	18.3 Review of Special rates and Levies to support marketing activities	18.3.1 Review effectiveness of existing Special Marketing Rate and determine whether to continue	2013-14	Council decision on continuation of Special Marketing Rate determined	DDP	ECDM	Y	Special Marketing Rate declared at the April 2014 Council meeting. COMPLETED
EG			18.3.2 Review and update Deed between Council and Swan Hill Inc	2013-14	Deed reviewed and agreed by Council and Swan Hill Inc	DDP	ECDM	Y	Deed has been reviewed, finalised and signed. COMPLETED
EG			18.3.3 Undertake Statutory Process to establish a Special Marketing Rate	2013-14	Statutory Process Complete	DDP	ECDM	Y	COMPLETED
EG			18.3.4 New Special Marketing Rate in place	2013-14	Special Marketing Rate included on Rate Notices	DCS	CSRC	Y	Special Rate declared on 15 April 2014 for the period of 1 July 2014 to 30 June 2019. COMPLETED
EG	Existing Business Support	18.4 Develop and implement a Workforce Development Strategy	18.4.1 Develop Steering Committee to manage strategy development	2013-14	Committee established	DDP	ECDM	Y	Steering committee established in early 2013. COMPLETED
EG			18.4.2 Appoint consultancy to facilitate strategy development	2013-14	Consultant appointed	DDP	ECDM	Y	Workforce Planning Australia appointed in March 2013. COMPLETED
EG			18.4.3 Undertake strategy development	2013-14	Strategy completed	DDP	ECDM	Y	Swan Hill Region Workforce Development Strategy adopted by Council November 2013. COMPLETED
EG	19 Infrastructure	19.1 Commence implementation of Swan Hill and Robinvale Riverfront Plans	19.1.1 Identify individual projects within Master Plan	2013-14	Implementation program developed.	DDP	ELT	Y	Funding for Swan Hill Riverfront projects applied for. COMPLETED
EG			19.1.2 Allocate resources and schedule implementation of Master Plan	2013-14	Resources allocated and schedule developed	DDP	ELT	Y	Steering committee has met on numerous occasions to keep projects moving. Riverfront has a dedicated staff member who oversees the implementation of the Masterplan. COMPLETED
EG			19.1.3 Update Major Projects plan in accordance with Implementation Plan	2013-14	Major Projects Plan updated	DDP	ELT	Y	Major project plan has been updated with projects and spending has been identified across the coming 10 years. COMPLETED
EG			19.1.4 Develop detailed designs and costings for projects	2013-17	Projects completed in accordance with finalises	DDP	ELT	CO	Projects completed and underway across the riverfront including pathways, park furniture and strategies.
EG			19.1.5 Identify funding opportunities and submit applications in accordance with Implementation Plan and Major Projects Plan	2013-17	Funding identified	DDP	ELT	CO	Funding has been secured throughout the year including funding for the Heartbeat of the Murray Experience. Work will continue post the Victorian State election and the election of a new government to determine any funding streams as they become available. Funding identified from Healthy Communities Initiatives, Department of Justice, Purling Locals First and Dept Recreation and Sport. Funding has been secured for the Swan Hill Riverfront Commercial Development Strategy from RDV.
EG			19.1.6 Consider funding allocations through Councils annual budgeting process	2013-17	Completion of annual budgeting process	DDP	ELT	CO	Councils 15/16 budget being drafted and riverfront has been identified in the Major Projects Plan for funding.
EG	Infrastructure	19.2 Actively pursue suitable alternative opportunities arising from decommissioned irrigation infrastructure	19.2.1 Swan Hill modernisation plan approved by Federal Funding body	2013-14	Notification from GMW connections program and Federal Govt	DI	DI	Y	Notification received. Continued negotiations with GMW Connections Program. Project to be completed by 2017. No. 9 Channel COMPLETED

EG			19.2.2 Identify parcels of land suitable for development as public space or residential development.	2013-15	Parcels of land and ownership of land identified	DI	DI		Meetings planned for July 2015 with Project Managers from GMW - Connections Team. There have been ongoing discussions between officers and GMW in relation to future opportunities for this land. Officers have briefed Council in relation to opportunities. GMW have been invited to address Council. GMW are planning to go for community consultation early in 2017
EG			19.2.3 If continuous length of land is available, complete a Masterplan for its complete development.	2013-15	Plan completed	DI	DI		Following discussions with GMW an internal planning group is to be developed to commence the creation of an options paper for use of the land. Funding from the GMW Connections program for planning future uses of the land has been agreed to. Council officers are pursuing further direction from GMW in relation to the consultation phase in relation to this project.
EG			19.2.4 Engage with community on best use for community owned land	2014-16	List of suitable options identified for costing	DI	DI		Further discussion with Council required
EG			19.2.5 Identified projects designed and included in Major Projects Plan	2015-16	Projects included in plan	DI	DI		Further discussion with Council required
EG			19.2.6 Modernisation undertaken, Channel decommissioned.	2016-17	Channel removed in Swan Hill and along Karmie Street, works completed on Tynnyer Flats	DI	DI		Further discussion with Council required
EG			19.2.7 Gain ownership of the available land for future development	2016-17	Tiles obtained / acquired	DI	DI		Working with GMW planners on identifying ownership. Council have provided information to GMW in relation to land parcel ownership. GMW are to complete their own review of this information as part of their project plan
EG	Infrastructure	19.3 Actively pursue opportunities for regional focused infrastructure	19.3.1 Secure support from regional bodies (MRGOC, NW municipalities, Murray Tourism Board, RMF, Central Murray Transport Forum etc)	2013-17	Written confirmation of support from various groups	DI	DI	CO	Represented Council and CMRTF at Regional Network Development strategy workshops in Swan Hill and Mildura. Presented Heartbeat project to MRTB meeting in Deniliquin and hosted MRGOC conference. Ongoing
EG			19.3.2 Identify regional projects within Northern Loddon Mallee Strategic Plan	2013-17	Projects promoted as key initiatives of the plan.	DI	DI	Y	3 projects have been nominated and included in the Regional Investment Prospectus including, Livestock Exchange upgrade, Art Gallery Development, Acquisition of GranCorp & Vackad Land at Riverfront. Also involved in rail projects contained in the prospectus Ongoing
EG			19.3.3 Create partnerships within region	2013-17	Agreements in place	DI	DI	CO	CMRTF have met with senior DOT staff, the Premier, Minister for Transport and Regional Development Minister - in conjunction with GranCorp, Rail Freight Alliance, VFF and Mildura Council. Ongoing. CMRTF are developing a technical committee to identify future opportunities and priorities for consideration
EG			19.3.4 Identify funding sources	2013-17	Sources identified	DI	DI		Funding proposals to be worked through with PTV for passenger rail improvements. Success in terms of recent Federal Government announcement of funding for Murray Basin Rail project, which is now fully funded between State and Federal Governments. Ongoing
EG			19.3.5 Utilise shared services agreements for infrastructure improvements	2016-17	Agreements in place	DI	DI		Initiated a freight route planning exercise with Buloke and Gannawarra Shires. This is been reviewed at a regional level through the CMRTF
EG			19.3.6 Complete business cases to justify individual investment	2016-17	Value adding opportunities identified and modelled	DI	DI		As above for rail advocacy projects Ongoing
EG	Infrastructure	19.4 Implement outcomes of the review of the Swan Hill Regional Livestock exchange	19.4.1 Council endorsement of Functional Design Plan for the Livestock Exchange	2013-14	Endorsement of Plan	DI	DI	Y	Functional Design plan completed and received by Council. Feb 2013. COMPLETED
EG			19.4.2 Subdivision and sale of surplus land	2013-14	Land sold	DI	DI		Remediation works of contaminated ground completed. Local surveyor appointed to complete plan of sub division. Council approval to dispose of sub divided land by private treaty undertaken at June Council Meeting. Expression of interest process complete. Planning Permit obtained.
EG			19.4.3 Identify and Apply for funding	2013-14	Application submitted	DI	DI	Y	Commenced works to subdivide saleable land to assist in funding the redevelopment of the facility. COMPLETED

EG			19.4.3 Prioritise investment	2014-17	Priority projects commenced	DI	DI	Y	Through funding application process
EG		19.4.4 Secure funding		2013-15	Funding secured	DI	DI	Y	Application for funds from 'Stronger Regions Fund' submitted 15 March 2015 - awaiting outcome / decision from Federal body. Additional funding application submitted through Murray Darling Basin Diversification fund. Funding of \$976,150 approved through Stronger Regions Fund program. Agreement signed and returned to funding body.
EG		19.4.6 Functional Design Plan Review of progress to date		2016-17	Review and re-prioritisation completed	DI	DI	Y	Through funding application process Funding agreement will be signed in coming weeks. Agreed in principle. Livestock agents to assist in hosting more regular sales if facilities upgraded GWM commencing work on northern end shortly. Easement sought at Livestock Exchange. Improvements to holding paddocks and water supply to them. Project management being confirmed, engineering design consultant brief being prepared.
EG	Infrastructure	19.5 Investigate the possibilities for railhead and rail freight centres in the municipality	19.5.1 Develop project scope (consultants brief)	2013-14	Project scope and brief approved	DI	DI	Y	Central Murray Regional Transport Forum Intermodel opportunity study completed.
EG			19.5.2 Apply for funding	2013-14	Application submitted	DI	DI	Y	Funding received from RDV and DOT.
EG			19.5.3 Secure funding	2013-15	Funding secured	DI	DI	Y	As above.
EG			19.5.4 Conduct a demand assessment (both current and future) that identifies types and destinations of freight	2014-16	Demand assessment completed	DI	DI	Y	CMRTF study to identify investment opportunities complete. DTPU study into freight also complete.
EG			19.5.5 Conduct assessment of appropriate locations including associated road assets including costings	2015-17	Sites identified	DI	DI	Y	As above.
EG	Infrastructure	19.6 Monitor opportunities for the potential of new Municipal Offices in Swan Hill and Robinvale as part of mixed use development	19.6.1 Monitor developments and land availability in Swan Hill and Robinvale for any opportunities that may arise	2013-17	Possible co-location and/or acquisition of land discussed with Council.	DCS	ELT	CO	No opportunities have presented at this stage. This is complete and ongoing. I suggest it be removed from the new Council Plan as it is unlikely we will move in the next decade.
EG	Infrastructure	19.7 Implement staged redevelopment of the Pioneer Settlement	19.7.1 Identify funding source and apply for funding for stage 1, 2 works	2013-14	Application submitted	DDP	GMFS	Y	Funding opportunities continue to be sourced. Funding has been secured for the Heartbeat of the Murray experience, which will be a major focus for 2015.
EG			19.7.2 Secure funding	2013-14	Funding secured	DDP	GMFS	Y	As above.
EG			19.7.3 Tender and construct stage 1, 2 works (which includes new steam work shop, men's shed and workshops)	2013-14	Building completed	DDP	GMFS	Y	Construction plans completed, awaiting funding prior to tendering. Note: buildings could be constructed in modules. Men's Shed has been completed by stabilising and fitting out an existing building on site.
EG			19.7.4 Identify funding source and apply for funding for New Evening Product (Replacement of old sound & Light show)	2013-15	Application submitted	DDP	GMFS	Y	Funding Received - Murray - Darling Basin Regional Economic Diversification Program (vico). Contract has been awarded.
EG			19.7.5 Secure funding	2014-15	Funding secured	DDP	GMFS	Y	As above.
EG			19.7.6 Develop and install new Evening Product	2014-15	Installation complete	DDP	GMFS	Y	Heartbeat of the Murray laser, light and water spectacular. Officially opened on 2 Dec 2015. Remaining elements of the Pioneer Settlement redevelopment are the staging area at the Lower Murray Inn and the fencing off of Horseshoe Bend Park to allow for greater public access. Both of these projects are currently being scoped and will be completed by end December 2016.
EG			19.7.7 Identify funding source and apply for funding for stage 2 works	2015-16	Application submitted	DDP	GMFS		Day Product Review now complete. Prototyping/testing of new product ideas currently being completed
EG			19.7.8 Secure funding	2016-17	Funding secured	DDP	GMFS		Ongoing.
EG			19.7.9 Review Pioneer Settlement Master Plan and prioritise future works	2016-17	Council adopt reviewed plan.	DDP	GMFS		ONGOING

EG	Infrastructure	19.8 Advance outcomes of Central Murray Regional Transport Study	19.8.1 Maintain membership of Forum group	2013-17	CEO and Councilor membership confirmed and commitment to provide technical expertise	DI	DDP	Y	Council currently chairs and provides admin for forum. COMPLETED
EG			19.8.2 Prioritise projects according to regional industry need	2013-15	Agreement from regions transport sector on priorities	DI	DDP	Y	Commissioned study into inter-modal development. COMPLETED
EG			19.8.3 Working groups established to direct various projects	2013-15	Working groups established	DI	DDP	Y	Group established and meetings held in mid 2013. COMPLETED
EG			19.8.4 Lobby State(s) and Federal members for support of projects	2015-17	Support received	DI	DDP	Y	Funds received from Dept of Transport and RDV for inter-modal study. COMPLETED
EG	Infrastructure	19.9 Pursue funding for a levee bank at Robinvale	19.9.1 Complete Cultural Heritage Management Plan	2013-14	Plan completed	DI	DI	Y	CHMP Plan completed July 2013 and draft plans completed August 2013. COMPLETED
EG			19.9.2 Complete detailed design	2013-14	Design Completed	DI	DI	Y	Design complete and Cultural Heritage Management Plan completed COMPLETED
EG			19.9.3 Develop applications to Federal Departments	2014-15	Application lodged	DI	DI	Y	Funding application to be developed during 2015/16. Design well advanced. Opportunities for funding by other levels of government being sought. Presentation made to Minister CMA 22 June. Letter sent to DELWP seeking grant funding. A full review of this project is being completed. Discussion are ongoing in relation to possible funding opportunities. A review of current design has identified some updated works that are required to complete final design route and necessary permits. COMPLETED
EG			19.9.4 Phase project in Major projects Plan	2015-16	Project included	DI	DI	Y	Project in Major Projects Plan year 3 COMPLETED
EG		19.10 Municipality-wide review of directional signage	19.10.1 Undertake review of directional signage for ease of access to major facilities	2015-16	Review undertaken with priority signage needs identified	DI	DDP	Y	Working group across Council departments currently being formed. Signage audit is currently underway.
EG			19.10.2 Develop signage strategy	2016-17	Signage Strategy developed and adopted by Council	DI	DDP	CO	Development of signage strategy brief has been developed and will commence in April 2017.
EG			19.10.3 Implement identified actions from Signage Strategy	2016-17	Actions implemented.	DI	DDP	CO	Following completion of the Signage Strategy, implementation will commence. In the interim some high priority signage is being updated e.g. Swan Hill Airport. ONGOING
Environmental Management (6 Strategic Initiatives : 13 Actions)									
EM	20. Contributing to good environmental outcomes for the Natural Environment	20.1 Active involvement in external discussions that effect the Murray River, its tributaries and lake systems	20.1.1 Maintain membership of Murray Darling Association	2013-17	Councilor nominated as representative	CEO	CEO	CO	Membership of Murray Darling Association has been maintained. Cr Crowe was nominated as Council's representative at the Statutory Meeting on 11 November 2014. Cr Meier was nominated as Council's representative at the December 2016 Statutory Council Meeting. ONGOING
EM			20.1.2 Support regional submissions to Federal agencies via Murray River Group of Councils	2013-17	Submissions lodged and reported to Council	CEO	CEO	CO	SHRCC was chairing the Murray River Group of Councils for 12 months until November 2014. Council supported the group in visits to Canberra and in meetings with State and Federal politicians. Council maintains its membership and participation in the MRCC. ONGOING
EM	Contributing to good environmental outcomes for the Natural Environment	20.2 Within available external funding, complete the restoration of the Lake Boga freshwater to pre-flood condition or better	20.2.1 Determine forensic stabilisation works unfinished (if any) in 2012/13 financial year	2013-14	Status of works assessment completed	DI	EPAM	Y	All restoration works that were funded have been completed. COMPLETED
EM			20.2.2 Instruct contractor to complete works as soon as possible	2013-14	Works completed	DI	EPAM	Y	As above. COMPLETED
EM	21. Regulation and management of the built environment	21.1 Implementation of Waste Management Plan	21.1.1 Review current Waste Management Plan. 1 Update Data in line with current practices and waste service contracts 2 Community engagement	2013-15	ELT approval of Review	DI	EPAM	Y	The new Waste management Plan has been approved and adopted by Council. COMPLETED

EM			21.1.2 Implementation of Capital Works/ Improvement Program: design & investigation approvals & Permits contracts & work programs construction	2013-17	Capital Works/ improvements completed/ in place	DI	EPAM	Y	Facility and MRF at the Swan Hill Landfill. This is to replace the existing facility at Gray Street.
EM			21.1.3 Conduct Feasibility Study for the construction of Transfer station at Swan Hill Landfill	2013-15	Feasibility Study Completed	DI	EPAM	Y	Council was successful in its application for grant funding (\$190k from State Government) for the construction of a transfer station in Swan Hill Landfill. COMPLETED
EM			21.1.4 Implementation of Progressive rehabilitation and aftercare program to Council's Landfill sites	2013-17	Ongoing Reporting on the completion of rehabilitation staging	DI	EPAM	CO	Progressive capping and rehabilitation of Swan Hill Landfill. Section 1B capped in July August 2016. Ongoing staging has been scheduled to commence end June -early July 2017
EM	Regulation and management of the built environment	21.2 Expand the Green waste collection Service	21.2.1 Conduct Investigation & Data collection: 1. Waste Volume / tonnage 2. Matching Price 3. distance between source of collection and final destination 4. Identify alternative methods/means of collecting the green waste from small communities	2013-14	Data Review/Collection	DI	EPAM	Y	Green waste collection scheme has continued to grow. Approx 260 new customers since initial commencement. Investigated possibilities of expanding service to Robinvale and Lake Boga. It was determined more interest will need to be generated (eg promotion, information brochures) to increase numbers to make service viable. COMPLETED
EM			21.2.2 Identify target locations and develop promotions, marketing, and education plan.	2014-15	Increased demand for the service	DI	EPAM	Y	The investigation around extending the service will start with a presentation for the Green Waste service at Robinvale and Lake Boga main streets and community centres (scheduled to take place on 01 July 2015). COMPLETED
EM	22. Promote and advocate sound environmental practices	22.1 Continue to lobby for a state-wide container deposit scheme	22.1.1 Contribute to Regulatory Impact Statements (RIS) via the MAV	2013-14	Submissions to the RIS via MAV	DI	DI	Y	This activity will be undertaken via the Central Murray/ Regional Waste Management Group. COMPLETED
EM			22.1.2 Continue to provide waste data as requested to assist scheme development.	2013-16	Data provided as requested	DI	DI		Data is provided to Sustainability Victoria and to the Waste Management Group on a regular basis. Ongoing
EM	Promote and advocate sound environmental practices	22.2 Complete Rural Land Use/Living Strategy that considers the potential impact of devolved land and a changing climate	22.2.1 Scoping paper to be developed.	2013-14	Scoping paper approved by ELT and Councilors through Councilor Assembly	DDP	DDP	Y	Scoping paper complete. Workshop with Councilors on 8 July to complete study. COMPLETED

B.17.8 DIVERSITY POLICY

Responsible Officer: Director Community & Cultural Services
File Number: POL/COMM807
Attachments: 1 Diversity Policy

Declarations of Interest:

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

Summary

Council adopted its first Diversity Policy in 2012, and this has been reviewed for consideration or adoption.

Discussion

Council's first Diversity Policy developed from discussions concerning the rapidly-changing multicultural demographics of the community.

Originally focused on this multicultural theme, the Policy was always intended to lead to the development of a Diversity Plan.

While detailed work and research was undertaken to determine the framework of a Diversity Plan, and many attempts to seek external funding for its development were made, the Plan has not been completed.

During the past four years, the State Government has introduced requirements for several funded services to produce service-specific Diversity Actions Plans. For example, the Commonwealth Home Support Program (CHSP), formerly Home and Community Care (HACC), requires a 'Diversity Plan' which is a brief checklist for improving inclusiveness in direct service delivery.

Recent State-wide and national focus on gender equality, LGBTI inclusiveness and the community's broadening multiculturalism created an opportunity for Council to fully review the overarching Policy.

Consultation

This review of the Diversity Policy was primarily internal, with the review taking into account State and Commonwealth policy statements.

Financial Implications

Not applicable to this report.

Social Implications

This Policy outlines Council's commitment to recognition of diversity in the community and provides an overarching direction for development of appropriate plans to better work with the community.

Economic Implications

Recognition of diversity and inclusiveness are important in attracting and retaining residents from all backgrounds.

Environmental Implications

Not applicable to this report.

Risk Management Implications

Not applicable to this report.

Council Plan Strategy Addressed

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

Options

1. Council may make changes to the draft reviewed Policy, or
2. Adopt the Policy as presented.

Recommendation

That Council adopt the reviewed Diversity Policy as presented.

11/17 Motion

MOVED Cr Jeffery

That Council adopt the reviewed Diversity Policy as presented.

SECONDED Cr Katis

The Motion was put and CARRIED

POLICY TITLE DIVERSITY POLICY

POLICY NUMBER POL/COMM807

PURPOSE

This Policy articulates Swan Hill Rural City Council’s position in relation to diversity in all its forms. Council acknowledges the contribution that diversity brings to social and economic development opportunities within the municipality.

SCOPE

This Policy applies to all Council programs providing services to communities within the municipality.

POLICY

Council welcomes diversity in all its forms, in recognition and support of the diverse population of the Swan Hill municipality.

Council will strive to ensure equity and access in providing services and infrastructure, taking into account the diversity of its community.

Council will advocate to other levels of government on behalf of the community to ensure that adequate, equitable and appropriate services and infrastructure are provided, taking into account the diverse needs of the community.

DEFINITION

Diversity relates to race, ethnicity, gender, sexual orientation, socio-economic status, age, physical and mental abilities, religious beliefs, political beliefs, other ideologies, within Australian law.

RELATED POLICIES/DOCUMENTS

Charter of Human Rights Policy

RELATED LEGISLATION

- Local Government Act 1989
- Racial and Religious Tolerance Act 2001
- Disability Discrimination Act 1992
- Victorian Equal Opportunity Act 2010
- Charter of Human Rights and Responsibilities Act 2006

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

B.17.9 PLANNING PERMIT APPLICATION FOR THE USE AND DEVELOPMENT OF THE LAND FOR A DWELLING

Responsible Officer: Director Development and Planning
File Number: 2016/102
Attachments: 1 230 Runciman Road Map

Declarations of Interest:

Adam McSwain - 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 dwelling in the Farming Zone, located at 230 Runciman Road, Murraydale. This report seeks a Council resolution to refuse a planning permit application.

Discussion

Location and existing conditions

The subject site is located on the north side of Runciman Road, approximately 1.2km west of Murray River. The site has an irregular shape with an overall area of approximately 8.34 hectares. The site currently contains a single storey unoccupied dwelling, setback approximately 20m from the northern boundary. A couple of old outbuildings are located within the immediate vicinity of the dwelling.

The allotment is mostly clear of any native vegetation and contains paddocks for grazing, with the provision of few trees along the western boundary and adjacent to the existing dwelling. A small water dam is also located adjacent to the western boundary of the property. Surrounding area comprises allotments within Farming Zone and most of them are used for agricultural purposes with associated dwellings and outbuildings.

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



Fig. 1 Aerial image of site and surrounds

Proposal

The applicant is seeking approval for the use and development of the site for a dwelling. The existing dwelling has not been used for accommodation for several years and a permit is required for use and development of a dwelling as the land does not have existing use rights for the dwelling.

The proposed dwelling will be setback approximately 50m from the northern boundary and 90m from the western boundary. The applicant has not provided floor and elevation plans for the dwelling.

Assessment

The subject land has an area of approximately 8.34 hectares and currently contains three paddocks used for grazing, an old non-habitable dwelling, couple of outbuildings and a small water dam. The proposal involves replacement of the existing dilapidated dwelling which has been unoccupied for more than two years and does not have existing use rights.

It is considered that the proposed use of the land for a dwelling without demonstrating the agricultural nexus with the land is contrary to State and local planning policy and is not consistent with the purpose and decision guidelines of the Farming Zone. Planning policy in the Farming Zone strongly deters the establishment of dwellings on farm lots where the use of the land for farming purposes does not justify the establishment of a dwelling. The development of a dwelling on the site will serve to remove land from agricultural purpose in an area that contains a number of larger agricultural land holdings.

Agricultural production is the cornerstone of the municipality's and regional economy. Residential development on small lots in agricultural areas will fragment productive agricultural land. It will create an environment that will result in incompatible uses placing land use change pressure on legitimate farming uses. Allowing a dwelling on the lot will result in an increase of land value, thus compromising the affordability and viability of agricultural activities in the Farming Zone.

The applicant has argued that the land is not connected to water and it cannot be used for agricultural purposes. The subject land is located very close to the Murray River and it can be connected to water and therefore can be used for productive agriculture in future. By approving the use of land for dwelling will permanently remove the land from agricultural practice. Council has consulted Goulburn-Murray Water in relation to the availability of water on the subject land for agriculture, and Goulburn-Murray Water has confirmed that water can be made available on the land for agricultural purposes.

The documents provided with the application clearly states that the owner wants to sell the property with the approval of the planning permit. The owner wants to sell the land for their superannuation and this clearly indicates that the subject land will not

be used for any agricultural purpose and the proposal will result in loss of agricultural land. The planning provisions do not consider financial grounds for the assessment of planning permit applications.

The use of the land for a dwelling in Farming Zone is not consistent with the State Planning Policy Framework or Local Planning Policy Framework in respect to objectives to protect agricultural land, facilitate productive agricultural activity and ensure new development is related to the ongoing, productive use of the land for agriculture.

Although it is acknowledged that there are many existing dwellings within the local area, it is considered that another dwelling on a small rural parcel will further contribute to a proliferation of dwellings within the area and will create an expectation for other vacant lots in the area that a dwelling would be approved. This view has consistently been supported by VCAT.

Consideration of this application has required particular attention to both State and local policies as these sections of the Swan Hill Planning Scheme contain numerous, specific guidelines for development of agricultural land within the municipality. In general, both State and local policies seek to support and enhance agricultural pursuits by ensuring that future development, particularly residential development, does not result in the permanent removal of productive agricultural land or inhibit the continuation and development of existing agricultural uses. These objectives are reiterated in the purposes of the Farming Zone.

The proposed use and development of the land for a dwelling in this case is not in keeping with the purposes of the zone. It is inconsistent with the objectives of both State and local policy, which strongly and clearly discourage further residential development in rural areas. It should be noted that the ability of the land to physically sustain a dwelling in terms of services, infrastructure, and access is not in dispute. Rather it is the necessity of a dwelling that is in question, given the inconsistency of the proposal against relevant policies and objectives of the Planning Scheme.

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 result in loss of agricultural land and involves residential development in an agricultural area. Therefore it will not contribute to the orderly planning of the area and will reduce the availability of productive agricultural land.

Farming Zone

The purpose of the Farming Zone is to provide for the use of land for agriculture, to encourage the retention of productive agricultural land and to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

The use of the land for a dwelling is listed as a discretionary use (permit required) within the provisions of Farming Zone, for lots that do not meet the minimum lot size specified in the schedule to the Farming Zone (being 20 hectares). This does not imply that a permit for a dwelling should be granted. The key consideration is the appropriateness of the dwelling use, having regard to the purpose of the zone.

As discussed above, both the State and local planning policies are very clear that dwellings on small lots within the Farming Zone are strongly discouraged, except where the dwelling is demonstrated to provide a genuine benefit to the agricultural use of the land. Specific decision guidelines are provided within the Clause 35.07-4 for when dwellings are proposed, as follows:

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

As discussed above, State and local policy and the purpose of the Farming Zone require that a dwelling will only be acceptable where it can be clearly demonstrated that the dwelling is required as a secondary component to support the primary agricultural use of the site.

The existing dwelling on the site is no longer habitable and has no existing use rights. The submission provided with the application clearly states that the owner wants to sell the land with permit approval for the dwelling. The application lacks the justification of the need of the dwelling to sustain an agricultural use, but it rather demonstrates clear intentions of selling the land which will result in loss of agricultural land.

The applicant has noted that the surrounding land and immediate district is currently fragmented into similar sized lots and is committed to dwellings. Although it is acknowledged that there are existing dwellings within the local area, it is considered that another dwelling on a small rural parcel will further contribute to a proliferation of dwellings. It will result in a loss of opportunity for smaller parcels to be consolidated with larger parcels and potentially support productive agricultural uses. A dwelling is

also a sensitive use, which may adversely impact the operation of legitimate farming activities, if residents consider they are affected by noise, smell etc. and make complaints.

Council must have regard to the orderly planning of the area and the potential for further proliferation of dwellings should this application be approved. Both State and local planning provisions have strong emphasis on limiting the widespread use of small rural lots in the Farming Zone for hobby farm and rural living purposes. Many rulings by VCAT reinforce that while dwellings may have been constructed in the vicinity, it does not necessarily mean that a new dwelling should be approved on this basis. The argument of the 'horse has bolted' has been widely dismissed by VCAT and one must draw the line in the sand. To this end the Tribunal made these comments in *Mengler v Hepburn SC*¹:

It can be said of nearly any permit application that, alone, its impact is negligible in regional or state terms. But a purpose of specific policies and objectives being incorporated into the new format Schemes is to describe how, over time, the Council envisages change occurring and attempts to manage that process. By its inclusion in the Scheme, those ambitions have been endorsed as being consistent with state planning policy. Any change (whether better or worse) will usually happen incrementally. In its own small way, a subdivision and/or development makes a contribution to achieving (or not) the overall strategic goals set out in the Scheme. The principles set out in the relevant planning controls and policies are very clear and it is important they be upheld particularly when there are no strong arguments to justify a departure from, or different approach to the application of, those principles.

In addition, there have been many proceedings before the Tribunal where a proposal for a dwelling has failed because agricultural pursuits have not been sufficiently demonstrated; perhaps otherwise described as speculative, token, doubtful or too uncertain for various reasons. Often the proposals were determined to have attempted to create, or would have created, a rural living lot that is at odds with outcomes sought for farming areas.

In recent years, VCAT has upheld a number of decisions on rural dwellings in the Farming Zone. Of particular relevance to this application is *Ward v Macedon Ranges SC*². In the decision of *Ward*, Member Potts commented:

Planning policy at a state and local level seeks for land to be available for consolidation into larger enterprises consistent with a vision for broad acre agricultural activity. Allowing a dwelling on this land would mean future consolidation into larger land holdings would be unlikely. The effect of the dwelling would be to decouple this land from its agricultural value and hence the purposes of the zone.

Similarly, when the Tribunal upheld refusal on the application for a dwelling on a Farming Zoned land in *Benca v Macedon Ranges SC*³, Member Rundell remarked

¹ [2007] VCAT 394 (15 March 2007)

² [2013] VCAT 1758 (10 October 2013)

on setting up a precedent and proliferation of dwellings on existing farming zoned lots:

Some lots in the locality do not have dwellings. There also may be many small lots in the Macedon Ranges Farming Zone which do not have dwellings. Planning applications utilise previous decisions. I have no doubt that should planning approval be granted this case, it will be used to support planning applications for a dwelling on other lots less than 40 hectares. An approval in this situation will form part of the long established pattern of small lots being gradually removed from farming on an ad hoc, incremental basis. Whilst each approval may have a minimal impact, over time the cumulative impact of many approvals is that areas once used for farming are no longer used for that purpose and transition to become rural living precincts. Planning policy is clearly indicating that this incremental process needs to cease.

Simply because a dwelling can be considered under the zone, it does not follow that every application that can meet these requirements should be approved. The application must be able to demonstrate how the purpose of the zone is fulfilled and the guiding policies addressed for approval to be a real option.

For the reasons discussed above, the proposal will incrementally further fragment the agricultural area; lead to a concentration or proliferation of dwellings in the area; impinge the opportunity to use this land for more productive, sustainable agriculture and eventually have an adverse impact on use of the land for agriculture.

State Planning Policy Framework

Clause 11.05-3 Rural Productivity

Objective: 'To manage land use change and development in rural areas to promote agriculture and rural production'.

The strategies associated with Clause 11.05-3 specifically aims to limit new housing development in rural areas, which includes:

- *Directing housing growth into existing settlements.*
- *Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.*
- *Encouraging consolidation of existing isolated small lots in rural zones.*

The proposal in its current state does not promote agriculture and rural production as it proposes development that will result in creation of a rural lifestyle lot.

Clause 11.11-3 Agricultural productivity

Objective: 'To support and manage rural landscapes'.

Strategies

³ [2010] VCAT Ref No P2687/2009 (17 March 2010)

- *Protect areas of strategic significance for agriculture.*
- *Support adaptation of the agricultural sector to embrace opportunities and respond to the potential risks arising from climate change.*
- *Facilitate ongoing agricultural productivity and investment in high value agriculture.*
- *Protect and maintain productive land and irrigation assets necessary to help grow the region as an important food bowl for domestic and international exports.*

The proposal will not be used for agricultural purposes and has the potential to create an incompatible conflict between rural and residential uses.

Clause 14.01-1 Protection of agricultural land

Objective: 'To protect productive farmland which is of strategic significance in the local or regional context'.

The clause states, that in considering a proposal to develop agricultural land, the following factors must be considered:

- *The desirability and impacts of removing the land from primary production, given its agricultural productivity.*
- *The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.*
- *The compatibility between the proposed or likely development and the existing uses of the surrounding land.*
- *Assessment of the land capability.*

In response to the above it is noted that:

- Agriculture is an important part of the municipality's economy and permanent removal of agricultural land for non-related agricultural purposes is strongly discouraged.
- Any proposed non-agricultural use and development may give rise to land use conflicts between the agriculture and non-agricultural use.

Collectively, these policies place great emphasis on the importance in protecting existing agricultural land from inappropriate development, which will effectively permanently remove the land from agricultural use. Clause 11.05-3 clearly recognises the potential for residential development on small lots to fragment rural areas and create an environment which will result in incompatible uses placing pressure on legitimate farming uses.

The application site is within a Farming Zone and recognised for its productive capacity. Clause 14.01-1 is particularly clear in requiring a nexus between

development of farmland and ongoing productive use of agriculture, to protect against loss of agricultural land.

It is further noted that the SPPF contains a clause specifically relating to rural-residential development, with Clause 16.02-1 aiming “to identify land suitable for rural living and rural residential development.” The strategies associated with this objective also aim to:

- *Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.*
- *Ensure planning for rural living avoids or significantly reduces adverse economic, social and environmental impacts by:*
 - *Discouraging development of isolated small lots in rural zones from use for rural living or other incompatible uses.*

This policy further reiterates the need to direct rural-residential development to areas which do not impact on the agricultural land resource.

Local Planning Policy Framework (including the Municipal Strategic Statement)

Clause 21.02 – Key issues

Key issues in relation to Natural Resource Management:

- *The continued growth of the horticulture industry.*
- *The protection of horticultural land for agriculture.*
- *The need to support dry land agriculture.*
- *The significant potential for adding value to agricultural product including horticulture.*

Any proposal for a dwelling within the Farming Zone must consider this Clause. The Clause details the importance of the agricultural sector within the municipality and provides a framework for decision making regarding subdivision and development.

In this instance the proposal does not address the key issues and does not support the ongoing agricultural industry in the municipality.

Clause 21.06-1 Rural areas

Overview:

The agricultural sector is a significant source of economic activity in the municipality. Subdivision and rural housing in rural areas that is not associated with dedicated rural and agricultural activities can potentially undermine the viability of the rural sector through land use conflict, loss of productive agricultural land, use of infrastructure and water that could be used for agricultural production, and land values exceeding agricultural value. Housing for lifestyle purposes in rural areas has

the potential to create demand for community and physical infrastructure that may be more appropriately located in dedicated rural living areas.

Key issues

- *Recognising the importance of the agricultural sector to the local economy.*
- *Recognising the potential for subdivision and rural dwellings to undermine agriculture.*

Objective 2:

To ensure that new dwellings do not undermine the productive agricultural base of the municipality, particularly in irrigated horticultural areas.

Any dwelling proposal in the Farming Zone must also have regard to the following strategies:

Strategies:

- *Strategy 2.1 Ensure any new dwelling has a relationship with and is required to directly support the continuing operation of an existing rural use conducted on the land.*
- *Strategy 2.2 Ensure any new dwelling is compatible with and will not have an adverse impact on agricultural land and other rural land uses on the land, adjoining land and the general area.*
- *Strategy 2.3 Ensure new dwellings:*
 - *Are set back from neighbouring farm land and do not reduce the potential for agricultural production or other rural uses on surrounding farm land.*
 - *Do not have an adverse effect on existing rural and irrigation infrastructure, and will not reduce the continuing use of this infrastructure for agricultural production.*
- *Strategy 2.4 Encourage the consolidation of land in the same ownership to support applications for new dwellings.*
- *Strategy 2.5 Discourage the construction of a dwelling on land at Tyntynder Flats, Pental Island and north west of Lake Boga as shown on Maps 1-6 on pages 8-13 if the lot is less than 40 hectares.*
- *Strategy 2.6 Discourage the construction of a dwelling on land to the east of Lake Boga and Lalbert Creek Floodplain as shown on Maps 6-8 on pages 13-15 if the lot is less than 100 hectares.*

In relation to the above policy, the subject site is a small lot in the Farming Zone and therefore its development for the purpose of a single dwelling is not encouraged, noting that planning policies seek to protect productive farmland rather than increasing density and numbers of rural dwellings in a Farming Zone area. In this instance, the proposed dwelling cannot be considered as consistent with or supported by such policy in relation to rural and regional development, particularly where such development is explicitly discouraged.

The proposal to construct a dwelling on a small lot in the Farming Zone without any agricultural justification will set a bad example.

Objective 3:

To avoid land use conflicts between agricultural and non agricultural land uses.

Strategies:

- *Strategy 3.1 Ensure there is an appropriate separation between agricultural and non agricultural land uses by using landscape buffers, orientation and siting of buildings.*
- *Strategy 3.2 Ensure that use and development in the municipality is not prejudicial to agricultural industries or the productive capacity of the land.*
- *Strategy 3.3 Discourage use and development of land that is incompatible with the use of land for agriculture.*

The strategies associated with these objectives generally encourage the use and management of land for agriculture, discourage conversions of productive agricultural land to non-productive purposes, ensure new development relates to the productive use of the land and ensure any use of the land for residential activity is secondary or ancillary to the primary agricultural use of the land.

Approval of a dwelling on the subject land will result in a permanent change to the land use to the subject site. This land use change will limit the ability for agriculture to be facilitated in the context of the wider area and does not support the general principle to support the consolidation and enhancement of rural land. By allowing a dwelling on the lot will simply result in an increase of land value, and thus compromise the affordability and viability of agricultural activities in the Farming Zone.

Clause 21.06-2 Agriculture and horticulture

Agriculture is an important industry in the municipality and its protection and enhancement is linked to the environmental and economic well-being of the community.

Agricultural production is the cornerstone of the municipality's and regional economy. Swan Hill region has one of the most productive and diverse agricultural sectors in Australia. Considerable opportunities have been identified for expansion and growth of the horticultural industry.

Key issues:

- *The continued growth of the horticulture industry.*
- *Protection of horticultural land for agriculture.*

The proposed application lacks information to address the above objectives and strategies.

It is also noted that there are couple of vacant lots of comparable size proximate to the subject site and the development of a dwelling on the lot will set a precedent and will encourage development of other vacant allotments, thereby impeding the potential for both the subject allotment and adjoining allotments to be effectively farmed especially as the potential to consolidate allotments will be removed.

Land Subject to Inundation Overlay

The site is covered by a Land Subject to Inundation Overlay. The purpose of the overlay is to identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority and to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

The application has been referred to the North Central Catchment Management Authority (NCCMA). NCCMA has commented that information available to them indicated that in the event of a 1% AEP flood event, it is likely that the property may be subject to inundation from Murray River. They have confirmed they do not object to the proposal subject to a condition.

Conclusion

It is considered that this proposal does not demonstrate that the dwelling is reasonably required to facilitate or enhance agricultural uses or to protect the future agricultural potential of the subject land and surrounding land. The proposal has little strategic merit and does not produce acceptable outcomes in terms of the State and local policy framework, which seek to preserve valuable fertile and productive agricultural land from widespread rural residential or hobby farm type development.

While it is acknowledged that surrounding lots are developed and used this way, this does not justify the further fragmentation of the area and contribution to the proliferation of dwellings. The land is not zoned for rural living and it can be reasonably utilised in association with an agricultural use without a dwelling or consolidated with an adjoining larger holding.

It is considered that the proposal is an inappropriate development and should therefore not be supported.

Consultation

Notice of the application

The application was not advertised to the surrounding property owners and occupiers.

Referrals

The application was referred under Section 55 of the Act to North Central Catchment Management Authority and no objections have been raised by the catchment authority subject to a condition.

The application was also referred internally to the Health, Building and Engineering Departments who also approved the proposal subject to conditions.

Financial Implications

Nil.

Social Implications

Nil.

Economic Implications

Agriculture is an important part of the municipality's economy, and permanent removal of agricultural land for residential purposes will therefore have a negative economic impact. The sale of the land with a permit for dwelling will benefit the owners but create detriment to the greater agricultural area.

Environmental Implications

Nil.

Risk Management Implications

Nil.

Council Plan Strategy Addressed

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

Options

Council generally has two options when considering an application.

These being:

1. Issue a Planning Permit for the use and development of the land for a dwelling at 230 Runciman Road, Murraydale subject to conditions and in accordance with the endorsed plans.
2. Issue a Refusal to Grant a Planning Permit for the use and development of the land for a dwelling at 230 Runciman Road, Murraydale.

Recommendations

That Council:

Issue a Refusal to Grant a Planning Permit for use and development of the land for a dwelling located at Lot 1 TP 334198Y, Parish of Tyntynder, 230 Runciman Road, Murraydale, on the following grounds:

1. The proposal is contrary to the purpose of the Farming Zone, which aims to provide for the use of land for agriculture, retention of productive agricultural land and to ensure that non-agricultural uses (particularly dwellings) do not adversely affect the use of land for agriculture. The proposal will facilitate an opportunity for a non-agricultural use (dwelling) that is not necessarily required for the use of the land for agriculture.
2. The proposal is contrary to Clauses 11.05-3, 11.11-3, 14.01 and 16.02-1 of the State Planning Policy Framework as it will lead to an unplanned loss of productive agricultural land due to a permanent change of use.
3. The proposal is contrary to the provisions of the Local Planning Policy Framework, including Council's Municipal Strategic Statement, particularly Clauses 21.02 and 21.06, in that it will encourage further proliferation of residential developments in the Farming Zone, thereby removing land from agricultural production.
4. The proposal will further solidify the fragmentation of existing farming land and holdings as it will remove the opportunity for consolidation or restructure of allotments to facilitate agricultural activities and will limit the operation and expansion of adjoining and nearby agricultural uses.
5. The proposal is contrary to the orderly planning of the area.

12/17 Motion

MOVED Cr Norton

Issue a Planning Permit for the use and development of the land for a dwelling at 230 Runciman Road, Murraydale subject to conditions and in accordance with the endorsed plans

- 1 Before the development and use commences, three copies of 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 show:
 - a) Proposed floor and elevation plans of the dwelling.
- 2 The development and use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3 Before the use commences, the owner of the lot must enter into an agreement with the Responsible Authority in accordance with Section 173 of the *Planning and Environment Act 1987*. The agreement must provide for:
 - a) The area has intensive agricultural uses operating in it.
 - b) The land and its occupants may experience off site rural activity effects, including noise, sprays and dust that may cause a loss of residential amenity.
 - c) Existing agricultural and rural uses in the area have a 'right to farm' or right to legally continue the use.

Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act prior to the commencement of the use.

The *owner* must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.

- 4 The existing dwelling shall be demolished or otherwise removed from the subject land within three (3) months of the occupation of the new dwelling hereby permitted, to the satisfaction of the Responsible Authority.
- 5 Prior to issuing an occupancy certificate for the dwelling, an all-weather road, with dimension adequate to accommodate emergency vehicles must be constructed to the satisfaction of the Responsible Authority.
- 6 Prior to issuing an occupancy certificate for the dwelling, the dwelling must be connected to a reticulated potable water supply or have an alternative potable

water supply with adequate storage for domestic use as well as for fire fighting purposes.

- 7 Prior to issuing an occupancy certificate for the dwelling, the dwelling must be connected to a reticulated electricity supply or have an alternative energy source.
- 8 The applicant/owner shall 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).
- 9 Prior to issuing an occupancy certificate for the dwelling, the permit holder must ensure that stormwater runoff from the development/site can be retained within the

boundaries of the lot to the satisfaction of the Responsible Authority. No silted or polluted water will be allowed to enter the stormwater system.

- 10 Prior to issuing an occupancy certificate for the dwelling, the dwelling shall be fitted with a wastewater treatment and disposal system to a design approved Council's Environmental Health Officer and such that all effluent is disposed of within the boundaries of the allotment.

A separate permit must be obtained from Council's Environmental Health Department prior to its installation.

North Central Catchment Management Authority

- 11 The finished floor level of the proposed replacement dwelling must be constructed a minimum of 300 millimetres above the 1% AEP flood level of 67.3 metres AHD, i.e. no lower than 67.6 metres AHD.

Expiry of Permit

- 12 This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within two (2) years of the date of this permit.
 - b) The development is not completed within four (4) years of the date of this permit.
 - c) The use is not commenced within two (2) years of the completion of the development.

In accordance with *Section 69* of the *Planning and Environment Act, 1987* the Responsible Authority may extend the periods referred to if a request is made in writing.

NOTES:

- *Responsible Authority*
 - a) All buildings and works associated with this development must be in accordance with the Building Act 1993, Building Regulations 2006 and the Building Code of Australia.
 - b) A building permit will be required for the building work associated with this development.
- *North Central Catchment Management Authority*

Flood levels for the 1% AEP (100 year ARI) flood event have been estimated for this area under provisions of the Water Act 1989. The estimated 1% AEP flood level for the location described above is 6.73 metres AHD.

SECONDED Cr Young

The Motion was put and LOST

The Mayor, Cr Les McPhee then asked Councillors for a new motion.

13/17 Motion

MOVED Cr Moar

That Council:

Issue a Refusal to Grant a Planning Permit for use and development of the land for a dwelling located at Lot 1 TP 334198Y, Parish of Tyntynder, 230 Runciman Road, Murraydale, on the following grounds:

1. The proposal is contrary to the purpose of the Farming Zone, which aims to provide for the use of land for agriculture, retention of productive agricultural land and to ensure that non-agricultural uses (particularly dwellings) do not adversely affect the use of land for agriculture. The proposal will facilitate an opportunity for a non-agricultural use (dwelling) that is not necessarily required for the use of the land for agriculture.
2. The proposal is contrary to Clauses 11.05-3, 11.11-3, 14.01 and 16.02-1 of the State Planning Policy Framework as it will lead to an unplanned loss of productive agricultural land due to a permanent change of use.
3. The proposal is contrary to the provisions of the Local Planning Policy Framework, including Council's Municipal Strategic Statement, particularly Clauses 21.02 and 21.06, in that it will encourage further

proliferation of residential developments in the Farming Zone, thereby removing land from agricultural production.

- 4. The proposal will further solidify the fragmentation of existing farming land and holdings as it will remove the opportunity for consolidation or restructure of allotments to facilitate agricultural activities and will limit the operation and expansion of adjoining and nearby agricultural uses.**
- 5. The proposal is contrary to the orderly planning of the area.**

SECONDED Cr Jeffery

The Motion was put and CARRIED



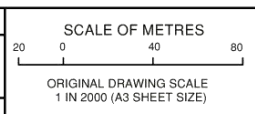
E-1 IS AN EXISTING CARRIAGEWAY EASEMENT
 E-2 IS AN EXISTING EASEMENT FOR WATER SUPPLY
 E-3 IS AN EXISTING EASEMENT FOR WATER SUPPLY

1. PLAN IS SUBJECT TO APPROVAL OF STATUTORY AUTHORITIES
2. PLAN IS SUBJECT TO FINAL SURVEY
3. DIMENSIONS ARE APPROXIMATE ONLY



GARY & GLENDA HARWOOD
 PLAN OF DEVELOPMENT
 230 RUNCIMAN ROAD, MURRAYDALE

JOB DETAILS
DRAWN : KHPS
DATE : 10/01/2017
SHEET No. 1 OF 1
REFERENCE No. F9137



P.O. BOX 1172
 SWAN HILL VIC. 3585
 Ph. (03) 5032 3685
 Fax. (03) 5032 2472
 EMAIL: pmash@pricemerrett.com.au
 P.O. BOX 313
 KERRANG VIC. 3579
 Ph. (03) 5452 2490
 FAX (03) 5452 2566
 EMAIL: pmc@pricemerrett.com.au

County	TATCHERA
Township	---
Parish	TYNTYNDER
Section	F
Crown Allot. :	2B (PART)

B.17.10 MONTHLY PLANNING AND BUILDING FIGURES

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

Declarations of Interest:

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

Summary

The purpose of this report is for Council to note the monthly planning and building figures for December 2016 and January 2017.

Discussion

Planning

Type	2016		2015	
	No. December	No. YTD	No. December	No. YTD
Planning Permit Applications Received	4	166	11	175
Approvals under delegation	17	143	17	158
Notice of Decision to Grant a Planning Permit	1	5	0	1
Notice of Decision to refuse a Planning Permit	0	0	0	3
Application Lapsed or Withdrawn	1	8	0	2
VCAT upheld Council decision	0	5	0	1
VCAT set aside Council decision	0	0	0	0
Total number of decisions	18	153	17	163

Monthly decision breakdown by town

	Approved December 2016	Approved YTD	Refused December 2016	Refused YTD
Swan Hill	4	53	0	0
Robinvale	8	46	0	0
Lake Boga	0	7	0	0
Nyah	0	5	0	0
Nyah West	0	1	0	0

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Planning

Type	2017		2016	
	No. January	No. YTD	No. January	No. YTD
Planning Permit Applications Received	4	4	4	4
Approvals under delegation	6	6	10	10
Notice of Decision to Grant a Planning Permit	1	1	1	1
Notice of Decision to refuse a Planning Permit	0	0	0	0
Application Lapsed or Withdrawn	0	0	1	1
VCAT upheld Council decision	0	0	0	1
VCAT set aside Council decision	0	0	0	0
Total number of decisions	7	7	11	12

Monthly decision breakdown by town

	Approved January 2017	Approved YTD	Refused January 2017	Refused YTD
Swan Hill	1	1	0	0
Robinvale	4	4	0	0
Lake Boga	0	0	0	0
Nyah	1	1	0	0
Nyah West	0	0	0	0

**Building
December – Comparisons**

TYPE	2016		2015	
	No.	VALUE	No.	VALUE
Dwelling	1	307,832	10	2,486,012
Dwelling additions	10	377,288	3	162,850
Unit Developments	0*(0)	0	1*(3)	200,000
Shops	0	0	1	8,000
Offices	0	0	0	0
Warehouses	2	254,072	0	0
Factories	0	0	2	295,000
Public Buildings	4	1,555,932	0	0
OutBuildings	8	138,800	11	155,874
Other	5	161,650	4	486,781
Total	30	\$2,795,574	32	\$3,794,517

*() denotes total number of Dwelling Units

New Dwellings - December			
2016		2015	
Robinvale	1	Swan Hill	7
		Nyah West	1
		Piangil	1
		Robinvale	1

Year to Date – Comparisons

TYPE	1/01/2016 to 31/12/2016		1/01/2015 to 31/12/2015	
	No.	VALUE	No.	VALUE
Dwelling	50	17,726,995	64	18,622,034
Dwelling additions	80	4,266,216	82	3,117,499
Unit Developments	4*(12)	1,011,800	5*(7)	388,500
Shops	6	231,000	13	6,131,824
Offices	2	2,213,711	9	1,157,500
Warehouses	14	2,200,532	9	2,682,842
Factories	16	4,201,481	7	1,017,288
Public Buildings	10	2,580,586	17	14,477,002
OutBuildings	109	2,762,069	144	3,263,825
Other	58	1,332,365	57	1,816,630
Total	349	\$38,526,756	407	\$52,674,945

*() denotes total number of Dwelling Units

January - Comparisons

TYPE	2017		2016	
	No.	VALUE	No.	VALUE
Dwelling	2	612,883	5	1,563,327
Dwelling additions	8	1,114,109	4	202,800
Unit Developments	0*(0)	0	1*(2)	410,000
Shops	0	0	0	0
Offices	1	20,000	0	0
Warehouses	2	530,000	0	0
Factories (1)	0	0	1	1,686,300
Public Buildings	0	0	3	66,330
OutBuildings	4	68,991	2	15,300
Other	3	92,700	4	74,000
Total	20	\$2,438,683	20	\$4,018,057

*() denotes total number of Dwelling Units

New Dwellings - January			
2017		2016	
Swan Hill	2	Swan Hill	4
		Lake Boga	1

(1) The majority of the 'Factories' amount for 2016 relates to Stage 1 of the factory constructed at Kyndalyn Park, Bannerton.

Consultation

Not applicable

Financial Implications

Not applicable

Social Implications

Not applicable

Economic Implications

Not applicable

Environmental Implications

Not applicable

Risk Management Implications

Not applicable

Council Plan Strategy Addressed

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

Options

Not applicable

Recommendation

That Council note the Planning and Building figures for December 2016 and January 2017 and the Year to Date comparisons as reported.

14/17 Motion

MOVED Cr Norton

That Council note the Planning and Building figures for December 2016 and January 2017 and the Year to Date comparisons as reported.

SECONDED Cr Katis

The Motion was put and CARRIED

B.17.11 MOBILE PHONE BLACKSPOTS – FEDERAL GOVERNMENT MOBILE BLACKSPOT PROGRAM ROUND THREE

Responsible Officer: Director Development and Planning
File Number: S17-02-01
Attachments: Nil

Declarations of Interest: Officer
Adam McSwain - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

This report is for Council to endorse the priority mobile blackspot areas within the Swan Hill Rural City Council municipality for submission to round three of the Federal Government Mobile Blackspot Program.

Discussion

Officers have been contacted by Federal Member for Mallee Andrew Broad's office seeking information on Council's priority areas for mobile blackspot funding. These priority areas are for seeking funding through the third round of Federal Government Mobile Blackspot Program. This funding round has \$60 million available and is a competitive process.

In 2014 a report was completed for Council by Digital Economy Group to identify priority mobile blackspot areas across the Municipality. Through this report and additional discussions with community and industry, the following priority mobile blackspot areas have been identified:

Priority 1 - The area between Manangatang and Piangil. The signal blackspots here show up the network deficiency and makes it a strong candidate for the Mobile Coverage Programme. The absence of coverage not only affects community services but also the ability of the broad acre farmers to achieve maximum productivity using machine to machine technologies.

Priority 2 - The area in the North of the Municipality encompassing Robinvale and the road to the border with Mildura. This large sweeping area has extensive blackspots. This is a significant transport and economic linkage for the Loddon Mallee region. Substantial amounts of produce are transported through this area and it is also used extensively for public transport and tourism purposes.

Priority 3 – The area between Piangil and Boundary Bend. This large area directly impacts a number of businesses including Boundary Bend Olives. The lack of mobile coverage in this area directly impacts on the ability of businesses to attract and retain staff. Provision of additional mobile coverage

in this area will increase efficiency and enhance amenity for workers and community alike.

Priority 4 – The South-West of Swan Hill. Some areas have weak signals.

Priority 5 – Swan Hill and surrounds. Encourage carriers to introduce or improve 4G coverage in Swan Hill, surrounds and at other key townships.

Consultation

In 2014 a report into mobile blackspots across the Municipality was undertaken. This report included the completion of surveys with community and commercial input. More recently discussions have been held with businesses through economic development business visits.

Financial Implications

Nil.

Social Implications

With the increasing reliance on mobile phones for internet access, connectivity and sharing information in emergency management situations, full mobile coverage is more important than ever.

Economic Implications

Anecdotal feedback from businesses has been that a lack of mobile data coverage impacts on their profitability and ability to attract staff. In our rural areas, the technology now associated with agriculture and horticulture often requires mobile coverage to maximise its usefulness.

Environmental Implications

Nil.

Risk Management Implications

Improved contact will improve access to emergency services and reduce the risk to workers working in remote areas.

Council Plan Strategy Addressed

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

Options

- 1. That Council endorse the five priority mobile blackspot locations identified in this report**
- 2. That Council modify/add/remove any mobile blackspot areas**
- 3. That Council choose not to make a submission to the Mobile Blackspot Program**

Recommendations

That Council endorse the following five priority mobile blackspot areas:

Priority 1 - The area between Manangatang and Piangil

Priority 2 - The area in the North of the Municipality encompassing Robinvale and the road to the border with Mildura.

Priority 3 – The area between Piangil and Boundary Bend

Priority 4 – The South-West of Swan Hill.

Priority 5 – Swan Hill and surrounds. Encourage carriers to introduce or improve 4G coverage in Swan Hill, surrounds and at other key townships.

15/17 Motion

MOVED Cr Jeffery

That Council endorse the following five priority mobile blackspot areas:

Priority 1 - The area between Manangatang and Piangil

Priority 2 - The area in the North of the Municipality encompassing Robinvale and the road to the border with Mildura.

Priority 3 – The area between Piangil and Boundary Bend

Priority 4 – The South-West of Swan Hill.

Priority 5 – Swan Hill and surrounds. Encourage carriers to introduce or improve 4G coverage in Swan Hill, surrounds and at other key townships.

SECONDED Cr Moar

The Motion was put and CARRIED

B.17.12 INSTRUMENT OF APPOINTMENT AND AUTHORISATION – AUTHORISED OFFICERS

Responsible Officer: Director Development and Planning
File Number: S16-08-02-04
Attachments: 1 Rachael Blandthorn
2 Sarah Hopkins

Declarations of Interest:

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

Summary

Many of the functions and powers of Council staff stem from their appointment as Authorised Officers. This report recommends that Council approve Rachael Blandthorn and Sarah Hopkins as Authorised Officers.

Discussion

Under the Planning and Environment Act Council Officers who are approved as Authorised Officers are able to undertake the following:

Section 130 of the Planning and Environment Act provides Authorised Officers with the power to serve planning infringement notices and requires that a planning infringement notice be only served by an authorised officer. Section 133 of the Planning and Environment Act provides that Authorised Officers may enter land for various matters connected with the administration and enforcement of the Planning and Environment Act and Section 199 of the Planning and Environment Act requires that Authorised Officers must sign or initial planning certificates prior to their issue.

Council's Chief Executive Officer has the power to authorise various members of Council staff under his instrument of delegation issued by Council. However, advice from Council's solicitors recommends the Appointment of Planning Officers as Authorised Officers by Council under section 147(4) of the Planning and Environment Act 1987.

As a result, this report seeks Council approval for Rachael Blandthorn and Sarah Hopkins to be appointed as Authorised Officers.

Consultation

Not applicable.

Financial Implications

Not applicable.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

Ensures that relevant staff have the appropriate powers to undertake their role.

Council Plan Strategy Addressed

Governance and Leadership - Effective and efficient utilisation of resources.

Options

Council may choose to appoint or not appoint the Council officers as Authorised Officers. Not appointing the Officers will limit their ability to undertake their roles within Council's planning team.

Recommendations

That Council:

- 1. Appoint Rachael Blandthorn and Sarah Hopkins as an authorised officer as set out in the attached instrument.**
- 2. Resolve that the instrument takes effect upon signing and sealing and remains in force until varied or revoked.**
- 3. Sign and seal the instrument as soon as possible.**

16/17 Motion

MOVED Cr Katis

That Council:

- 1. Appoint Rachael Blandthorn and Sarah Hopkins as an authorised officer as set out in the attached instrument.**
- 2. Resolve that the instrument takes effect upon signing and sealing and remains in force until varied or revoked.**
- 3. Sign and seal the instrument as soon as possible.**

SECONDED Cr Johnson

The Motion was put and CARRIED

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

In this instrument "officer" means -

Rachael Ann Blandthorn

By this instrument of appointment and authorisation Swan Hill Rural City Council -

- 1. under section 147(4) of the *Planning and Environment Act* 1987 - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act* 1987 and the regulations made under that Act; and
- 2. under section 232 of the *Local Government Act* 1989 authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

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

This instrument is authorised by a resolution of the Swan Hill Rural City Council on 22nd February 2017.

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

.....Councillor

.....Councillor

.....Chief Executive Officer

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

In this instrument "officer" means -

Sarah Hopkins

By this instrument of appointment and authorisation Swan Hill Rural City Council -

- 1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- 2. under section 232 of the *Local Government Act 1989* authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

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

This instrument is authorised by a resolution of the Swan Hill Rural City Council on 22nd February 2017.

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

.....Councillor

.....Councillor

.....Chief Executive Officer

B.17.13 DRAFT LOCAL LAW NO.2

Responsible Officer:	Director Development and Planning
File Number:	S24-02P-01
Attachments:	1 Community Impact Statement 2 Local Law No. 2

Declarations of Interest:

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

Summary

The purpose of this report is to seek Council's endorsement to publically exhibit the proposed draft Local Law No.2 and Community Impact Statement from 24 February 2017 to 29 March 2017 under Section 119 of the Local Government Act 1989.

Discussion

In accordance with the requirements of section 119 of the Local Government Act 1989, we wish to place the draft Community Local Law No.2 and Community Impact Statement on public exhibition from 24 February to 29 March 2017. The changes to the proposed Community Local Law No.2 have been detailed in the Community Impact Statement.

If made, the proposed Local Law will revoke Local Law No. 2 and:

- Provide for the incorporation of Council's Trading Code of Practice, Building and Works Code of Practice and Waste Code of Practice;
- Provide for the administration and enforcement of the Local Law and empower Council and authorised officers to issue permits, Notices to Comply, act in urgent circumstances and impound things;
- Provide for infringement notices to be served on those whom an authorised officer has reason to believe is guilty of an offence.
- Create offences relating to:
 - works undertaken on roads and Council land;
 - occupation of roads for works, including the erection of hoardings and use of cranes, forklifts and similar machinery;
 - the construction and use of vehicle crossings;
 - use of vehicles in a municipal place;
 - use of rollerblades, skateboards, self-propelled scooters and similar devices on Council land, roads or a public place in a way that could injure others or cause damage to the place;
 - failure to remove a vehicle when directed to do so by an Authorised Officer;
 - placement of unregistered vehicles, or abandonment of vehicles, on any road or municipal place;

SECTION B - REPORTS

21 February 2017

- vegetation that obstructs the clear view of drivers or pedestrians or otherwise interferes with traffic signs and the like;
- the placement of signs and fences on any land such that it obstructs the passage and clear view of drivers or pedestrians and interferes with the safe use of the road;
- erecting or removing signs applying names to roads;
- display of house numbers;
- behaviour on Council land, including committing a nuisance, destroying, damaging, interfering with or defacing Council land or anything on it, entering areas designed for land or vegetation establishment and urinating, defecating, spitting or vomiting;
- interference with street trees and shrubs;
- entering, swimming or throwing items and objects into any wetland, fountain or similar in a municipal place or public place;
- acting contrary to signs regulating the use of any Council land or a person's conduct on that land;
- consumption of alcohol and possession of unsealed containers in any place the subject of a Council resolution;
- smoking in any place the subject of a Council resolution and failing to comply with a direction of an Authorised Officer to extinguish and dispose of a cigarette in such a place;
- behaviour in swimming pools, including committing a nuisance, interference with other users of the swimming pool and entering without paying applicable fees
- the display of goods and placement of advertising signs and tables, chairs, barriers and the like on roads and municipal places;
- soliciting to collect gifts or subscriptions house to house or on any road or municipal place without a permit;
- busking on a road or municipal place without a permit;
- conducting events, festivals and similar gatherings within the municipal district without a permit;
- placing clothing bins on a road or municipal place without a permit;
- allowing graffiti to remain on any building, wall, fence or other structure on private land for more than four weeks;
- leaving shopping trolleys on any road or municipal place other than an area designated for that purpose;
- spruiking or otherwise emitting noise which interferes with a person's use and enjoyment of adjacent or nearby premises;
- land and structures on land that is, or are, unsightly, detrimental to the amenity of the locality of the land or dangerous;
- emission of offensive odours and materials by burning or by other processes;
- camping on Council land or public places without a permit;
- parking, or allowing to be parked, more than one caravan on land in a residential area without a permit;
- erection of temporary dwellings;
- tapping into Council drains without a permit;
- interference with watercourses on Council land without a permit;
- interference with Council drains without a permit;

- deposit of anything other than recyclable material in a mobile garbage bin provided for the recycling of household waste;
- transportation of waste so as to avoid leakage and escape of offensive odours;
- the number of animals that can be kept on any land, including the manner in which they are kept;
- keeping dogs and cats on leash;
- nuisances caused by bees kept on private land;
- destruction of wasp nests on private land;
- provide for the management of vehicle crossings more generally;
- provide for the introduction and management of a residential parking permit scheme;
- provide for the prescription of certain areas (eg as areas where alcohol or smoking is not permitted); fix expectations for open air burning; and
- provide for the application of the Building and Works Code of Practice to building works and building sites.

Copies of the Proposed Local Law and the Local Law Community Impact Statement may be inspected at Council's Business Centre at 45 Splatt Street, Swan Hill, and Council's Resource Centre at 72 Herbert Street, Robinvale during office hours, and on Council's website from 24 February 2017.

Any person may make a written submission relating to the Proposed Local Law. All submissions received by Council on or before 29 March 2017 at 5pm will be considered in accordance with section 223 of the Act. Any person making a submission is entitled to request (in the submission itself) to be heard in support of the submission by appearing before a Special Council Meeting in Swan Hill on 11 April 2017.

Consultation

During the consultation process it is proposed to hold public meetings in Swan Hill and Robinvale to answer any questions and explain the Local Law. Promote the opportunity to provide feedback through the Guardian, Council's Facebook page and website. Email community and business networks to alert them to the opportunity to provide feedback and include an online submission form on Council's website.

Financial Implications

In Council's 2016/2017 budget there is \$10,000 allocated for development, legal review and promotion of Local Law No 2.

Social Implications

The intention of the Local Law is to promote community safety and good order of the municipality.

Economic Implications

It is not anticipated any of the proposed changes will adversely affect the local economy.

Environmental Implications

Community Local Law No 2 provides council with an avenue to educate, regulate and prevent particular types of damage to the environment.

Risk Management Implications

Provides council with a number of measures to protect the community and reduce risk.

Council Plan Strategy Addressed

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

Options

Nil

Recommendation

That Council in accordance with section 119 of the Local Government Act commence the local law making process by exhibiting the Proposed Local Law No.2 from 24 February 2017 to 29 March 2017.

17/17 Motion

MOVED Cr Norton

That Council in accordance with section 119 of the Local Government Act commence the local law making process by exhibiting the Proposed Local Law No.2 from 24 February 2017 to 29 March 2017.

SECONDED Cr Jeffery

The Motion was put and CARRIED



Swan Hill Rural City Council
Community Local Law No.2
Community Impact Statement
February 2017

Community Local Law No.2

Community Impact Statement - February 2017

Proposed: Swan Hill Rural City Council Community Local Law – Local Law No.2 (**proposed Local Law**)

Council provides the following information to the community in respect of the Local Law.

This community impact statement (CIS) contains three parts:

- Part (A) contains Council comments to the background and objectives of the proposed Local Law.
- Part (B) provides overall comments on the proposed Local Law.
- Part (C) provides comments on the specific parts of the proposed Local Law. It identifies the problems the proposed Local Law is intended to address and how the provisions relate to Council's objectives. It lists the way the proposed Local Law addresses those problems.

Part A – General comments

Background

Swan Hill Rural City Council has undertaken a review of its Community Local Law No 2 (**previous Local Law**).

The previous Local Law was initially adopted on 26 July 2007. An amendment was made on 20 July 2010 in regards to Schedule 6 - prescribed area in Robinvale.

The new State Government guidelines and legislation changes have given rise to most of the changes within the review.

The review will create a new Community Local Law. Once adopted, the previous Local Law will be revoked.

In 2010, the State Government, through Local Government Victoria, released Guidelines for Local Laws Manual, listing new best practice guidelines for the creation and enforcement of local laws. Council must have regard to any guidelines made by the Minister. The key features of these best practice guidelines are summarised as follows:

- The key aim is to improve accessibility, compliance, consistency, currency, efficiency, enforceability, necessity and transparency.
- Regulation should be viewed as a last resort, because it imposes a burden of compliance on the community and a burden of enforcement on the Council.
- The community should be involved from the commencement of the law-making process, not just at the final formal submissions stage under Section 223 of the *Local Government Act 1989*.
- The local law should incorporate guidelines for the exercise of all discretions, key permit conditions and where relevant procedural Council policies exist.
- Where local laws rely on other documents such as Council policies or permit conditions, those documents should be accessible to the public and if necessary, incorporated into the local law.
- Councils must produce a Local Government Community Impact Statement for the local law including, among other things, clear objectives consistent with Council policy, measures of success and assessments of relevant powers, risk analysis, cost-benefit analysis, competition analysis and human rights analysis.

Consultation

A local law review can be a complex, high impact, community wide project, requiring internal and community consultation.

This review has made moderate changes to the previous Local Law, which has served the community well over the past 10 years.

Council will ensure that the exhibition and submission process is consistent with provisions of the *Local Government Act 1989*, and all submissions received by Council as a part of this consultation process will be considered on their individual merits.

Purpose

The overall purpose of the proposed Local Law No.2 is set out at clause two. The objectives have been revised to include two new objectives (f) and (g).

- a) the peace, order and good governance of the municipal district;
- b) a safe and healthy environment so that the community can enjoy a quality of life that meets its expectations;
- c) the safe and equitable use and enjoyment of public and municipal places;
- d) the protection and enhancement of the amenity and environment of the municipal district;
- e) the fair and reasonable use and enjoyment of private land;
- f) the uniform and fair application of this Local Law;
- g) the prevention of damage to Council property and infrastructure;
- h) the management, regulation and control of the keeping of animals and birds;
- i) the regulation, prohibition and control of the consumption of alcohol in designated areas within the municipal district; and
- j) the revocation of the redundant Local Law No.2 which commenced operation on 26 July 2007.

The purpose has been reviewed and found to be consistent with the Council Plan and other important strategic documents adopted by Council.

The new structure

The proposed Local Law has been restructured as the previous Local Law contained nine parts; however the revised version has been condensed down to seven.

The order of some clauses has also been rearranged to improve the accessibility and understanding of the law and related laws together.

The draft Local Law is structured as follows:

- Part 1 Preliminary
- Part 2 Administration
- Part 3 Enforcement
- Part 4 Roads
- Part 5 Municipal Places
- Part 6 Environments
- Part 7 Animals

Explanation of changes

The key changes reflected in the proposed Local Law involve the implementation of the State Government's guidelines, these are located with a complete list of the relevant changes in Part C.

Below is a summary of the core changes.

Penalties: The penalties for offences are prescribed by clause 23 of the proposed Local Law. Those penalties are as per the clause "unless otherwise specified". We have therefore deleted all the penalties and infringement notice penalties from the individual offences where they are already prescribed by clause 23. We have only retained those penalties that depart from clause 23.

Residential Parking Scheme: The introduction of a new law, this clause has been included as development of the Swan Hill Hospital and Health Care Services in Splatt Street is expanding and the facilities currently co-exist within a residential area. In the future this may cause issues between residential, employee and customer parking.

No Smoking in smoke free areas: The introduction of a new law for the declaration of smoke free areas in accordance with Council's adopted strategy under the Municipal Public Health and Wellbeing Plan 2013-2017. This provides the legal framework for implementing the strategy to protect the community from sources of secondary tobacco smoke and sets out criteria for declaring areas to be smoke free.

Dangerous and unsightly land: This clause has been restructured for clarity and improved compliance. It clearly defines what constitutes dangerous and unsightly land.

Open air burning: Previously a permit was required to undertake open air burning in residential areas. The clause now states no open air burning is to occur in residential areas for the amenity of the residential areas.

Keeping Animals in the Municipal District: The table has been redeveloped to now clearly define residential, rural living and farming zones. It clearly describes how many animals are permitted and allows excess animals when a permit is issued. Permissible animal numbers have been calculated on the recommendations from the meat and livestock Australia stocking rate calculator. The tables have been divided to ensure rural living (all rural living zone blocks are .09 hectares or larger and farming zoned properties under 0.5 hectares) and to ensure adequate space according to the size of the land.

Leashed Areas: The introduction of a new law for leashed areas, dogs and cats must be on a leash at all times in or on all residential streets and roads, all public reserves, unless specifically designated as an off leash area by Council, all shopping precincts and within 10 metres of all playgrounds and BBQ areas. Currently there is no local law requiring a dog or cat having to be on a leash, at present a dog or cat has to be under 'effective control' (must adhere to command at all times). This law will promote responsible pet ownership, reduce defecation and reduce the risk of animal attacks.

Schedules 1-11 – Prescribed Areas: a change to the prohibited times for the consumption of alcohol will be from 9pm - 10am. This is due to the current 11pm not adequately addressing community safety and risk. There is currently a 24 hour ban in the prescribed area of Robinvale, which passed by Council resolution made on 20 July 2010. The consumption of alcohol will also be banned in the prescribed areas of the township of Manangatang. This has been identified through consultation with Victoria Police. The previous Local Law only includes Swan Hill, Nyah West and Robinvale. The proposed Local Law has been expanded to also include all the towns of Beverford, Lake Boga, Nyah, Piangil, Ultima and Woorinen South as they have a bottle shop or a hotel.

Part B – Overall comments on proposed Local Law

Measures of success

Council will measure the success of the Local Law by:

- Recording the levels of compliance and non-compliance using inspection data.
- Reviewing compliance action taken, including official warnings, notices to comply, infringements and prosecutions.
- Analysing the volume of complaints.

State Legislation and the Local Laws

There are many pieces of existing legislation that deal with some issues covered by the proposed Local Law, such as the *Road Management Act 2004*, the *Road Safety Act 1989*, the *Environment Protection Act 1970*, the *Tobacco Act 1987*, the *Impounding of Livestock Act 1994* and the *Domestic Animals Act 1994*. The Swan Hill Rural City Council will use this legislation instead of local laws when appropriate.

It has been previously identified that there are some areas where this legislation does not adequately cover the needs of the local community and in those instances the proposed Community Local Law seeks to address the gap.

The issues surrounding Council's ability to declare an area to be "smoke free" have been examined as part of this review, and any potential conflict with the applicable state legislation (*Tobacco Act 1987*) has been addressed. This has resulted in a new clause being proposed in the proposed Local Law which will enable Council to designate an area as being "smoke free".

Accordingly, the proposed Local Law has a number of provisions which complement existing legislation and provide a more appropriate local response while not overlapping, duplicating or conflicting with existing state legislation.

Risk analysis approach

A risk analysis has been undertaken to achieve compliance with the proposed Local Law in the municipality. The risk analysis evaluates and analyses the political, economical, social, technological, environmental and legal risks.

Restriction of competition – National Competition Policy

The application of National Competition Policy (NCP) to Local Government in Victoria flows from the Competition Principles Agreement which was signed by the Commonwealth, State and Territory Governments in 1995.

NCP principles require, among other matters, the removal of legislative restrictions on competition (unless there is a net public benefit), and the adoption of competitive neutrality policies and processes to recognise and offset advantages enjoyed by government businesses.

Under the *Local Government Act 1989*, NCP principles are applied to local laws by virtue of the operation of clause 2 of Schedule 8 to that Act. In particular, a local law must not:

- (j) restrict competition unless it can be demonstrated that:
 - (i) the benefits of the restriction to the community as a whole outweigh the costs; and
 - (ii) the objectives of the local law can only be achieved by restricting competition.

An analysis of changes in the proposed Local Law indicates that there are no issues adversely impacting NCP. Penalties

The proposed Local Law utilises 'penalty units' (rather than dollar amounts). The dollar amount for each penalty unit is controlled by state legislation (*Monetary Units Act 2004*) and is subject to adjustment by the State Government.

An infringement notice may be issued as an alternative to prosecution in respect of offences against the proposed Local Law. In the event that an infringement notice is issued, the infringement notice penalty will be two penalty units unless a specific infringement notice penalty is provided. In the previous Local Law it was one penalty unit.

Consequently, there have been some increases to maximum penalties and reconciling of infringement notice penalties. This has also led to a greater range of maximum penalties, providing fairness as well as conformity with state guidelines.

Permits

Satisfying the transparency and accountability principles of best practice local law making, discretionary guidelines have been reviewed and made applicable to areas of the law where guidance was deficient.

Fees

While local laws provide for a number of fees and charges, most permit fees and related charges are a budgetary matter decided independently by Council as part of the annual budget review process.

Consequently, while a local law review consultation process may inevitably give rise to comment on fees, it is largely not within its realm to determine the level of fees and charges. The budget review process is subject to community consultation and exhibition, which provides an avenue for community engagement in relation to fees and charges.

Charter of Human Rights

The *Charter of Human Rights and Responsibilities Act 2006* (the Charter) applies to all subordinate legislation (local laws). Schedule 8 to the *Local Government Act 1989* also applies a number of the principles of the Charter to the making of local laws, in particular the requirement for local laws to be consistent with principles of justice and fairness.

The proposed Local Law has been drafted to conform to these principles. For example, avoidance of strict liability for property owners wherever possible. Other examples of procedural fairness include an offender's right to be heard and simplification of language and structure of the proposed Local Law.

Consultation process

The proposed Local Law is based on the previous Local Law, which has served the community well over the past 10 years. There have not been significant changes to the level of control or the extent to which the laws may restrict the activities of the community beyond the previous Local Law.

The formal public exhibition phase is outlined in the *Local Government Act 1989* and allows the community further input at this stage of the process.

Submissions

Swan Hill Rural City Council Draft Community Local Law No.2 will be on public exhibition from 24 February 2017 for a period of 34 days until 29 March 2017.

The proposed Local Law will be accessible to the public during the exhibition period. Copies of the document will be available at Council offices and on the Council website. Council will consider all submissions that are received in writing.

Any person may make a written submission on the proposed Local Law. A person making a written submission is entitled to be heard provided they request to be heard within the submission. Submissions will be heard at a Special Council Meeting held on 11 April 2017 at 2pm.

All submissions received by the close of business on 29 March 2017 will be considered in accordance with section 223 of the *Local Government Act 1989*. Submissions should be addressed to the Chief Executive Officer, Swan Hill Rural City Council, P.O Box 488 Swan Hill, Victoria 3585 or to council@swanhill.vic.gov.au

Part C- Comments on specific provisions of the proposed Local Law

Part of Local Law and heading description	The problem the Local Law intends to address	Where is Council's objective set out?	What changed? How does proposed local law provision help achieve objectives?	Benefit	Suggested by	Current Status 2017
Restructure and Best Practice	Improved format and grouping of laws.		Improved structure/flow Problems identified	Accessibility Accountability Clarity	Victorian Guidelines Best Practice	Reviewed and improved in the draft.
Review Infringement Penalties	Balance deterrent value		Ensure infringement amounts are appropriate when taking into account permit fees and nature of offence	Improved compliance	Attorney General Report on Infringements Council Officers	Reviewed and updated in the draft
Publication of permit condition guidance	Permit condition guidance not consistently available		Inclusion of permit conditions clause to guide officers	Accessibility Accountability Clarity Transparency	Victorian Guidelines Best Practice	Reviewed and improved in the draft.
PART 1 – Preliminary						
1. Local Law	No change required					
2. Purpose	Two additional objectives added	To set the purpose and clear intent of the local law at the beginning of document	(f)The uniform and fair application of this Local Law (g)To prevent damage to Council property and infrastructure	Clarity Accountability Transparency	Council Officers	Reviewed and included in the draft.
3. Commencement	No change required					
4. Revocation of Local Law	No change required					
5. Application of Local	No change required					

Part of Local Law and heading description	The problem the Local Law intends to address	Where is Council's objective set out?	What changed? How does proposed local law provision help achieve objectives?	Benefit	Suggested by	Current Status 2017
Law						
6. Definitions	Potential for lacking clarity in meaning of words and phrases. Key terms not defined		Amended and included definitions for improved understanding E.g. busk, motorised vehicle, putrescibles, spruik, works	Clarity	Council Officers	Reviewed and included in the draft.
7. Administration of this Local Law	No change required					
8. Exemptions from this Local Law	No change required					
9. Incorporation of Documents	Documents previously incorporated in different sections		Flow of document improved by placing at the rear of document	Clarity Accessibility	Victorian Guidelines Best Practice	
PART 2 - Administration						
10. Issue of Permits	No change required					
11. Conditional permits	No change required					
12. Cancellation of permits	No change required					
13. Notice to Comply	No change required					
14. Power of authorised officer – urgent circumstances	No change required					
15. Notice to Comply –	No change required					

Part of Local Law and heading description	The problem the Local Law intends to address	Where is Council's objective set out?	What changed? How does proposed local law provision help achieve objectives?	Benefit	Suggested by	Current Status 2017
Not a precondition to enforcement proceedings						
16. Impounding	No specific time frame was stated		Provide timeframe (c) sell, destroy, dispose of or give away the impounded item if the owner of the item has not paid the fee within 14 days of service of a notice unless having applied for an appeal.	Clarity Transparency	Council Officers	Reviewed and included in the draft.
17. Appeals	New clause added	Allowing the community to clearly understand that there is an appeal process	Sets out clear direction of the process of an appeal	Clarity Transparency	Council Officers	Reviewed and included in the draft.
18. Delegation	New clause added to clarify how Council delegation works	Allowing the community to clearly understand Council's delegations	Sets out clear direction	Clarity Transparency	Council Officers	Reviewed and included in the draft.
19. Fees	New clause to clarify how fees are set by Council			Clarity Transparency	Council Officers	Reviewed and included in the draft

Part of Local Law and heading description	The problem the Local Law intends to address	Where is Council's objective set out?	What changed? How does proposed local law provision help achieve objectives?	Benefit	Suggested by	Current Status 2017
PART 3 - Enforcement						
20. Offences	No change required					
21. Infringement notice	No change required					
22. Penalties	Balance deterrent value	Ensure infringement amounts are appropriate when taking into account permit fees and nature of offence	Increased to two penalty units, previously one	Improved compliance	Attorney General Report on Infringements	Reviewed and updated in the draft
Part 4 - Roads						
23. Occupation of a road for works	New clause to set overall law for occupation on roads	A person must not, without a permit carry out any works on a road or occupy a road for the purpose of carrying out works.	Improved compliance and clarity	Transparency Accountability	Council Officers	
24. Road and footpath obstructions	No change required					
25. Vehicle crossings	Sub clause added	Provided details of the Infrastructure Design Manual for further clarification	Improved compliance and clarity	Transparency Accountability Improved compliance	Council Officers	Reviewed and updated in the draft
26. Temporary Vehicle	No change required					

Part of Local Law and heading description	The problem the Local Law intends to address	Where is Council's objective set out?	What changed? How does proposed local law provision help achieve objectives?	Benefit	Suggested by	Current Status 2017
Crossings						
27. Redundant Vehicle Crossings	No change required					
28. Street Levels	No change required					
29. Use of vehicles in a municipal place	No change required					
30. Parked motor vehicles interfering with council functions	No change required					
31. Abandoned vehicles	Provide further detail in relation to abandon vehicles		The clause is separated into sub-clauses to follow a sequence to allow for greater clarity for officers	Clarity Transparency	Council Officers	Reviewed and updated in the draft
32. Repair of vehicles	Gives authorised officers power to prevent/stop repair of vehicle to ensure public safety	Public safety	Local law provides the power to cease the repair	Accountability Improved compliance	Council Officers	Reviewed and updated in the draft
33. Motor vehicles	Gives authorised officers power to prevent/stop sale of cars on roadside	Amenity of the municipality	A person must not display a vehicle for sale on a road or on Council Land.	Accountability Amenity	Council Officers	Reviewed and updated in the draft
34. Trees and plants on roads	Gives authorised officers power to prevent/stop collection of fire wood on roadside	Amenity of the municipality, damage to native flora and fauna. Safety	A person must not collect and remove firewood including trees and fallen	Accountability Amenity	Council Officers	Reviewed and updated in the draft

Part of Local Law and heading description	The problem the Local Law intends to address	Where is Council's objective set out?	What changed? How does proposed local law provision help achieve objectives?	Benefit	Suggested by	Current Status 2017
		to community as on roadside	branches from a municipal place or on a road reserve.			
35. Trees and plants on private property	No change required					
36. Storage of materials on road	No change required					
37. Signs and objects	No change required					
38. Removing road signs	Clause title changed	Clearly define law		Clarity Transparency	Council Officers	Reviewed and updated in the draft
39. Property numbers to be displayed	No change required					
40. Residential Parking Permit Scheme	New clause added as changes occurring with the hospital expansion may give rise residential parking scheme.	To ensure there is a scheme available to accommodate both residents and industry	The introduction of the new law will allow for fairness and balanced parking for residents, employees and clients.	Clarity Transparency Accessibility	Council Officers	Reviewed and updated in the draft
41. Behaviour	No change required					
42. Council land management signs	Heading unclear		Clarity improved		Council Officers	Reviewed and updated in the draft
43. Consumption and possession of liquor in a public place	No change required					
44. No Smoking in Smoke Free Areas	Provide areas where people can	Reduce exposure of	Municipal Public Health and	Provides a mechanism and	Council Officers	Reviewed and updated in the

Part of Local Law and heading description	The problem the Local Law intends to address	Where is Council's objective set out?	What changed? How does proposed local law provision help achieve objectives?	Benefit	Suggested by	Current Status 2017
	enjoy a smoke free environment	second hand smoke and smoking behaviour	Wellbeing Plan	process for Council to designate smoke free areas.		draft
45. Public Swimming Pools	No change required					
46. Commercial activity on council land	No change required					
47. Trading activities on roads and in a municipal place	Clauses condensed and rephrased		Inclusion: NOTE: For processions or festivals on roads controlled by VicRoads, prior consent must be obtained from the Chief Commissioner of the Victoria Police and VicRoads.	Clarity	Council Officers	Reviewed and updated in the draft
48. Appeals and collections	Clause heading unclear		Clarity improved	Clarity	Council Officers	Reviewed and updated in the draft
49. Approval for events and festivals	No change required					
50. Placement of clothing bins	No change required					
51. Bulk rubbish containers	Clause heading unclear			Clarity	Council Officers	Reviewed and updated in the draft

Part of Local Law and heading description	The problem the Local Law intends to address	Where is Council's objective set out?	What changed? How does proposed local law provision help achieve objectives?	Benefit	Suggested by	Current Status 2017
52. Graffiti	No change required					
53. Abandoned shopping trolleys	No change required					
54. Noise in a municipal place or on a road	Clause heading unclear			Clarity	Council Officers	Reviewed and updated in the draft
55. Dangerous and unsightly land	Clause heading unclear	Clearly define what constitutes what is dangerous and unsightly.	May provide improved compliance for nature strips.	Clarity	Council Officers	Reviewed and updated in the draft
56. The emission of offensive material, odour and noise	Reworded to be clear and concise	Clearly define what causes a nuisance	Clarity improved	Clarity	Council Officers	Reviewed and updated in the draft
57. Open air burning	Removed ability to burn in the open air with a permit	Clearly define no open air burning in residential area	Improved compliance and clarity	Improved compliance clarity Amenity	Council Officers	Reviewed and updated in the draft
58. Application	No change required					
59. Caravans and camping on council land	Permit provisions detailed		Clarity		Council Officers	Reviewed and updated in the draft
60. Caravans and camping on private property	Permit provisions detailed		Clarity		Council Officers	Reviewed and updated in the draft
61. Temporary dwellings	No change required					
62. Building and Works Code of Practice	No change required					
63. Drainage tapings	No change required					

Part of Local Law and heading description	The problem the Local Law intends to address	Where is Council's objective set out?	What changed? How does proposed local law provision help achieve objectives?	Benefit	Suggested by	Current Status 2017
64. Damage to watercourses	No change required					
65. Interference with drains	No change required					
66. Discharge of water prohibited	No change required					
67. Control of sprinklers	No change required					
68. Regulation of household waste by council operated services	No change required					
69. Domestic waste collection	No change required					
70. Recycling	No change required					
71. Transportation of waste	No change required					
72. Depositing of waste at a municipal landfill	No change required					

Part of Local Law and heading description	The problem the Local Law intends to address	Where is Council's objective set out?	What changed? How does proposed local law provision help achieve objectives?	Benefit	Suggested by	Current Status 2017
73. Keeping animals in the municipal district	Table has been revised and updated	Clearly define areas and what is allowed.	Maximum allowed in residential areas Farming zone properties under 0.5 hectare and All Rural living zone properties Farming Zone Properties equal to or greater than 0.5 hectare	Improved compliance Clarity Amenity	Council Officers	Reviewed and updated in the draft
74. Adequate fencing to prevent the escape of animals	New clause added	To ensure property owners are responsible for their fencing to prevent animals escaping.	The escape of animals can pose a risk to the community	Improved compliance	Council Officers	Reviewed and updated in the draft
75. Effective fencing for livestock	No change required					
76. Domestic animal nuisance to neighbours	No change required					
77. Dog excrement	Reworded to be clear and concise	Promote responsible pet ownership	Infringement offence	Improved compliance Clarity Amenity	Council Officers	Reviewed and updated in the draft

Part of Local Law and heading description	The problem the Local Law intends to address	Where is Council's objective set out?	What changed? How does proposed local law provision help achieve objectives?	Benefit	Suggested by	Current Status 2017
78. Leashed areas	New clause added	Set a clear law around having your cat/dog on a leash in specified areas	Promote community safety.	Improved compliance Clarity Amenity	Council Officers	Reviewed and updated in the draft
79. Livestock grazing on a road reserve without a permit	No change required					
80. Wandering livestock	New clause added	Prevent repeat offenders	Infringement offence	Amenity	Council Officers	Reviewed and updated in the draft
81. Moving of livestock on a road reserve	No change required					
82. Responsibility of owners or occupiers of farm properties	No change required					
83. Bees/Wasps/Fruit Flies	Bees added to clause			Improved compliance Amenity	Council Officers	Reviewed and updated in the draft

Part of Local Law and heading description	The problem the Local Law intends to address	Where is Council's objective set out?	What changed? How does proposed local law provision help achieve objectives?	Benefit	Suggested by	Current Status 2017
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Part of Local Law and heading description	The problem the Local Law intends to address	Where is Council's objective set out?	What changed? How does proposed local law provision help achieve objectives?	Benefit	Suggested by	Current Status 2017
Schedule 1: Beverford Prescribed Area	Town included	In the Township consumption of alcohol is prohibited between hours of 9pm to 10am.		Improved compliance Amenity	Council Officers	Reviewed and updated in the draft
Schedule 2: Lake Boga Prescribed Area	Town included	In the Township consumption of alcohol is prohibited between hours of 9pm to 10am.		Improved compliance Amenity	Council Officers	Reviewed and updated in the draft
Schedule 3: Manangatang Prescribed Area	Town included	In the prescribed areas of the Township consumption of alcohol is prohibited 24	This is in line with Robinvale as the Police that service the area are from the same unit.	Improved compliance Amenity	Council Officers	Reviewed and updated in the draft
Schedule 4: Nyah Prescribed Area	Town included	In the Township consumption of alcohol is prohibited between hours of 9pm to 10am.		Improved compliance Amenity	Council Officers	Reviewed and updated in the draft
Schedule 5: Nyah West Prescribed	No change required		.			

Part of Local Law and heading description	The problem the Local Law intends to address	Where is Council's objective set out?	What changed? How does proposed local law provision help achieve objectives?	Benefit	Suggested by	Current Status 2017
Area						
Schedule 6: Piangil Prescribed Area	Town included	Community Safety	In the Township consumption of alcohol is prohibited between hours of 9pm to 10am.	Improved compliance Amenity	Council Officers	Reviewed and updated in the draft
Schedule 7: Robinvale Prescribed Area	No change required					
Schedule 8: Swan Hill Prescribed Area	Prescribed times changed	Community Safety	In the Township consumption of alcohol is prohibited between hours of 9pm to 10am.	Improved compliance Amenity	Council Officers	Reviewed and updated in the draft
Schedule 9: Swan Hill Central Business District Prescribed Area	No change required					
Schedule 10: Ultima prescribed area	Town included	Community Safety	In the Township consumption of alcohol is prohibited between hours of 9pm to 10am.	Improved compliance Amenity	Council Officers	Reviewed and updated in the draft
Schedule 11: Woorinen Prescribed Area	Town included	Community Safety	In the Township consumption of alcohol is prohibited between hours of 9pm to 10am.	Improved compliance Amenity	Council Officers	Reviewed and updated in the draft

Attachment

- Community Local Law
Local Law No. 2

B.17.14 RV FRIENDLY POLICY SWAN HILL RURAL CITY COUNCIL

Responsible Officer: Director Development and Planning
File Number: S12-06-03
Attachments: 1 RV Policy and Procedure

Declarations of Interest:

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

Summary

This report is for Council to endorse a draft Recreation Vehicle Policy and Procedure for community consultation.

Discussion

In light of requests being received from communities seeking to develop Recreation Vehicle Friendly sites, Council have developed a formal position in relation to Recreation Vehicle Friendly sites and the provision of infrastructure and governance required to support this concept.

To progress this initiative, a draft RV Friendly Policy and Procedure for the municipality have been developed.

This policy aims to strike a balance between capturing the economic opportunities that are associated with the RV Friendly market, facilitate the desires and expectations of local communities as well as supporting the needs of local businesses in the region including accommodation providers, in particular caravan parks.

The policy states Council will undertake the following approach when considering RV Friendly Towns and Destinations in the municipality:

- Where there are **no commercial** tourist camping facilities and subject to being an identified priority in the town's Community Plan, assist the community in investigating the township becoming a recognised RV Friendly Town or RV Friendly Destination as per Campervan and Motorhome Club of Australia (CMCA) guidelines;
- Where there **are currently commercial tourist** camping facilities, Council will not support the township becoming an RV Friendly Town or Destination, unless it can be demonstrated that the development will provide significant economic benefit to the municipality and that it will not be detrimental to commercial operators.

Council will assess RV Friendly Towns and RV Friendly Destinations applications received from a Community / Progress Association (or similar) and will determine if a location is suitable by assessing the application against the following criteria:

- Proximity to other commercial tourist camping facilities
- Potential impact on any nearby tourist camping facilities
- Economic benefit to the municipality
- Perceived need of RV Friendly site within nominated location
- Adherence to the Competitive Neutrality Policy
- Application is consistent with CMCA guidelines
- Ability to meet 'Essential' and potential to meet 'Desirable' criteria requirements of CMCA RV Friendly Scheme options
- Ability of applicant to carry out specified ongoing 'Roles and Responsibilities' as outlined
- Community consultation undertaken with the relevant Community /Town Representative Group through the community planning process

The applicant is required to provide the above information. This information will be the basis of a report to Council for discussion and a final decision at a Council meeting. Under Councils proposed re-written Local Law No 2, Council would be required to designate an area as suitable for camping/RV's.

If applicable, a Memorandum of Understanding would then be developed between Council and the community group(s) managing the RV Friendly site.

Council will give final approval on any proposal for a RV friendly site.

Consultation

Development of the draft Policy and Procedure was undertaken in consultation with a variety of stakeholders, this included input from neighbouring Councils, local community organisations and commercial businesses.

It is recommended that additional consultation on a 'final draft' version now be undertaken, prior to coming to Council for approval. This consultation process will include a media release, information on Councils website, Facebook posts and discussions with community organisations involved in the Community Planning program and all caravan parks.

Financial Implications

There are no immediate financial implications associated with this report.

The capital expenditure and ongoing operational costs associated with becoming an RV Friendly Town is difficult to ascertain; but it can reasonably be expected that capital funding will be required for items such dump point connection, signage and rubbish removal activities. As per the Policy, towns seeking this type of development

would need to progress it as a project through Community Planning. This would allow funding to be made available through this program.

Social Implications

Development of RV Friendly campsites in the Swan Hill municipality will further enhance the perception and expectation of RV travellers Swan Hill region is a destination that is welcoming. RV Friendly campsites that are controlled by community organisations invoke a sense of community pride and social inclusion.

Economic Implications

RV Friendly Towns and Destinations are expected to provide the following economic benefits in the appropriate identified locations:

- Increasing visitors to the region;
- Increasing visitors length of stay in the region;
- Support existing businesses in satellite towns;
- Supporting tourism businesses related businesses and ventures.

Environmental Implications

Nil

Risk Management Implications

Nil

Council Plan Strategy Addressed

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

Options

Council can choose to endorse the policy and procedure and undertake additional consultation, make changes to the policy and procedure or choose not to progress this policy and procedure.

Recommendation

That Council endorse the draft Recreation Vehicle Friendly Policy and Procedure for public consultation from 24 February 2017 to 31 March 2017.

18/17 Motion

MOVED Cr Norton

That Council endorse the draft Recreation Vehicle Friendly Policy and Procedure for public consultation from 24 February 2017 to 31 March 2017.

SECONDED Cr Young

The Motion was put and CARRIED

POLICY TITLE RECREATIONAL VEHICLE POLICY**POLICY NUMBER****PURPOSE**

To outline Swan Hill Rural City Council's position regarding the establishment of Recreation Vehicle (RV) Friendly Towns and RV Friendly Destinations in the Municipality and provide Council with direction for planning, implementing, administering and promoting these destinations.

SCOPE

This Policy applies to Councillors, Council employees and Community organisations involved in administering RV Friendly sites.

POLICY

Council aims to find the correct balance between capturing the economic opportunities available through the RV Friendly market, and supporting the needs of local businesses in the region including accommodation providers, in particular Caravan Parks.

Council will undertake the following approach when considering RV Friendly Towns and RV Friendly Destination applications in the municipality:

- Where there are **no commercial** tourist camping facilities and subject to being an identified priority in the town's Community Plan, assist the community in investigating the township becoming a recognised RV Friendly Town or RV Friendly Destination as per Campervan and Motorhome Club of Australia (CMCA) guidelines;
- Where there **is currently a commercial tourist** camping facility, Council will not support the township becoming an RV Friendly Town or Destination, unless it can be demonstrated that the development will provide significant economic benefit to the municipality and that it will not be detrimental to commercial operators.

Council will undertake a public consultation process prior to any RV Friendly application being approved. Impacted businesses, organisations and the community will be involved in the consultation process.

Council will endorse an application to the CMCA for RV Friendly Status only if it meets the above standards, deems the location suitable and meets the CMCA criteria.

Council will make the final decision on any RV friendly sites within the municipality. Approval of an RV friendly site will require the area to be designated under Councils Local Law No 2.

For any sites that are approved by Council, a Memorandum of Understanding will be developed between Council and the community group(s) managing the RV Friendly site.

RELATED POLICIES/DOCUMENTS

Campervan and Motorhome Club of Australia (CMCA) RV Friendly policies and applications

RELATED LEGISLATION

Competitive Neutrality Legislation - Victorian Competitive and Efficiency Commission (VCEC)

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

PROCEDURE TITLE RECREATIONAL VEHICLE PROCEDURE

PROCEDURE NUMBER PRO/COMM806

ENABLING POLICIES/DOCUMENTS

ENABLING LEGISLATION

Competitive Neutrality Legislation - Victorian Competitive and Efficiency Commission (VCEC)

PURPOSE

This procedure outlines the process for the planning, implementing, administering and promoting of RV Friendly Towns and RV Friendly Destinations in the municipality.

SCOPE

This procedure applies to all Council employees.

VISION

To support a coordinated approach for the development of recognised RV Friendly Towns and RV Friendly Destinations across the municipality.

PROCEDURE

Council will assess RV Friendly Towns and RV Friendly Destination applications received from a Community / Progress Association (or similar) and will determine if a location is suitable by assessing the application against the following criteria:

- Proximity to other commercial tourist camping facilities
- Potential impact on any nearby tourist camping facilities
- Economic benefit to the municipality
- Perceived need of RV Friendly site within nominated location
- Adherence to the Competitive Neutrality Policy*
- Application is consistent with Campervan and Motorhome Club of Australia (CMCA) guidelines
- Ability to meet 'Essential' and potential to meet 'Desirable' criteria requirements of CMCA RV Friendly Scheme options
- Ability of applicant to carry out specified ongoing 'Roles and Responsibilities' as outlined
- Community consultation undertaken with the relevant Community / Town Representative Group through the community planning process

The applicant is required to provide the above information. This information will be the basis of a report to Council for discussion and a final decision.

Council will make a final decision on the application based on the above assessment criteria and provision of an RV Friendly site being nominated within the relevant Community Plan. Approval of an RV friendly site will require the area to be designated under Councils Local Law No 2.

** Competitive Neutrality Policy measures are designed to achieve a fair market environment without interfering with the innate differences in size, assets, skills and organisational culture which are inherent in the economy. The competitive neutrality policy applies only to the significant business activities of publicly owned entities, and not to the non-business non-profit activities of those entities.*

Roles and Responsibilities

If an application is approved by Council, a Memorandum of Understanding (MOU) will be entered into between Council and the relevant Community Group to clearly define roles and responsibilities. Key responsibilities are inclusive of but not limited to:

Council provision of:

- Site Plan including land use and vegetation assessment
- Template - Risk Management Assessment Plan
- Template - Waste Management Plan
- Signage and appropriate promotional activities
- Legal & Policy Framework

The Community Group is responsible for:

- Day to day management and operation of the RV Friendly camp site
- General waste collection
- Regular communication with Council
- Provide a site manager and display their contact number prominently at the site
- Resolve minor issues or concerns (such as camping in the wrong location, over staying, ineligible camping vehicles)
- If the campsite user does not comply with requests to abide by the RV friendly campsite rules, report infringement to Council as defined by Local Law No 2 or to Victoria Police if warranted
- Collection of donations and provision of annual accounts to Council
- Donations collected to be used on community projects as defined within the relevant Community Plan

Governance and Management

Implementing a legal framework and MOU is the responsibility of Council's Community & Economic Development team with assistance from Council's Commercial Services team. This includes liaising with external parties such as Vic Roads, Parks Victoria and Department of Environment, Land, Water and Planning over contractual and licensing agreements.

Legal & Policy Framework

Day to day handling of enforcement and complaints is initially the responsibility of the community group, if the community groups attempts to resolve the issue aren't successful then the matter will be referred to Councils Regulatory Services team.

RELATED POLICIES/DOCUMENTS

Community - Local Law No 2

Investigation of Nuisance Complaints PRO/ENVIRO1110

Risk Management POL/CORP216

Competitive Neutrality Guidelines

Signed: _____ **CEO**

Date: _____

B.17.15 MAJOR EVENT SUPPORT SCHEME FUNDING

Responsible Officer: Director Development and Planning
File Number: S17-01-04-03
Attachments: Nil

Declarations of Interest:

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

Summary

This report is for Council to endorse funding to be provided from Councils Major Event Support Scheme (MESS) to the following events:

- Lake Boga Yacht Club Easter Regatta - \$1,000
- Swan Hill Food and Wine Festival - \$10,000
- 75th Anniversary of the Lake Boga Flying Boat Base - \$5,000

Discussion

Officers received the following MESS applications:

1. Lake Boga Yacht Club Easter Regatta

The Lake Boga Yacht Club sought grant funding of \$1,000.

The event was assessed against a matrix and awarded 57 points resulting in the event being categorised as a Tier 3 – Regional Event.

All panel members agreed to supply \$1,000 grant funding to the event.

The event is being held from 14-17 April and is expected to attract 500 people over four days.

2. Swan Hill Food and Wine Festival

Swan Hill Incorporated sought grant funding of \$10,000.

The event was assessed against a matrix and awarded 111 points resulting in the event being categorised as a Tier 2 – Regionally Significant Event.

Swan Hill Incorporated applied for funding through Tourism Victoria's Regional Events Fund, but were unsuccessful.

The panel agreed to provide \$10,000 funding towards this years event, due to no Tourism Victoria funding being received.

The event is being held from 10-13 March and is expected to attract 4,200 people over three days.

75th Anniversary of the Lake Boga Flying Boat Base

At the June 2016 Council meeting, Council approved an allocation of \$5,000 towards supporting the 75th anniversary of the Lake Boga Flying Boat Base.

Since receiving this funding from Council the Lions Club have been informed that an application they had submitted to the State Government of Victoria for \$40,000 funding to support the event has been unsuccessful. As a result, the Lions Club have asked if Council would consider making an additional \$5,000 funding contribution towards the event, this would bring Councils direct contribution to the event up to \$10,000 (\$5,000 has also been contributed through the community grant funding that Council provide to Lake Boga Inc.).

The Catalina event is expected to attract 3,000-5,000 people to Lake Boga, the event is being held from 17-19 March 2017.

Given the one-off nature of this event the MESS panel supported an additional \$5,000 funding being provided.

Consultation

Councils MESS sub-committee assessed and endorsed the proposed funding

Financial Implications

The 2016/17 budget has \$50,500 for supporting the MESS. To date, \$21,450 of the funding has been approved.

Going on previous years it is expected applications seeking a further \$10,000 in funding will be received prior to the end of the financial year.

This leaves approximately \$19,050 remaining in the MESS budget.

The MESS panel recommended funding for the three events in this report will cost \$16,000. As a result the proposed funding can be allocated within the existing budget.

This will leave funding of \$13,050 to fund events for the remainder of the 2016/17 financial year.

Social Implications

This event will support the Lake Boga and Swan Hill communities.

Economic Implications

The events have been assessed using REMPLAN.

Environmental Implications

Nil.

Risk Management Implications

Nil.

Council Plan Strategy Addressed

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

Recommendation

That Council endorse the recommendations of the Major Event Support Scheme sub-committee to provide the following funding;

- **Lake Boga Yacht Club Easter Regatta - \$1,000**
- **Swan Hill Food and Wine Festival - \$10,000**
- **75th Anniversary of the Lake Boga Flying Boat Base - \$5,000**

19/17 Motion

MOVED Cr Katis

That Council endorse the recommendations of the Major Event Support Scheme sub-committee to provide the following funding;

- **Lake Boga Yacht Club Easter Regatta - \$1,000**
- **Swan Hill Food and Wine Festival - \$10,000**
- **75th Anniversary of the Lake Boga Flying Boat Base - \$5,000**

SECONDED Cr Moar

The Motion was put and CARRIED

SECTION B - REPORTS

21 February 2017

The Mayor, Cr Les McPhee then acknowledged and congratulated Director of Development and Planning, Adam McSwain on graduating his two degrees one being “Masters of Public Policy” and the other a “Masters of Business Administration” on Monday night and on his birthday, he congratulated the director on this achievement and his birthday.

B.17.16 FREDERICK STREET, DONALD STREET, NYAH WEST

Responsible Officer: Director Infrastructure
File Number: AST-RD-20805 & 21686
Attachments: Nil

Declarations of Interest: Officer
Oliver McNulty- as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

This report seeks Councils approval to seal a section of Frederick Street and to carry out drainage works along Donald Street in Nyah West.

Discussion

Frederick Street and Donald Street are streets within Nyah West that the local community have raised concerns about. These concerns relate to the condition of the gravel road surfaces, especially along Frederick Street and drainage along Donald Street.

There are five streets within this section of Nyah West that provide all weather gravel road access to housing blocks.



Map of Street Nyah West

SECTION B - REPORTS

21 February 2017

They are tabled below:

Street	Section	Formation	Length
Donald Street	Station St – Mary St	5m Gravel	675m
Frederick Street	Elizabeth St – Gray St	7m Gravel	250m
Black Street	Elizabeth St – Gray St	7m Gravel	250m
Gray Street	Mary St – Frederick Street	6m Gravel	225m
Mary Street	Donald Street- Unnamed	5m Gravel	150m

The local community has raised concerns about the gravel roads outlined above in Nyah West since before 1990.

In 1990 a Special Charge Scheme was proposed by Council to construct sealed roads, underground drainage and kerb and channel for each of these roads. At the time this was supported by the residents of Elizabeth Street and works to this section of road were completed. The residents of Donald Street, Frederick Street and Black Street did not support this scheme and the proposed works to these streets was abandoned.

In 2005/06 Council attempted to resolve this issue a second time. The local community and residents with houses abutting these roads were surveyed to determine if they would be willing to support a proposal to commence a Special Charge Scheme to upgrade these roads. Council officers suggested four different construction options and approximate costs for each option. The community overwhelmingly did not support this proposed scheme(s) and so this attempt was also abandoned.

In June 2016 Council were informed that the residents of these streets in Nyah West were preparing a petition requesting that their streets would be sealed. A petition was not received.

Current Status

An article appeared in the Guardian on Friday November 11 2016, raising concerns about the condition of the roads and claiming they were unsafe. Councils Director Infrastructure and the Works Manager carried out an inspection of all the gravel roads in that section of Nyah West on the afternoon of 11 November and found that:

- The gravel roads are in good condition with good shape to allow water to run off the surface.
- Good compaction in the gravel material
- Some small minor potholes and minor corrugations along the gravel roads
- Some larger potholes were found where the sealed streets meet the gravel section.

The roads inspected were in generally good condition. The outcome from this inspection was that the pot holes adjacent to the seal were filled and that all the streets would remain on the program for grading as planned.

At the time of the Officers inspection there was no pooling water as there had been no recent rain event. There is no formal drain along the North side of Donald Street. There is one on the South Side which allows for water to drain to the South. There are two culverts that cross Donald Street that would allow water to cross from the North side to the South side table drain. For these to work effectively it would be necessary for each landowner to install a culvert under their driveways. Culverts under driveways are the landowner's responsibility.

These Roads were all re-graded in December 2016 in line with the recommendation from the inspection in November.

As part of the ongoing program, to review traffic volumes along roads and streets, traffic counters were placed on streets in Nyah West in February 2016. Traffic counters record the speed, number and type of traffic using the roads. The result from these counts is summarised below:

Counter Number	Street	Average Daily Traffic Total	Average Daily Traffic Breakdown			Average Max Daily volume AM/PM	Average Speed Km/hr
			Cars	Rigid	Articulated		
1	Station Street	211	183	25	3	15	56
2	Donald Street	88	75	12	1	7	45
3	Elizabeth Street East	57	54	3	0	5	43
4	Elizabeth Street West	34	29	6	0	4	44.3
5	Black Street gravel	54	48	6	0	6	37
6	Gray Street	174	150	24	1	12	37

Note:

1. The counters were in place from Tuesday 2 February until Monday 15 February
2. Average Max Daily Volume in AM/PM means the number of vehicles that passed the counter in one direction over the AM or PM over the time frame that the counters were in position

Investigations into the cost to seal all of the roads that residents raised concerns about was undertaken. Approximate cost to construct a 6m wide sealed road varies from \$35m²-\$40m². This would equate to approximately \$382,000 to seal all of the roads. This excludes kerb and channel or other drainage infrastructure.

The section of Frederick Street that the community are most concerned about is approximately 250m long. It would cost in the region of \$60,000 to seal this section of Frederick Street with a 6m seal.

The table below shows the estimated costs to seal each of the roads:

Street	Section	Length	Approximate cost for 6m Seal
Donald Street	Station St – Mary St	675m	\$162,000
Frederick Street	Elizabeth St – Gray St	250m	\$60,000
Black Street	Elizabeth St – Gray St	250m	\$60,000
Gray Street	Mary St – Frederick Street	225m	\$54,000
Mary Street	Donald Street- Unnamed	150m	\$36,000

Due to its usage and that Frederick Street is a North/South corridor that links with the already sealed Elizabeth Street, it is recommended that Council Seal the section of Frederick Street from Gray Street towards Elizabeth Street with a 6m wide sealed surface.

Due to the low level of development resulting in low traffic counts, Officers are recommending that we do not seal any of the other roads at this time.

Donald Street

In addition to concerns about the quality of the road surface, the community has also raised concerns about drainage along Donald Street. They are concerned that when it rains the road holds water back on the North Side of the Street which makes it difficult for residents to access their houses.

Donald Street runs East to West with the majority of houses along Donald Street on the high North side of the road.

Water will naturally flow from the North down past Elizabeth Street to the South. There are two culverts under Donald Street to help water flow North to South, however, due to the limited gradient along Donald Street it is difficult to get water to flow along its natural flow path. Due to the shape of the road it will hold some water back along the table drains in front of the house after a rain event.

It will not be easy to fully resolve this issue due to the natural flat gradient along Donald Street. By placing some additional culverts under Donald Street, it will be possible to relieve some of this issue.

Given the community concerns raised and the ability for this issue to impact on residents, Officers are recommending that additional culverts be placed along Donald Street, Nyah West.

Consultation

Internal consultation has taken place within the Infrastructure Directorate to review the costs and options discussed. All the streets outlined above have been graded since this issue was raised in November 2016. Council officers have received a letter of thanks in relation to this work. A report on this matter was also discussed at a Councillor Assembly.

Financial Implications

This report recommends that drainage work be carried out along Donald Street. This work will include additional culverts under Donald Street and some minor re-profiling of the table drain where possible.

It is also recommended that the section of Frederick Street linking to Elizabeth Street should also be sealed with a 6m wide seal. This does not include kerb and channel along Frederick Street.

The estimated costs for these works are:

	Item cost	Sub-Total
Drainage Donald Street	\$20,000	
Sealed Frederick Street 6m wide	\$60,000	
		\$80,000
Contingency 15%	\$14,000	
PM & Design	\$15,000	
		\$29,000
Total works estimate		\$109,000

Note: the drainage works along Donald Street do not allow for any culverts under driveways. The construction of a culvert under a driveway is the landowner's responsibility.

It is proposed that this work be funded through the Roads to Recovery funding stream. This project would be programmed to be completed by Councils internal works crew. This project will be coordinated along with existing work load and at the latest will be completed by 31 December 2017.

Social Implications

These issues are an ongoing concern for the residents in this part of Nyah West. Sealing this section of Frederick Street will provide a sealed North South link through this section of town. It will also provide a sealed link to those properties that had previously funded the sealing of Elizabeth Street.

Drainage works along Donald Street will reduce the likelihood of water being held along the front of these houses. This will provide a good social outcome for the local community.

Economic Implications

None

Environmental Implications

The drainage works will enable water to flow across Donald Street past Elizabeth Street in line with its natural flow path.

Risk Management Implications

Sealing of Frederick Street will provide a safer sealed all weather access to each of the blocks in this section of Nyah West.

Drainage works to Donald Street will reduce risks involved with water being held back along the Northern side of the street.

Council Plan Strategy Addressed

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

Options

1. Do nothing

This is not the recommended option.

2. Seal 250 metres of Frederick Street linking through to Elizabeth Street. Install some additional culverts under Donald Street and carry out some minor works to the table drains where possible.

This is the recommended option

Recommendations

That Council approve the following works to be completed prior to 31 December 2017:

1. **Seal the section of Frederick Street from Gray Street towards Elizabeth Street with a 6m wide sealed surface.**
2. **Install additional culverts under Donald Street and carry out some minor works to the local table drains.**
3. **Fund the work through the Roads to Recovery program.**

20/17 Motion

MOVED Cr Norton

That Council approve the following works to be completed prior to 31 December 2017:

- 1. Seal the section of Frederick Street from Gray Street towards Elizabeth Street with a 6m wide sealed surface.**
- 2. Install additional culverts under Donald Street and carry out some minor works to the local table drains.**
- 3. Fund the work through the Roads to Recovery program.**

SECONDED Cr Moar

The Motion was put and CARRIED

Cr Norton left the Council Chambers at 5.20pm due to a conflict of interest in the next report item.

B.17.17 MAV BOARD REPRESENTATIVE

Responsible Officer: Chief Executive Officer
File Number: S03-22-05
Attachments: Nil

Declarations of Interest:

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

Summary

Elections to the Municipal Association of Victoria (MAV) Board take place on Friday 3 March 2017.

This report recommends Council vote for Cr Gary Norton to be the representative for the Rural North West Region.

Discussion

The MAV is structured on nine regions across Victoria. Each region elects a representative to the MAV Board.

Swan Hill Rural City Council is a member of the Rural North West Region.

There are two nominations to represent the Rural North West Region on the MAV Board.

The nominees are Cr Gary Norton from Swan Hill Rural City Council and Cr Murray Emerson from Northern Grampians Shire Council.

Cr Gary Norton is the current representative for Rural North West Region.

Swan Hill Rural City Council's current Council Plan identifies a Strategic initiative to encourage and support Council representatives to obtain positions on relevant boards.

It is therefore recommended that Council vote for Cr Gary Norton as the MAV Board representative for Rural North West Region.

Consultation

Not applicable for this item.

Financial Implications

The cost of attending to duties as an MAV Board Member is covered by the MAV.

Social Implications

Nil

Economic Implications

Nil

Environmental Implications

Nil

Risk Management Implications

Nil

Council Plan Strategy Addressed

Governance and Leadership - Effective partnerships and relationships with key stakeholders.

Recommendation

That Council vote for Cr Gary Norton to represent Rural North West Region on the Municipal Association of Victoria Board.

21/17 Motion

MOVED Cr Katis

That Council vote for Cr Gary Norton to represent Rural North West Region on the Municipal Association of Victoria Board.

SECONDED Cr Jeffery

The Motion was put and CARRIED

Cr Norton returned to the meeting at 5.24pm and was informed of the decision.

SECTION C – DECISIONS WHICH NEED ACTION/RATIFICATION

C.17.1 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

21 February 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
789	Section 173 Agreement, 83 Reserve Road, Piangil	Between Swan Hill Rural City Council and C&M Caccaviello	20/12/16
790	Deed of renewal of lease 50-52 Campbell Street, Swan Hill	Between Swan Hill Rural City Council and H.Coutlis	17/1/17
791	Section 173 and 121 Agreement Corner Murray Valley Highway and Benjeroop/Tresco Road, West Lake Boga	Between Swan Hill Rural City Council and Vic Super	17/1/17
792	Section 173 and 121 Agreement Pompy Lane – Pipeline in Road	Between Swan Hill Rural City Council and MJ & JK Mitchell	17/1/17
793	Australia Day Citizen of the Year 2016	Citation	18/1/17
794	Australia Day Young Citizen of the Year 2016	Citation	18/1/17
795	Australia Day Community Event	Citation	18/1/17
796	Occupancy Lease Office 3, 68 Herbert Street Robinvale	Between Swan Hill Rural City Council and Southern Cross Business Advisers	24/1/17
797	Lease – Swan Hill Aerodrome Part 2 – Lot 2 Subdivision 43785, 190 Back Boga Road	Between Swan Hill Rural City Council and L.Bryan	31/1/17
798	Contract 17362401 Alan Garden and Ken Harrison Soccer Ground Lighting	Between Swan Hill Rural City Council and De Araugo and Lea Electrical Contractors	31/1/17
799	Tower Hill Stage 9A – Transfer of Lot 324, Sandalwood Avenue	Between Swan Hill Rural City Council and MC & AJ Collins	14/2/17

Conclusion

Council authorise the signing and sealing of the above documents.

Recommendation

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

22/17 Motion

MOVED Cr Norton

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

SECONDED Cr Johnson

The Motion was put and CARRIED

C.17.2 COUNCILLOR ASSEMBLIES - RECORD OF ATTENDANCE AND AGENDA ITEMS

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

Declarations of Interest:

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

Summary

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

Discussion

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

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

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

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

Details of the most recent assemblies of Council are attached.

Consultation

Not applicable.

Financial Implications

Not applicable.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

Not applicable.

Council Plan Strategy Addressed

Governance and Leadership - Community leadership through effective strategic planning.

Options

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

Recommendation

That Council note the contents of the report.

23/17 Motion

MOVED Cr Katis

That Council note the contents of the report.

SECONDED Cr Johnson

The Motion was put and CARRIED

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA

17 January 2017 at 1.00pm

Information Centre, Conference Room

AGENDA ITEMS

- Councillor only session
- Swan Hill Regional Art Gallery
- Council Plan Development – Preliminary Discussions
- De-Brief on Minister Pulfords Visit
- Swan Hill Rural City Councils Employee Survey Results 2016
- Aged Care Reforms Update
- MAV Elections
- Councillors to inspect printers

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr John Katis
- Cr Gary Norton
- Cr Bill Moar
- Cr Lea Johnson
- Cr Ann Young

Apologies

- Cr Les McPhee
- Cr Chris Jeffery

OFFICERS

- John McLinden, Chief Executive Officer
- David Lenton, Director Corporate Services
- Adam McSwain, Director Development and Planning
- Camille Cullen, Manager Cultural Development & Libraries
- Ian Tully, Art Gallery Director
- Darren Ingram, Community Care Services Manager

Other

- Nil

CONFLICT OF INTEREST

- Nil

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA

24 January 2017 at 1.00pm

Information Centre, Conference Room

AGENDA ITEMS

- Planning Scheme Background Report
- 10 Year Major Projects Plan – Finalise Discussion
- Authorised Officers
- SHRCC Input into MAV Strategic Plan
- Representation of the North Central CMA and/or Wetlands Environmental Water Advisory Group
- Presentation on Chisholm Reserve Masterplan
- Travel to Chisholm Reserve
- Onsite Inspection Visit with user groups at Chisholm Reserve
- Do you want a dinner on the Thursday evening (Council Planning)
- Next Robinvale Visit
- Potential land sale in Herbert Street Robinvale

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

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

Apologies

- Nil

OFFICERS

- John McLinden, Chief Executive Officer
- David Lenton, Director Corporate Services
- Oliver McNulty, Director Infrastructure
- Adam McSwain, Director Development and Planning
- Stefan Louw, Development Manager
- Megan Monk, Community Recreation & Grants Officer
- Emma Cramer, Economic & Community Development Manager
- Fiona Gormman, Community Planning & Development Officer

Other

- John Keane

CONFLICT OF INTEREST

- Nil

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA

31 January 2017 at 1.00pm

Information Centre, EDU Conference Room

AGENDA ITEMS

- Councillor Only Session
- NBN Presentation
- Councillor Code of Conduct Review
- Planning Application – Proposed Refusal 230 Runciman Road, Tyntynder
- State Government Review of Native Vegetation Guidelines
- Fast Track Planning, Old Police Station, Swan Hill
- Local Law No2 Discussion
- Tour of Belgravia Leisure Centre and meeting with Centre Manager

ADDITIONAL ITEMS DISCUSSED

-

ATTENDANCE

Councillors

- Cr Les McPhee
- Cr Chris Jeffery
- Cr Gary Norton
- Cr Bill Moar
- Cr Lea Johnson

Apologies

- Cr John Katis
- Cr Ann Young

OFFICERS

- John McLinden, Chief Executive Officer
- David Lenton, Director Corporate Services
- Adam McSwain, Director Development and Planning
- Stefan Louw, Development Manager
- Helen Morris, Organisational Development Manager
- Trish Ficarra, Public Health and Regulatory Services Coordinator

Other

- Nil

CONFLICT OF INTEREST

- Nil

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA

2 February 2017 at 8.45pm

Murray Downs Resort Conference Room

AGENDA ITEMS

- Economic and Regional Overview
- Mission, Vision and Values
- Economic Growth
- Governance and Leadership
- Built and Natural Environment
- Summary of Day 1 and what to expect from day 2

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

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

Apologies

- Cr Gary Norton

OFFICERS

- John McLinden, Chief Executive Officer
- David Lenton, Director Corporate Services
- Adam McSwain, Director Development and Planning
- Oliver McNulty, Director Infrastructure
- Helen Morris, Organisational Development Manager

Other

- Chris Kotur, Facilitator

CONFLICT OF INTEREST

- Nil

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA

3 February 2017 at 8.45pm

Murray Downs Resort Conference Room

AGENDA ITEMS

- Recap of Day 1
- Public infrastructure
- Community wellbeing
- Planning
- Summary of day 2

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

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

Apologies

- Cr Gary Norton

OFFICERS

- John McLinden, Chief Executive Officer
- David Lenton, Director Corporate Services
- Adam McSwain, Director Development and Planning
- Oliver McNulty, Director Infrastructure
- Helen Morris, Organisational Development Manager

Other

- Chris Kotur, Facilitator

CONFLICT OF INTEREST

- Nil

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA

7 February 2017 at 1.00pm

Swan Hill Town Hall, Council Chambers

AGENDA ITEMS

- Murray Regional Tourism overview of activities for the past 12 months
- Diversity Policy
- Public Art Policy
- RV Friendly Policy
- Mobile Black Spot
- Authorised Officers – Part 2
- BR&C site possible council land sale

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

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

Apologies

- Cr Lea Johnson

OFFICERS

- David Lenton, Director Corporate Services
- Adam McSwain, Acting CEO and Director Development and Planning
- Bruce Myers, Director Community and Cultural Services
- Oliver McNulty, Director Infrastructure
- Muriel Scholz, Senior Economic Development Officer
- Nathan Keighran, Economic Development & Tourism Project Officer

Other

- Nil

CONFLICT OF INTEREST

- Nil

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA

14 February 2017 at 1.00pm

Swan Hill Town Hall, Council Chambers

AGENDA ITEMS

- Councillor Only Session
- KSI 2nd Quarter Report
- Sustainability Strategy
- Delegations S5, S6 & S7
- January 2017 MESS Panel report
- 44 Werril Street Development Plan
- 230 Runciman Road Dwelling Planning Application
- ICT Strategy
- Floodplain Strategy

ADDITIONAL ITEMS DISCUSSED

-

ATTENDANCE

Councillors

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

Apologies

- Cr Lea Johnson

OFFICERS

- David Lenton, Director Corporate Services
- Bruce Myers, Director Community and Cultural Services
- Oliver McNulty, Director Infrastructure
- Adam McSwain, Acting CEO and Director Development and Planning
- Helen Morris, Organisational Development Manager
- Warren Taylor, IT Manager
- Meagan Monk, Community Recreation & Grants Officer

Other

- Liam Matherson, Environment Scholarship Student
- Bruno Maluto and David Rizkalla (Votars – IT Strategy Consultant)

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

Cr Norton

Minister Jaala Pulford Visit
MAV – VLGA Dinner
MAV – Board meeting
Nyah District Action Group
Boundary Bend Progress Association
Piangil Progress Association
MAV – North West Strategic Planning Meetings

Cr Jeffery

Australia Day Breakfast – Nyah West
Woorinen District Progress Association
Diversity policy planning session (breakfast with Rowena Allen, the Victorian Commissioner for Gender and Sexuality)

Cr Katis

Minister Jaala Pulford Visit
Aboriginal Regional Justice Forum
Motorbike Club meeting
Meeting with Planning Officer at Robinvale

Cr Moar

Ultima Australia Day Breakfast
NOVO Youth Council Briefing
Agribusiness Advisory Committee Meeting
Headspace 1st Birthday
Woorinen District Progress Association
Leisure Centre Committee of Management
Diversity policy planning session (breakfast with Rowena Allen, the Victorian Commissioner for Gender and Sexuality)

Cr Johnson

Australia Day Ceremony – Manangatang
Swan Hill Inc Meetings
Leisure Centre Meetings
Council Planning Workshop

Cr Young

Swan Hill Regional Art Gallery
Meeting of Committee
BPW Bus Tour
Alan Garden Reserve Committee
Diversity policy planning session (breakfast with Rowena Allen, the Victorian Commissioner for Gender and Sexuality)
Australia Day Breakfast
Two days Community Planning (Murray Downs)
Councillor Assemblies
Opening of Business Boot Camp

Cr McPhee

Depot Staff meeting
Drawing of Federal Hotel raffle
Victorian Inter-Regional Tennis Country Championships Opening
Catalina Committee of Management meeting
Mayor/CEO meeting
Jaala Pulford visit and Riverside walk/tour
Inspection of Swan Hill Abattoirs
Farewell drinks for Tim Lewis
Mayor/CEO meeting
BBQ tea with Australia Day Ambassadors
Australia Day Breakfast in Riverside Park
Australia Day Lunch Catalina Museum
Swan Hill Neighbourhood house meeting
3SH radio interview
Mayor/CEO meeting
MESS committee meeting
Council Plan Workshop (Day 1 and Day 2)
Presentation of Swan Hill School Captain badges
Catalina Committee of Management meeting
Mayor/CEO meeting
Interview with Deakin University
Murray River Cultural Centre Feasibility Study
Presentation of Lake Boga School Captain badges
Mayor/CEO meeting
Meeting with Hon. Peter Walsh re: economic development projects in the Municipality
Loddon Murray Community Leadership program launch
Presentation of Nyah Primary School Captain badges

SECTION G – IN CAMERA ITEMS

24/17 Motion

MOVED Cr Jeffery

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

SECONDED Cr Katis

The Motion was put and CARRIED

Cr Katis left the Council Chambers at 5.42pm due to a conflict of interest for the In-Camera item B17.18.

B.17.18 IN CAMERA CONSIDERATION OF CONFIDENTIAL REPORT
B.17.19 IN CAMERA CONSIDERATION OF CONFIDENTIAL REPORT

25/17 Motion

MOVED Cr Johnson

That the meeting move out of closed session

SECONDED Cr Young

The Motion was put and CARRIED

SECTION H – DECISIONS MADE IN CAMERA

**B.17.18 DISPOSAL OF SURPLUS COUNCIL LAND – 56-64 HERBERT STREET
ROBINVALE**

26/17 Motion

MOVED Cr Jeffery

That Council:

- 1. Propose to sell PC366988P and Lot 1 on TP193658W being 56 – 60 and 64 Herbert Street Robinvale.**
- 2. Give public notice of the proposal to sell the land by private treaty, seeking submissions on the proposed sale pursuant to Sections 189 and 223 of the Local Government Act 1989.**
- 3. If no submissions to the sale of the properties pursuant to Section 223 of the Local Government Act 1989 are received authorise officers to negotiate with suitable person (s) to sell PC366988P and Lot 1 on TP193658W being 56 – 60 and 64 Herbert Street Robinvale by private treaty.**

SECONDED Cr Norton

The Motion was put and CARRIED

B.17.19 95 CURLEWIS STREET SWAN HILL

27/17 Motion

MOVED Cr Norton

That Council:

- 1. Propose to sell Lot 2 LP219048 being 95 Curlewis Street, Swan Hill.**
- 2. Give public notice of the proposal to sell the land by private treaty, seeking submissions on the proposed sale pursuant to Sections 189 and 223 of the Local Government Act 1989.**
- 3. If no submissions to the sale of the properties pursuant to Section 223 of the Local Government Act 1989 are received authorise officers to negotiate with suitable person(s) to sell Lot 2 LP 219048 being 95 Curlewis Street, Swan Hill by private treaty.**

SECONDED Cr Jeffery

The Motion was put and CARRIED

There being no further business the meeting was closed at 5.58pm.